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1	[Counsel Information Listed On Signature Pag	ge]	
2	LD HEED OF A TOP O	DIGTRICT COLUMN	
3	UNITED STATES DISTRICT COURT		
4	NORTHERN DISTRICT OF CALIFORNIA		
5			
6	CAPELLA PHOTONICS, INC., Plaintiff,	Lead Case No. 3:14-cv-03348-EMC	
7	V.	No. 3:14-cv-03350-EMC (related case)	
8	TELLABS OPERATIONS, INC. AND CORIANT (USA) INC.,	JOINT STIPULATION TO EXTEND CLAIM CONSTRUCTION DEADLINES AND [PROPOSED] ORDER	
9	Defendants.	Judge Edward M. Chen	
10	CAPELLA PHOTONICS, INC.,	No. 3:14-cv-03348-EMC	
11	Plaintiff,		
12	v.		
13	CISCO SYSTEMS, INC.,		
14	Defendant.		
15	CAPELLA PHOTONICS, INC., Plaintiff,	No. 3:14-cv-03349-EMC (related case)	
16	V.		
17	FUJITSU NETWORK		
18	COMMUNICATIONS, INC.,		
19	Defendant.		
20	CAPELLA PHOTONICS, INC., Plaintiff,	No. 3:14-cv-03351-EMC (related case)	
21	V		
22	CIENA CORPORATION,		
23	Defendant.		
24	Determant.		
25	District Concile Distance In ("Concile") and Defendant Tallaha Occurs		
26	Plaintiff Capella Photonics, Inc. ("Capella"), and Defendants Tellabs Operations,		
27	Inc. ("Tellabs"), Coriant (USA) Inc. ("Coriant"), Cisco Systems, Inc. ("Cisco"), Fujitsu		
28	Network Communications, Inc. ("FNC"), and Ciena Corporation ("Ciena"), by and through		
	- 1	JOINT STIPULATION TO EXTEND CLAIM CONSTRUCTION DEADLINES AND [PROPOSED] ORDER Case No. 3:14-cv-03348-EMC	

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1	their respective counsel, respectfully submit this Joint Stipulation to Extend Claim
2	Construction Briefing.
3	On October 7, 2014, the Court originally set deadlines for claim construction. Dkt.
4	122. On January 13, 2015, the Court modified the schedule to set the following deadlines:
5	Claim Construction Opening Brief: February 23, 2015 Claim Construction Opposition Brief: March 9, 2015
6	Claim Construction Opposition Brief: March 16, 2015 Claim Construction Reply Brief: March 16, 2015 Tutorial: April 3, 2015 (2:30 p.m.)
7	Claim Construction Hearing: April 13, 2015 (2:30 p.m.)
8	Dkt. 152.
9	The parties bring this joint stipulation to extend those dates because of the pending
10	motion by Cisco Systems Inc. to stay these consolidated cases pending the Patent and
11	Trademark Office's decision to institute inter partes review ("IPR") proceedings on the
12	patents-in-suit. Dkt. 161; 164. Cisco's motion is currently set for hearing on March 12,
13	2015. Dkt. 163.
14	Good cause exists to postpone claim construction briefing until after the decision on
15	Cisco's motion to stay because of the interest in judicial efficiency and economy. As the
16	schedule currently stands, the briefing schedule for Claim Construction overlaps with the
17	briefing schedule for Cisco's motion to stay. If the Court grants Cisco's motion, in light of
18	the pending IPR proceeding, the Claim Construction briefing and subsequent tutorial and
19	hearing will become moot. If the Court denies Cisco's motion, the parties may resume
20	Claim Construction briefing without any additional effect to the case schedule.
21	Based on calendar dates, the parties request that the Court grant an order amending
22	the upcoming claim construction deadlines as follows:
23	Claim Construction Opening Brief: March 26, 2015
24	Claim Construction Opposition Brief: April 9, 2015 Claim Construction Reply Brief: April 16, 2015 Tutorial 5/1/15 at 2:30 p.m. Claim construction hearing: 5/18/15 at 2:30 p.m.
25	The movants further request that the tutorial scheduled for April 3, 2015, and the claim
26	construction hearing set for April 13, 2015, be vacated and reset depending on the court's
27	convenience. No deadlines have been set in this case beyond the claim construction

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1	hearing, so the requested time modification would have no additional effects on the case		
2	schedule.		
3		Respectfully submitted,	
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		CONSTRUCTION DEADLINES AND [PROPOSED] ORDER Case No. 3:14-cv-03: 48-EMG	

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5	By: /s/ Michelle Woodhouse	
6	Michelle Woodhouse Attorneys for Defendant CIENA CORPORATION	
7		
8	ATTESTATION	
9	I HEREBY ATTEST THAT, pursuant to Local Rule 5-1(i)(3), concurrence in the	
10	filing of the document has been obtained from the other Signatories for the conformed	
11	signature within this electronically filed document.	
12	Dated: February 23, 2015. PILLSBURY WINTHROP SHAW PITTMAN LLP STEPHEN E. BERGE	
13	By:/s/ Stephen E. Berge	
14	Stephen E. Berge	
15	Attorneys for Defendant TELLABS OPERATIONS, INC. AND CORIANT (USA) INC.	
16		
17		
18	IT IS SO ORDERED AS MODIFIED ABOVE	
19	Edward M. Chen TES DISTRIC	
20	Edward M. Chen U.S. District Judge	
21		
22	IT IS SO ORDERED SO ORDERED OF THE SECOND	
23		
24	Judge Edward M. Chen	
25		
26	DISTRICT OF CE	
27	OISTRIC!	

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