

1 GEORGE A. RILEY (S.B. #118304) griley@omm.com
 LUANN L. SIMMONS (S.B. #203526) lsimmons@omm.com
 2 MELODY DRUMMOND HANSEN (S.B. #278786) mdrummondhansen@omm.com
 O'MELVENY & MYERS LLP
 3 Two Embarcadero Center, 28th Floor
 San Francisco, California 94111-3823
 4 Telephone: (415) 984-8700
 Facsimile: (415) 984-8701
 5

RYAN K. YAGURA (S.B. #197619) ryagura@omm.com
 6 XIN-YI ZHOU (S.B. #251969) vzhou@omm.com
 BRIAN M. COOK (S.B. #266181) bcook@omm.com
 7 KEVIN MURRAY (S.B. #275186) kmurray2@omm.com
 O'MELVENY & MYERS LLP
 8 400 South Hope Street
 Los Angeles, California 90071-2899
 9 Telephone: (213) 430-6000
 Facsimile: (213) 430-6407
 10

Attorneys for Defendant
 11 **APPLE INC.**

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN FRANCISCO DIVISION**
 15

16 OPENTV, INC. AND NAGRAVISION S.A.,
 17
 Plaintiffs,
 18
 v.
 19 APPLE INC.,
 20
 Defendant.
 21

Case No. 3:14-cv-01622-HSG-KAW

**JOINT STIPULATION REGARDING
 BRIEFING SCHEDULE FOR
 PLAINTIFFS' MOTION TO STRIKE**

Case Filed: April 9, 2014
**Judge: Magistrate Judge Kandis A.
 Westmore**

22
 23
 24
 25
 26
 27
 28

1 Pursuant to Civil L.R. 6-2 and 7-12, Plaintiffs OpenTV, Inc., and Nagravision S.A.
2 (“OpenTV”) and Defendant Apple Inc. (“Apple”) hereby stipulate to extend the briefing schedule
3 for OpenTV’s Motion to Strike Apple’s Infringement Contentions.

4 WHEREAS on July 2, 2015, OpenTV filed a Motion to Strike Apple’s Infringement
5 Contentions (Dkt. 175), noticed for hearing on August 27, 2015;

6 WHEREAS by rule, Apple’s opposition is due July 16, 2015;

7 WHEREAS by rule, OpenTV’s reply is due July 23, 2105;

8 WHEREAS because the motion was filed the night before the July 4th holiday weekend
9 and several counsel for OpenTV and for Apple were on or had scheduled vacations during July,
10 the Parties met and conferred and agreed to jointly request a one-week extension for Apple’s
11 opposition brief and three-court-day extension for OpenTV’s reply brief;

12 WHEREAS on July 6, a Clerk’s Notice was entered (Dkt. 177) vacating the August 27,
13 2015 hearing date and referring the Motion to Strike to Magistrate Judge Westmore.

14 WHEREAS on July 7, the Parties submitted a joint stipulation and declaration to modify
15 the briefing schedule (Dkts. 179, 180).

16 WHEREAS on July 9, Judge Gilliam ordered the parties to instead submit requests to
17 modify the briefing schedule for OpenTV’s Motion to Strike Apple’s Infringement Contentions
18 (Dkt. 175) to Magistrate Judge Westmore (Dkt. 181).

19 WHEREAS under the Parties’ requested briefing schedule, OpenTV’s motions will be
20 fully briefed by August 4, 2015, and no hearing date has yet been set; and

21 WHEREAS aside from previously submitting this request to Judge Gilliam, the Parties
22 have not previously requested any other modifications to the briefing schedule set by rule for this
23 motion, and the modification requested herein will not affect any other scheduled dates or events
24 in this action.

25 It is hereby STIPULATED AND AGREED, by and between the Parties, subject to the
26 approval of the Court, as follows:

27 (1) Apple’s opposition to OpenTV’s Motion to Strike will be due no later than July
28 23, 2015, and

1 (2) OpenTV's reply in support of its Motion to Strike will be due no later than August
2 4, 2015.

3
4 Pursuant to Civil L.R. 6-2(a), this stipulation is supported by the concurrently filed
5 Declaration of Luann L. Simmons.

6 IT IS SO STIPULATED.

7 Dated: July 10, 2015
8

9 O'MELVENY & MYERS LLP

10
11 /s/ Luann L. Simmons

12 George A. Riley (S.B. #118304)
13 griley@omm.com

14 Luann L. Simmons (S.B. #203526)
15 lsimmons@omm.com

16 Melody Drummond Hansen (S.B. #278786)
17 mdrummondhansen@omm.com

18 O'MELVENY & MYERS LLP
19 Two Embarcadero Center, 28th Floor
20 San Francisco, California 94111-3823
21 Telephone: (415) 984-8700
22 Facsimile: (415) 984-8701

23 Ryan K. Yagura (S.B. #197619)
24 ryagura@omm.com

25 Xin-Yi Zhou (S.B. #251969)
26 vzhou@omm.com

27 Kevin Murray (S.B. #275186)
28 kmurray2@omm.com

O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, California 90071-2899
Telephone: (213) 430-6000
Facsimile: (213) 430-6407

Attorneys for Defendant
APPLE INC.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

/s/ Robert F. McCauley

Robert F. McCauley (SBN 162056)
robert.mccauley@finnegan.com

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

3300 Hillview Avenue

Palo Alto, CA 94304-1203

Telephone: (650) 849-6600

Facsimile: (650) 849-6666

Gerald F. Ivey (pro hac vice)
Smith R. Brittingham IV (pro hac vice)
Elizabeth A. Niemeyer (pro hac vice)
John M. Williamson (pro hac vice)

Aliza A. George (pro hac vice)

Cecilia Sanabria (pro hac vice)

Robert D. Wells (SBN 277903)

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

901 New York Avenue, NW

Washington, DC 20001-4413

Telephone: (202) 408-4000

Facsimile: (202) 408-4400

Stephen E. Kabakoff (pro hac vice)

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

3500 SunTrust Plaza

303 Peachtree Street, N.E.

Atlanta, GA 30308-3263

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

	Telephone: (404) 653- 6400 Facsimile: (404) 653-6444 Attorneys for Plaintiffs OPENTV, INC. AND NAGRAVISION S.A.
--	---

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/S/) within this document.


By: /s/ Luann L. Simmons

Luann L. Simmons

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Court will hold a hearing on the motion on September 17, 2015.

Dated: 07/16/2015



Honorable Kandis A. Westmore
United States Magistrate Judge