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 INCASE DESIGNS, CORP

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 10 UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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13 JERALD A. BOVINO,
 14 Plaintiff,
 15 v.
 16 INCASE DESIGNS, CORP,
 17 Defendant.

Case No.: 3:14-cv-02105-VC

**JOINT STIPULATION TO EXTEND THE
 DEADLINE FOR MEDIATION
 AND ORDER**

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1 Pursuant to ADR L.R. 6-5(a) and Civil L.R. 6-2 and 7-1(a)(2), Plaintiff Jerald A. Bovino
2 (“Plaintiff”) and Defendant Incase Designs, Corp (“Defendant”) hereby jointly request that the
3 Court extend the mediation deadline from November 11, 2014 to 60 days after the Court issues its
4 Claim Construction Order. In support of this request, the parties state the following:

5 1. This Court has not entered a Scheduling Order in this case. A Case Management
6 Conference is scheduled for October 7, 2014. (Dkt. No. 81.)

7 2. The Court has appointed Shirish Gupta as the mediator for this case, and a
8 mediation deadline has been set for November 11, 2014. The parties’ counsel and Mr. Gupta
9 conducted a pre-mediation telephone conference, pursuant to ADR L.R. 6-6. However, the
10 mediation is not yet scheduled.

11 3. Incase believes that the prospects for settlement will be dictated by this Court’s
12 claim construction ruling, that settlement prior to claim construction is unlikely, and as such
13 mediating before claim construction would not be a good use of the parties’ time or ADR
14 resources. As such, Incase has proposed that the parties mediate 60 days after the Court issues its
15 Claim Construction Order.

16 4. Accordingly, the parties jointly request that the Court extend the mediation
17 deadline from November 11, 2014 to 60 days after the Court issues its Claim Construction Order.
18 The parties further request that the Court maintain the present Case Management Conference date
19 on October 7, 2014.

20 5. Pursuant to ADR L.R. 6-5(a), this Stipulation is being served on Mr. Gupta. Mr.
21 Gupta has indicated that he will apprise the ADR Unit regarding this Stipulation.

22
23 Dated: September 10, 2014

Respectfully submitted,

24 /s/ Marcel F. De Armas
25 Marcel F. De Armas

26 Brian E. Mitchell
27 Marcel F. De Armas
28 MITCHELL + COMPANY
4 Embarcadero Center, Suite 1400

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INCASE DESIGNS, CORP


BY: /s/ RONNIE FISCHER
Ronnie Fischer

Attorney for Plaintiff JERALD A. BOVINO

PURSUANT TO STIPULATION, IT IS SO ORDERED

September 12, 2014

Date



Honorable Vince Chhabria

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ATTESTATION

I, Marcel F. De Armas, am the ECF User whose ID and password are being used to file this document. In compliance with Local Rule 5-1(i)(3), I hereby attest that Ronnie Fischer has concurred in this filing.

Dated: September 10, 2014

By: /s/ Marcel F. De Armas
Marcel F. De Armas