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 25 Endoscopy-America, Inc.

26 **UNITED STATES DISTRICT COURT**
 27 **NORTHERN DISTRICT OF CALIFORNIA**
 28 **SAN FRANCISCO DIVISION**

18 KARL STORZ ENDOSCOPY-)
 19 AMERICA, INC.,)
 20)
 21 Plaintiff,)
 22)
 23 v.)
 24)
 25 STRYKER CORPORATION and)
 26 STRYKER COMMUNICATIONS, INC.,)
 27)
 28 Defendants.)

Case No. CV 14-00876 RS

STIPULATION AND ~~[PROPOSED]~~
ORDER ALTERING DEADLINES
RELATED TO PATENT L.R. 4-4 AND 4-
5(a)

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2 Pursuant to Civil Local Rules 6-1(b) and 7-12, Plaintiff Karl Storz Endoscopy-America, Inc.
3 (“KSEA”) and Defendants Stryker Corporation and Stryker Communications, Inc. (collectively,
4 “Stryker”), by and through their respective undersigned counsel, hereby stipulate to and jointly
5 request that the deadline for taking discovery relating to claim construction and complying with
6 Patent L.R. 4-4 be extended to February 27, 2015 and that the deadline for filing opening claim
7 construction briefs and supporting evidence and comply with Patent L.R. 4-5(a) be moved to
8 February 13, 2015. The accompanying declaration of Benjamin C. White sets forth all requirements
9 of Civil Local Rule 6-2, including identifying all previous time modifications in the case. For the
10 Court’s convenience, the Parties will not repeat all information contained in Mr. White’s declaration,
11 but the Parties do note as follows:

12 1. Under the current schedule, the deadline for the Parties to complete discovery relating
13 to claim construction pursuant to Patent L.R. 4-4 is February 5, 2015 and the deadline for the Parties
14 to file their opening claim construction briefs and supporting evidence pursuant to Patent L.R. 4-5(a)
15 is February 20, 2015. (Case Management Scheduling Order, Doc. 59.) The Parties jointly request
16 that the schedule be adjusted so that the Parties’ opening claim construction briefs and supporting
17 evidence be due before the close of claim construction discovery. This will make the claim
18 construction discovery period more efficient and will provide the Parties with additional time to
19 complete the discovery, which will include expert depositions. Accordingly, the Parties jointly
20 request that the deadline for opening claim construction briefs and supporting evidence be moved to
21 February 13, 2015 and the deadline for claim construction discovery be moved to February 27, 2015.
22 Thus, the Parties’ request would move the deadline for opening claim construction briefs and
23 supporting evidence earlier by one week and would extend the deadline for claim construction
24 discovery by three weeks and one day.

25 2. This stipulated extension will not alter any other deadlines currently set by the Court.

26 3. Pursuant to Civil Local Rule 6-2(a), this stipulation is accompanied by the Declaration
27 of Benjamin C. White setting forth (1) the reasons for the requested enlargement of time; (2) all
28 previous time modifications in this case; and (3) the effect of the requested enlargement of time.

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Respectfully submitted,

Dated: January 6, 2015

REED SMITH LLP

/s/ William R. Overend
William R. Overend (SBN 180209)
Attorneys for Defendants,
STRYKER CORPORATION and
STRYKER COMMUNICATIONS, INC.

Dated: January 6, 2015

BECK, BISMONTE & FINLEY, LLP

/s/ Alfredo A. Bismonte¹
Alfredo A. Bismonte
Attorneys for Plaintiff,
KARL-STORZ ENDOSCOPY AMERICA, INC.

¹ In compliance with Civil Local Rule 5-1(i), I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories hereto.

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

- The Parties have until February 13, 2015, to file their opening claim construction briefs and supporting evidence and to comply with Patent L.R. 4-5(a).
- The Parties have until February 27, 2015 to take discovery relating to claim construction and to comply with Patent L.R. 4-4.

Dated: 1/7, 2015



Honorable Richard G. Seeborg
United States District Judge