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Attorneys for Defendants
 MIPOX CORP.,
 MIPOX INTERNATIONAL CORP.,
 and MGN INTERNATIONAL, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

INTERNATIONAL TEST SOLUTIONS,
 INC.

Plaintiff,

v.

MIPOX INTERNATIONAL CORPORATION,
 MGN INTERNATIONAL, INC., and MIPOX
 CORPORATION

Defendants.

Case No.: 3:16-cv-00791-RS

**JOINT STIPULATION AND ~~PROPOSED~~
 ORDER TO CONTINUE DATES IN
 SCHEDULING ORDER**

Action Filed: February 17, 2016
 Judge: Hon. Richard Seeborg

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MIPOX CORPORATION,
 Counter-Plaintiff,
 v.
INTERNATIONAL TEST SOLUTIONS, INC.,
 Counter-Defendant.

1 Pursuant to Local Rules 6-2 and 7-12, Plaintiff International Test Solutions, Inc. (“ITS”) and
2 Defendants Mipox International Corporation (“Mipox”), MGN International, Inc. (“MGN”), and
3 Mipox Corporation (“Mipox Japan”) (collectively, “Parties”), through their respective undersigned
4 counsel, hereby stipulate¹ and request an order to continue the dates in the operating scheduling
5 order (Dkt. No. 143) as set forth below. The efforts between the Parties to reach a settlement have
6 been unsuccessful, and thus, the Parties request a continuance of dates in the scheduling order to
7 allow enough time for discovery and trial to resume in this matter. The Parties are submitting a
8 proposed schedule for the Court’s consideration. Accordingly, the Parties hereby stipulate through
9 their respective counsel of record as follows:

10 WHEREAS, on May 18, 2017, this Court entered the operating case management scheduling
11 order (Dkt. No. 127);

12 WHEREAS, on August 1, 2017, the Parties participated in a mediation session in which the
13 result was that the Parties believed that a settlement was likely imminent (Dkt. No. 135), and the
14 Parties subsequently worked on finalizing a written settlement agreement to settle the case;

15 WHEREAS, on September 1, 2017, the USPTO ordered that *inter partes review* is granted as
16 to claims 1-4 and 6 of U.S. Patent No. 8,801,869;

17 WHEREAS, on September 8, 2017, the Parties stipulated to modifying the operating case
18 management scheduling order to focus on finalizing a written settlement agreement;

19 WHEREAS, on September 11, 2017, the USPTO ordered that *inter partes review* is granted
20 as to claims 2 and 6 of U.S. Patent No. 7,202,683 and that *inter partes review* is granted as to claims
21 26 and 28 of U.S. Patent No. 6,777,966;

22 WHEREAS, on October 18, 2017, ITS informed Mipox, MGN, and Mipox Japan that the
23 Parties are unable to come to an agreement to settle the case;

24 _____
25 ¹ The parties previously stipulated to extend time for disclosure of invalidity contentions (Dkt. No.
26 39), to extend time for the parties’ joint claim construction and prehearing statement (Dkt. No. 44),
27 to extend the time for filing of the opening claim construction brief (Dkt. No. 57), and to extend the
28 time for responsive and reply claim construction briefs (Dkt. No. 64). The Court previously granted a
Motion for Leave to Amend Complaint and continued the Markman hearing (Dkt. No. 70).
Magistrate Judge Spero granted the Parties’ request for continuances of a court-ordered meet and
confer relating to a discovery dispute issue. (Dkt. Nos. 137 and 141). Finally, the Court granted the
parties’ joint stipulation to continue dates in the scheduling order. (Dkt. No. 143).

1 WHEREAS, ITS represents that several additional months of discovery is required for the
 2 Parties and the Court to properly assess the merits of this case, including additional time (a) to
 3 accommodate the additional foreign discovery through the Hague convention that is required for this
 4 case, such as seeking discovery from Mipox Japan's Korean manufacturer and discovery from
 5 Mipox Japan's Japanese supplier, (b) for ITS to take depositions of Mipox Japan, which Mipox
 6 Japan insists be taken in Japan, and (c) for Mipox, MGN, and Mipox Japan to depose ITS's
 7 witnesses and to complete their discovery;

8 IT IS HEREBY STIPULATED by and between the Parties hereto that the operating case
 9 management scheduling order be modified as follows:

Event	Current Deadline	Stipulated Proposed Deadline
Close of Fact Discovery	November 28, 2017	May 1, 2018
Exchange of Expert Reports (From Party Having Burden of Proof)	December 28, 2017	May 31, 2018
Rebuttal of Expert Reports	January 15, 2018	June 28, 2018
Close of Expert Discovery	February 12, 2018	August 3, 2018
Further Case Management Conference	December 7, 2017 at 10:00 AM	May 10, 2018 at 10:00 AM
Deadline for filing Dispositive Motions, including Daubert Motions and Motions for Preliminary Injunction	February 16, 2018	August 31, 2018
Hearing of Dispositive Motions, including Daubert Motions and Motions for Preliminary Injunction	Thursday, March 29, 2018 at 1:30 PM	Thursday, October 11, 2018 at 1:30 PM
Pretrial Conference	Thursday, May 24, 2018 at 10:00 AM	Thursday, November 29, 2018 at 10:00 AM
Trial	June __, 2018	December <u>10</u> , 2018

at 9:00 am

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Date: November 9, 2017

WINSTON & STRAWN LLP
By: /s/ David S. Bloch
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Lowell D. Jacobson
James C. Lin
Attorneys for Plaintiff
International Test Solutions, Inc.

BARNES & THORNBURG LLP

Date: November 9, 2017

By: /s/ Thomas J. Donovan
Thomas J. Donovan
Mark A. Hagedorn
Roya Rahmanpour
Attorneys for Defendants
Mipox Corporation, Mipox
International Corporation, and MGN
International, Inc.

CONCURRENCE IN FILING


I, David S. Bloch, hereby attest that the concurrence to the filing of this document has been obtained from each signatory hereto.

Date: November 9, 2017

By: /s/ David S. Bloch
Davis S. Bloch

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 11/13/17

By: 
Richard Seeborg
UNITED STATES DISTRICT JUDGE