

1 MARK D. FOWLER (Bar No. 124235)  
 mark.fowler@dlapiper.com  
 2 ANDREW P. VALENTINE (Bar No. 162094)  
 andrew.valentine@dlapiper.com  
 3 ROBERT BUERGI (Bar No. 242910)  
 robert.buergi@dlapiper.com  
 4 ERIK R. FUEHRER (Bar No. 252578)  
 erik.fuehrer@dlapiper.com  
 5 JONATHAN H. HICKS (Bar No. 274634)  
 jonathan.hicks@dlapiper.com  
 6 DLA PIPER LLP (US)  
 2000 University Avenue  
 7 East Palo Alto, CA 94303-2214  
 Telephone: 650.833.2000  
 8 Facsimile: 650.833.2001

9 Attorneys for Plaintiff  
 TREND MICRO INCORPORATED

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION

14 TREND MICRO INCORPORATED,  
 15 Plaintiff,  
 16 v.  
 17 RPOST HOLDINGS, INC., and  
 18 RPOST COMMUNICATIONS LIMITED,  
 19 Defendants.

CASE NO. 3:13-cv-05227-VC

**STIPULATION AND ~~PROPOSED~~  
 ORDER GRANTING TREND MICRO  
 INCORPORATED'S UNOPPOSED  
 ADMINISTRATIVE MOTION TO  
 CONSIDER WHETHER CASES  
 SHOULD BE RELATED**

21 WHEREAS, on November 11, 2013, Trend Micro filed a complaint for Declaratory  
 22 Judgment against RPost, alleging non-infringement and invalidity of U.S. Patent Nos. 8,224,913  
 23 (“the ’913 patent”), 8,209,389 (“the ’389 patent”), 8,504,628 (“the ’628 patent”), and 8,468,199  
 24 (“the ’199 patent”) (collectively, the “asserted patents”). Dkt. No. 1.

25 WHEREAS, on December 9, 2013, RPost filed the Transferred Action against Trend  
 26 Micro in the Eastern District of Texas (Case No. 2:13-cv-01065), alleging infringement of the  
 27 same four asserted patents in the instant action, together with two additional patents: U.S. Patent  
 28 Nos. 8,484,706 (“the ’706 patent”) and 7,660,989 (“the ’989 patent”).

-1-

1 WHEREAS, on January 8, 2014, Trend Micro filed a motion to dismiss/transfer RPost's  
2 Texas case to the Northern District of California.

3 WHEREAS, on May 16, 2014, Judge Gilstrap granted Trend Micro's motion and  
4 transferred the Texas case to the Northern District of California.

5 WHEREAS, on June 18, 2014, the Transferred Action was transferred to the Northern  
6 District of California, and was filed as 3:14-cv-02824-EDL and the Transferred Action was  
7 subsequently assigned to Judge Beth Labson Freeman and now bears Case No. 3:14-cv-02824-  
8 BLF.

9 WHEREAS, Judge Freeman issued an Order Instructing Defendant to File Motion to  
10 Consider Whether Cases Should be Related in Case No. 14-cv-02824-BLF.

11 WHEREAS, counsel for Trend Micro and counsel for RPost Holdings, Inc. and RPost  
12 Communications Ltd. (collectively, "RPost") met and conferred and RPost has stated that it does  
13 not oppose Trend Micro's administrative motion to relate cases.

14 WHEREAS, Trend Micro concurrently herewith submits an unopposed Administrative  
15 Motion To Consider Whether Cases Should Be Related pursuant to Local Rule 3-12.

16 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties that  
17 for the reasons stated in Trend Micro's unopposed Administrative Motion To Consider Whether  
18 Cases Should Be Related, the Transferred Action bearing Case No. 3:14-cv-02824-BLF should be  
19 related to the above-captioned action pursuant to Local Rule 3-12.

20  
21 Dated: July 18, 2014

Respectfully submitted,

22 By: /s/ Andrew P. Valentine  
23 ANDREW P. VALENTINE  
24 MARK FOWLER  
25 ROBERT BUERGI  
26 ERIK R. FUEHRER  
27 JONATHAN H. HICKS

28 Attorneys for Plaintiff  
TREND MICRO INCORPORATED

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Dated: July 18, 2014

By: /s/ Lewis E. Hudnell, III  
Lewis E. Hudnell, III  
Hudnell Law Group P.C.  
375 Park Avenue Suite 2607  
New York, New York 10152  
Tel: 212.634.6866  
Fax: 347.772.3034  
[lewis@hudnelllaw.com](mailto:lewis@hudnelllaw.com)

Attorneys for Defendants  
RPOST HOLDINGS, INC. and  
RPOST COMMUNICATIONS LIMITED

**DECLARATION UNDER CIVIL LOCAL RULE 5.1**


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 indicated by a “conformed” signature (/s/) within this E-Filed document.

Dated: July 18, 2014

/s/ Andrew P. Valentine  
Andrew P. Valentine

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: July 21, 2014

  
JUDGE CHHABRIA  
United States District Judge