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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 DEADLINE
 RELATED TO PATENT L.R. 4-4**

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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 March 31, 2015. The accompanying declaration of Michael A. Lavine
7 sets forth all requirements of Civil Local Rule 6-2, including identifying all previous time
8 modifications in the case. For the Court’s convenience, the Parties will not repeat all information
9 contained in Mr. Lavine’s declaration, but the Parties do note as follows:

10 1. Under the current schedule, the deadline for the Parties to complete discovery relating
11 to claim construction pursuant to Patent L.R. 4-4 is February 27, 2015. (Doc. 110.) Now that the
12 deadline for the parties to file responsive claim construction briefs has been continued to April 8,
13 2015 (Doc. 124), the Parties jointly request that the schedule be modified to provide the Parties with
14 additional time to complete discovery relating to claim construction, which will include several
15 expert depositions. This will make the claim construction discovery period more efficient, allow the
16 Parties more flexibility to accommodate the schedules of their expert witnesses, and potentially avoid
17 the expense of taking the depositions in the event that the Court grants Stryker’s Motion to Stay.
18 Accordingly, the Parties jointly request that the deadline for claim construction discovery be moved
19 to March 31, 2015. Thus, the Parties’ request would extend the deadline for claim construction
20 discovery by four weeks and four days.

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

22 3. Pursuant to Civil Local Rule 6-2(a), this stipulation is accompanied by the Declaration
23 of Michael A. Lavine setting forth (1) the reasons for the requested enlargement of time; (2) all
24 previous time modifications in this case; and (3) the effect of the requested enlargement of time.
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Respectfully submitted,

Dated: February 25, 2015

REED SMITH LLP

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

Dated: February 25, 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

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PURSUANT TO STIPULATION, IT IS SO ORDERED:

- The Parties have until March 31, 2015 to take discovery relating to claim construction and to comply with Patent L.R. 4-4.

Dated: February 26, 2015



Honorable Richard G. Seeborg
United States District Judge