

1 BRUCE J. WECKER (CA Bar. No. 078530)
 bwecker@hausfeldllp.com
 2 CHRISTOPHER L. LEBSOCK (CA Bar.
 No.184546)
 3 clebsock@hausfeldllp.com
 4 **HAUSFELD LLP**
 600 Montgomery Street, Suite 3200
 San Francisco, CA 94111
 5 Tel: (415) 633-1908
 Fax: (415) 358-4980

6 *Attorneys for Plaintiff Twin Peaks Software*
 7 *Inc.*

Robert W. Stone (CA Bar No. 163513)
 robertstone@quinnemanuel.com
 Andrew J. Bramhall (CA Bar No. 253115)
 andrewbramhall@quinnemanuel.com
 Brice C. Lynch (CA Bar No. 288567)
 bricelynch@quinnemanuel.com
 QUINN EMANUEL URQUHART &
 SULLIVAN, LLP
 555 Twin Dolphin Drive, 5th Floor
 Redwood Shores, CA 94065
 T: 650.801.5000
 F: 650.801.5100

Attorneys for Defendant IBM Corporation

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

12 TWIN PEAKS SOFTWARE INC.,
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 14 Plaintiff,
 15 vs.
 16 IBM CORPORATION,
 17 Defendant.

CASE NO. 3:14-cv-03933-JST

**JOINT STIPULATION REQUESTING
 LEAVE TO FILE FIRST AMENDED
 JOINT CLAIM CONSTRUCTION
 STATEMENT**

Hon. Jon S. Tigar

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1 **JOINT STIPULATION**

2 Plaintiff Twin Peaks Software Inc. (“Twin Peaks”) and Defendant International Business
3 Machines Corporation (“IBM”), by and through their respective counsel of record, hereby make a
4 stipulated request to amend the Joint Claim Construction and Pre-Hearing Statement (Patent L.R.
5 4-3) (“Joint Statement”) (Dkt. No. 39) and hereby provide notice to the Court that certain claim
6 construction disputes have been resolved;

7 WHEREAS, the Parties file this stipulation and notice in light of a mutual agreement
8 having been reached between the Parties resolving certain issues raised during claim construction
9 briefing and discovery;

10 WHEREAS, counsel for the Parties, having met and conferred, agreed to amend the Joint
11 Statement to reflect (1) IBM’s indefiniteness arguments and alternative constructions for certain
12 terms in claims 1 and 4 of U.S. Patent No. 7,418,439 (‘the ‘439 Patent), and (2) Twin Peaks’
13 withdrawal of its assertion of claim 2 of the ‘439 patent against IBM;

14 WHEREAS, the Parties have not previously amended or otherwise modified the Joint
15 Statement filed on July 15, 2015;

16 WHEREAS, at the Technical Tutorial on November 17, 2015, the Parties informed the
17 Court that they would be filing an Amended Joint Claim Construction Statement and Pre-Hearing
18 Statement that would identify the terms to be construed and provide an order in which those terms
19 would be argued at the *Markman* hearing;

20 WHEREAS, the Parties make a stipulated request for the Court to grant leave to file the
21 Proposed First Amended Joint Claim Construction Statement and Pre-Hearing Statement (Patent
22 L.R. 4-3), attached hereto as Exhibit A.

23 IT IS HEREBY STIPULATED AND AGREED, pursuant to Civil Local Rule 6-1, by
24 Twin Peaks and IBM, through their respective counsel, that the Parties shall file the First
25 Amended Joint Claim Construction Statement and Pre-Hearing Statement (Patent L.R. 4-3),
26 attached hereto as Exhibit A.

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1 **IT IS SO STIPULATED.**

2 DATED: December 11, 2015

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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By /s/ Andrew J. Bramhall

Andrew J. Bramhall

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Attorney for Defendant International Business
Machines Corporation

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9 DATED: December 11, 2015

HAUSFELD LLP

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By /s/ Bruce J. Wecker

Bruce J. Wecker

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Attorneys for Plaintiff Twin Peaks Software Inc..

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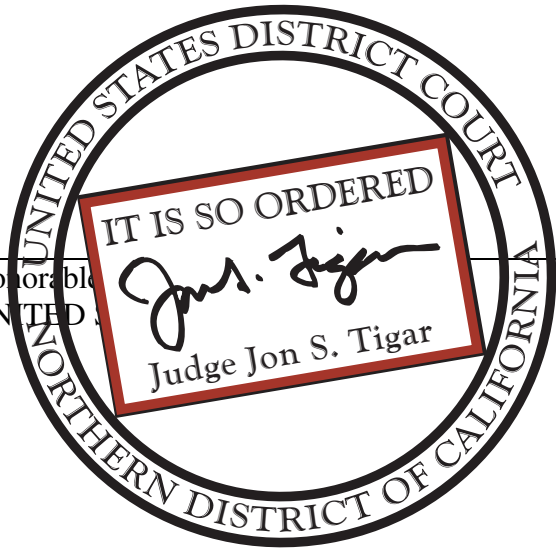
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: December 14, _____ 2015

By _____
Honorable _____
UNITED STATES DISTRICT COURT



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FILER'S ATTESTATION

Pursuant to Civil Local Rule 5-1(i) regarding signatures, I, Andrew J. Bramhall, attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: December 11, 2015

By /s/ Andrew J. Bramhall
Andrew J. Bramhall

Attorney for Defendant International Business
Machines Corporation