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17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**
 19 **SAN FRANCISCO DIVISION**

20 CHRIMAR SYSTEMS, INC., et al.,

21 Plaintiffs,

22 vs.

23 NETGEAR, INC.,

24 Defendant.

Case No. 3:16-cv-00624-SI

25 **STIPULATION AND [~~PROPOSED~~] ORDER TO**
 26 **RESCHEDULE CASE MANAGEMENT**
 27 **CONFERENCE**

28 In accordance with Civil Local Rules 6-2 and 7-12, Plaintiffs Chrimar Systems, Inc. and

1 Chrimar Holding Company (collectively, “Chrimar”) and Defendant NETGEAR, Inc.
2 (“NETGEAR”), by and through their respective counsel, hereby stipulate and agree as follows:

3 On July 1, 2015, Chrimar filed suit against various defendants in the Eastern District of
4 Texas alleging infringement of U.S. Patent Nos. 8,155,012, 8,942,107, 8,902,760, and 9,019,838
5 (collectively, the “Patents-in-Suit”).

6 Four of the cases have been transferred to the Northern District of California, and are
7 presently before this Court: *Chrimar Systems, Inc. et al. v. Juniper Networks, Inc.*, Case No. 3:16-
8 cv-00558-SI (N.D. Cal.); *Chrimar Systems, Inc. et al. v. Ruckus Wireless, Inc.*, Case No. 3:16-cv-
9 186-SI (N.D. Cal.); *Chrimar Systems, Inc. et al. v. NETGEAR, Inc.*, Case No. 3:16-cv-624-SI
10 (N.D. Cal.); *Chrimar Systems, Inc. et al. v. Fortinet, Inc.*, Case No. 3:16-cv-00897-SI (N.D. Cal.)
11 (collectively, the “N.D. Cal. Chrimar Cases”).

12 On March 24, 2016, the Court entered STIPULATION AND ORDER TO RESCHEDULE CASE
13 MANAGEMENT CONFERENCE [Dkt. No. 60], setting the Case Management Conference (“CMC”)
14 for the four transferred cases to April 22, 2016.

15 Chrimar’s lead counsel has developed a conflict with the April 22, 2016 CMC setting. In
16 particular, in related litigation currently pending in the Eastern District of Texas, Chrimar is
17 subject to an April 25, 2016, deadline for the close of fact discovery. At the time it submitted the
18 previous stipulation setting the CMC for April 22, Chrimar believed that the depositions in the
19 Texas case could be scheduled so as to not interfere with the CMC. Since that time, however,
20 Chrimar has learned that because of witness availability issues, two depositions in the Texas case
21 must proceed on April 22 in Dallas, Texas. Because of those depositions, Chrimar’s lead counsel,
22 Justin Cohen, and associate counsel, Richard Wynne, are unavailable to attend the CMC on that
23 date.

24 While mindful of this Court’s scheduling, rather than requesting leave to proceed with the
25 CMC without the presence of lead counsel, Chrimar contacted the Defendants in each of the N.D.
26 Cal. Chrimar Cases to inquire about rescheduling the CMC. Counsel for the parties in all of the
27 N.D. Cal. Chrimar Cases have conferred and are agreeable to continuing the CMC until a date
28 when Chrimar’s lead counsel is available.

1 Having discussed the matter, the parties in all N.D. Cal. Chrimar Cases are available for a
2 CMC on May 13, 2016. Accordingly, if the Court's schedule permits, counsel for the parties in
3 this action have agreed to reschedule the CMC currently set for April 22, 2016, to May 13, 2016,
4 at 2:30 p.m.

5 Because the Court has not entered a Scheduling Order in any of the four N.D. Cal.
6 Chrimar Cases, the requested time modification will have no effect on the schedule for this or any
7 of the cases.

8 IT IS HEREBY AGREED AND STIPULATED, that the CMC in this case shall be
9 rescheduled to May 13, 2016, at 2:30 p.m. and the related deadlines for filing a joint CMC
10 statement is adjusted to May 6, 2016. Further, the parties shall file either a Stipulation to ADR
11 Process or Notice of Need for ADR Phone Conference not later than April 22, 2016.

12
13 Respectfully submitted,

14 /s/ Richard L. Wynne, Jr.
15 Richard L. Wynne, Jr.
Thompson & Knight LLP

16 *Counsel for Plaintiffs*

Respectfully submitted,

14 /s/ Matthew S. Yungwirth w/perm. R. Wynne
15 Matthew S. Yungwirth
Duane Morris LLP

16 *Counsel for Defendant NETGEAR, Inc.*

1 **CERTIFICATE OF SERVICE**

2 **Case No. 3:16-cv-00624-SI**

3
4 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

5 I am employed in the County of Los Angeles, State of California. I am over the age of 18
6 and not a party to the within action. My business address is 707 Wilshire Blvd., Suite 4100, Los
7 Angeles, CA 90017. On April 12, 2016 I served documents described as follows:

8 **Stipulation and [Proposed] Order to Reschedule Case Management Conference**

9 I served the document listed above on the interested parties below, using the following
10 means:

11 **[X] (By Court’s CM/ECF System) Pursuant to Local Rule, I electronically filed**
12 **the documents with the Clerk of the Court using the CM/ECF system, which**
13 **sent notification of that filing to the persons listed on the CM/ECF service list.**

14 I declare under penalty of perjury under 28 U.S.C. § 1746 that the foregoing is true and
15 correct.

16 Executed on April 12, 2016, at Los Angeles, California

17 /s/ Bruce J. Zabarauskas
18 Bruce J. Zabarauskas

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 4/13, 2016



THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE