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**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

JADE LIQUID SOFTWARE (INTL) PTY
 LTD, an Australian company,

Plaintiff,

v.

NOVELL, INC., a Delaware corporation,

Defendant.

Civil Action No. C 14-04270-WHO

**STIPULATION TO RESCHEDULE CASE
 MANAGEMENT CONFERENCE AND
 ORDER**

Complaint Filed: September 22, 2014

Pursuant to Civil Local Rules 16-2 and 7-12, plaintiff Jade Liquid Software (Intl) Pty Ltd. (“Plaintiff”) and defendant Novell, Inc. (“Defendant”) [collectively, the “Parties”] stipulate and jointly move for an order from the Court resetting the Case Management Conference (“CMC”) currently scheduled for January 13, 2015 (and the associated joint case management statement) to thirty days after the United States District Court for the District of Utah decides a pending motion to dismiss involving related parties and overlapping causes of action.

WHEREAS:

A. On September 8, 2014 Defendant filed a complaint in the United States District Court for the

District of Utah Case No. 2:14-cv-00657-DB (“the Utah Action”) asserting that JadeLiquid Software Pty Ltd (“JadeLiquid”) has induced, and continues to induce, infringement of U.S. Patent No. 8,286,232 (“the ’232 Patent”) by its customers or other end users by offering for sale, selling, and/or importing its WebRenderer Swing Edition Software product.

- B. On September 22, 2014, Plaintiff commenced the above-captioned action (“this Action”) when it filed a Complaint for Declaratory Judgment of Non-Infringement and Prior User Rights of U.S. Patent No. 8,286,232 (“the California Complaint”) in the United States District Court for the Northern District of California.
- C. On September 23, 2014 this Action was assigned to the Honorable Kandis A. Westmore.
- D. On September 29, 2014, JadeLiquid filed a motion in the Utah Action to dismiss for lack of personal jurisdiction and for failure to state a claim upon which relief can be granted, based on Fed. R. Civ. Pro. 12(b)(2) and 12(b)(6) respectively (“the Motion to Dismiss”).
- E. On November 11, 2014 this Action was reassigned to the Honorable William H. Orrick.
- F. On November 21, 2014 this Court issued its Case Management Conference Order setting a Case Management Conference (“CMC”) for January 13, 2015, and ordering the Parties to file a joint case management statement not less than seven days before the CMC.
- G. On November 25, 2014 the Utah Court set January 28, 2015 as the hearing date for the Motion to Dismiss.
- H. The California Complaint has not been served on Defendant.

IN LIGHT OF THE FOREGOING, IT IS HEREBY STIPULATED by and between the Parties that:

1. The Parties jointly request that this Court reschedule the CMC in this Action to a date approximately 30 days after the Utah Court issues its order on the Motion to Dismiss;
2. The Parties will promptly notify this Court of the disposition of the Motion to Dismiss in the

Utah Action;

3. Depending on the outcome of the Motion to Dismiss, this Action may be rendered moot.
4. The Joint Case Management Conference Statement shall be filed seven days before the rescheduled CMC date in this Action in order to further interests of judicial efficiency and conserve resources.
5. Because Defendant has not yet been served with a Summons or the Complaint in this Action, Defendant specially appears solely for the purpose of making this Stipulation, and by entering into this Stipulation Defendant does not (a) generally appear in this Action or otherwise submit to the Court's jurisdiction and (b) waive or relinquish any right or defense to, or argument or contention against, any of Plaintiff's claims in, or the commencement or prosecution of, this Action, including defenses to jurisdiction, venue, or Plaintiff's commencement of a second-filed action.

A [Proposed] Order is appended to this Statement and Stipulation.

DATED: December 2, 2014

By:

/s/ Steven Carlson

Steven Carlson

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Attorneys For Plaintiff Jade Liquid Intl. Pty.

DATED: December 2, 2014

By:

/s/ Sterling A. Brennan

Sterling A Brennan

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ATTESTATION

I, Steven Carlson, 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 all other signatures listed have concurred in this filing.

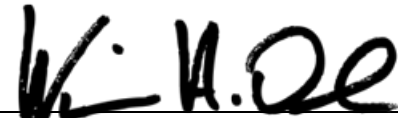
/s/ Steven Carlson

Dated: December 2, 2014

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

1. The CMC be rescheduled from January 13, 2015 to **March 24, 2015** at 2:00 p.m. The Joint Case Management Conference Statement shall be filed seven days before the rescheduled CMC date. In the event the Utah Court has not entered an order concerning the pending Motion to Dismiss, the parties may stipulate to an additional extension of the CMC in order to further the interests of judicial efficiency and conserve resources;
2. The Parties will file notice of the Utah Court's decision with this Court promptly after its issuance; and
3. Defendant waives no rights, defenses, or arguments as a consequence of having entered into the Stipulation, as set forth in paragraph no. 5 of the foregoing Stipulation.

Dated: December 4, 2014



Hon. William H. Orrick
United States District Judge