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

KHN Solutions, Inc.

Plaintiff,

v.

Vertisense Inc.

Defendant.

CASE NO. 3:16-cv-00962-HSG

**STIPULATED MOTION FOR
 ADMINISTRATIVE RELIEF RE
 SCHEDULING OR IN THE
 ALTERNATIVE STIPULATED
 MOTION TO ENLARGE TIME**

Judge: Hon. Haywood Gilliam

1 Pursuant to Civil Local Rules 6, 7-11, and 7-12, Plaintiff KHN Solutions Inc.
2 (“Plaintiff”) and Defendant Vertisense Inc. (“Defendant”) (collectively the “Parties”), by and
3 through their counsel, submit this stipulated motion for administrative relief regarding
4 scheduling or in the alternative stipulated motion to enlarge time.

5 On October 18, 2016, the Parties submitted a Joint Case Management Statement and on
6 October 25, 2015 the Court held the Initial Case Management Conference. *See* Dkt Nos. 65-66.
7 Following the Initial Case Management Conference, the Court referred the case to Magistrate
8 Judge Donna Ryu for a settlement and pre-settlement conference. *See* Dkt Nos. 67-68. The
9 Court has not, at this time, provided a scheduling order governing the schedule in this case.
10 However, Patent Local Rules require service of infringement contentions not later than 14-days
11 after the initial Case Management Conference, service of invalidity contentions not later than 45-
12 days after service of infringement contentions, and claim construction exchanges and briefing
13 14-days after service of invalidity contentions. *See* Patent Local Rules 3-4. The Parties seek
14 clarity regarding whether contention deadlines and claim construction deadlines under the Patent
15 Local Rules still apply in light of the Court’s Order referring the case to Magistrate Judge Donna
16 Ryu for settlement purposes. The parties understanding from the Case Management Conference
17 and Order referring the case to Magistrate Judge Donna Ryu for settlement purposes, is that the
18 Patent Local Rule deadlines do not currently apply, but in an abundance of caution bring this
19 administrative motion for the Court’s guidance.

20 In the alternative, the Parties seek to continue by 21-days Patent Local Rule and
21 discovery deadlines and request an order enlarging the time to serve and submit discovery
22 responses, infringement contentions, invalidity contentions, claim construction exchanges and
23 briefing, and any other deadlines proscribed by the Civil and Patent Local Rules. To date, the
24 Parties have previously stipulated to two time modifications in this case: the first to extend the
25 time for Defendant Vertisense to file its answer to the complaint and the second to continue the
26 Initial Case Management Conference by one week. This stipulated motion to enlarge time will
27 conserve judicial resources and allow the Parties to finalize settlement without incurring the
28

1 costs of discovery, infringement contentions, invalidity contentions, and claim construction
2 proceedings. The Parties are close to reaching an agreement in principle, and when executed, the
3 agreement will settle all claims in this case. This enlargement of time will not affect the Court's
4 Order referring the case to Magistrate Judge Donna Ryu for settlement purposes or other
5 scheduling order issued by the Court. Therefore, this stipulated time modification will not have
6 an effect on the schedule for this case.

7
8 WHEREAS, KHN and Vertisense have mutually agreed to a twenty one (21)-day
9 enlargement of time for service and submission of discovery responses, infringement
10 contentions, invalidity contentions, claim construction exchanges and briefing proscribed by the
11 Patent Local Rules.

12 THEREFORE, it is hereby stipulated and agreed that the deadline for service of
13 discovery responses will be continued by twenty one (21)-days from their current due dates, the
14 deadline for service of infringement contentions is continued from November 8, 2016 to
15 November 29, 2016, the deadline for service of invalidity contentions is continued from
16 December 23, 2016 to January 13, 2016, and the deadline for claim construction exchanges and
17 briefing is continued to follow the Patent Local Rules in accordance with the new deadlines set
18 for infringement and invalidity contentions.

19 Dated: November 7, 2016

FULMER WARE LLP
VENABLE LLP

21 By:

22 /s/ Alper T. Ertas
23 PAMELA K. FULMER

24 ALPER T. ERTAS
25 ADAM R. HESS (*PRO HAC VICE*)

26 Attorneys for Plaintiff
27 KHN SOLUTIONS, INC.

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Dated: November 7, 2016

DURIE TANGRI LLP

By: /s/ Timothy C. Saulsbury
CLEMENT S. ROBERTS
TIMOTHY C. SAULSBURY

Attorneys for Defendant
VERTISENSE INC.

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ORDER

The Court, having read and considered the Stipulation to continue the deadlines for service and submission of discovery responses, infringement contentions, invalidity contentions, and claim construction exchanges and briefing, and finding good cause, hereby orders as follows:

PURSUANT TO STIPULATION, IT IS SO ORDERED

The deadline for service of discovery responses will be continued by 21-days, the deadline for service of infringement contentions will be continued to **November 29, 2016**, the deadline for service of invalidity contentions will be continued to **January 13, 2017**, and the deadline for service of claim construction exchanges and briefing will be continued in accordance with the new deadlines for contentions and the Patent Local Rules.

Dated: November 7, 2016


HONORABLE HAYWOOD S. GILLIAM, JR.
United States District Judge

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CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2016 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

/s/ Alper T. Ertas

Alper T. Ertas