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 SUNLINK CORPORATION

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA
 20 (OAKLAND DIVISION)
 21

22 SUNPOWER CORPORATION, SYSTEMS, a
 Delaware corporation,

23 Plaintiff and Counterdefendant,

24 vs.

25 SUNLINK CORPORATION, a Delaware
 26 corporation,

27 Defendant and Counterclaimant.
 28

Case No. C 08-2807-SBA

**SUNPOWER CORPORATION SYSTEMS
 AND SUNLINK CORPORATION'S
 JOINT STIPULATED REQUEST FOR
 ORDER CHANGING TIME OF CLAIM
 CONSTRUCTION BRIEFING AND
 HEARING**

PATENT CASE

1 Pursuant to Civil Local Rule 6-2 SunPower Corporation, Systems (“SunPower”) and
2 SunLink Corporation (“SunLink”) respectfully submit the following Stipulated Request for Order
3 Changing Time of Claim Construction Briefing and Hearing.

4 I. BACKGROUND

5 The Court’s schedule currently provides for SunPower to file its opening claim
6 construction brief on December 1, 2008 and for SunLink to file its responsive claim construction
7 brief on December 15, 2008. The Court has also scheduled a claim construction hearing for
8 January 28, 2009. SunLink has noticed the deposition of the named inventor of the patents-in-suit
9 and his deposition had been scheduled for mid-November. Unfortunately, SunPower had to take
10 his deposition off calendar so that he could tend to and be with his seriously ill father. See
11 Declaration of Craig Compton at ¶ 2. The result being that the named inventor’s deposition has
12 been postponed to the week of December 16, 2008, which is after both parties were to file claim
13 construction briefs. The parties have contacted the Court to check on the availability of the Court
14 to move the claim construction hearing by approximately one month. The requested change will
15 not alter any other dates for the matter because the parties do not yet have a schedule for the case
16 past claim construction. Declaration of Craig Compton at ¶ 4.

17 The only other time modifications in this matter were by stipulation and they did not alter
18 the date for any Court filings. The parties stipulated that SunLink could serve its Invalidity
19 Contentions on August 29, 2008 when the previous due date had been August 25, 2008.
20 Declaration of Craig Compton at ¶ 3. The parties further agreed to exchange preliminary claim
21 construction positions on October 8, 2008 when then previous date had been September 24, 2008.

22 Id.

23 Below is the parties proposed change to the Court’s schedule:

24 II. STIPULATION

25 For the reasons stated above, SunPower and SunLink hereby stipulate to the following
26 modification to the case’s schedule:

27 ///

| Event | Previous Date | Proposed Date |
|--|--|--|
| Close of claim construction discovery pursuant to Patent Local Rule 4-4 | November 17, 2008 | December 31, 2008 |
| Plaintiff to file and serve its opening claim construction brief pursuant to Patent Local 4-5 | December 1, 2008 | January 7, 2009 |
| Defendant to file and serve its responsive claim construction brief pursuant to Patent Local 4-5 | December 15, 2008 | January 21, 2009 |
| Plaintiff to file and serve its reply claim construction brief, pursuant to Patent Local 4-5 | December 22, 2008 | January 28, 2009 |
| Tutorial and claim construction hearing to be followed by Case Management Conference | January 28, 2009 at 9:00 a.m. for four hours | March 4, 2009 at 9:00 a.m. for four hours. |

DATED: November 24, 2008

FISH & RICHARDSON P.C.

/s/ Craig R. Compton
 Craig R. Compton

Attorneys for Plaintiff and Counterdefendant
 SUNPOWER CORPORATION, SYSTEMS

DATED: November 24, 2008

QUINN EMANUEL URQUHART OLIVER
 & HEDGES, LLP

/s/ Morgan W. Tovey
 Morgan W. Tovey

Attorneys for Defendant and Counterclaimant,
 SUNLINK CORPORATION

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Morgan W. Tovey.

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DATED: November 24, 2008

FISH & RICHARDSON P.C.

/s/ Craig R. Compton
Craig R. Compton

Attorneys for Plaintiff and Counterdefendant
SUNPOWER CORPORATION, SYSTEMS

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: November 26 , 2008

Sandra B. Armstrong
Honorable Sandra Brown Armstrong
United States District Court Judge

1 **PROOF OF SERVICE**

2 I am employed in the County of San Mateo. My business address is Fish & Richardson
3 P.C., 500 Arguello Street, Suite 500, Redwood City, California 94063. I am over the age of 18
and not a party to the foregoing action.

4 I am readily familiar with the business practice at my place of business for collection and
5 processing of correspondence for personal delivery, for mailing with United States Postal Service,
6 for facsimile, and for overnight delivery by Federal Express, Express Mail, or other overnight
service.

7 On November 26, 2008, I caused a copy of the following document(s):

8 **SUNPOWER CORPORATION SYSTEMS AND SUNLINK CORPORATION'S JOINT**
9 **STIPULATED REQUEST FOR ORDER CHANGING TIME OF CLAIM**
10 **CONSTRUCTION BRIEFING**

11 to be served on the interested parties in this action by placing a true and correct copy thereof,
12 enclosed in a sealed envelope, and addressed as follows:

13 Morgan W. Tovey, Esq. Attorneys for Defendant
14 Linda J. Brewer SUNLINK
15 Quinn Emanuel Urquhart Oliver & Hedges,
LLP
50 California Street, 22nd Floor
San Francisco, California 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700

- 16 **MAIL:** Such correspondence was deposited, postage fully paid, with the
17 United States Postal Service on the same day in the ordinary course
of business.
- 18 **PERSONAL:** Such envelope was delivered by hand to the offices of the addressee.
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- 20 **FACSIMILE:** Such document was faxed to the facsimile transmission machine
21 with the facsimile machine number stated above. Upon completion
of the transmission, the transmitting machine issued a transmission
report showing the transmission was complete and without error.
- 22
- 23 **ELECTRONIC MAIL:** Such document was transmitted by electronic mail to the addressees'
email addresses as stated above.
- 24 **FEDERAL EXPRESS:** Such correspondence was deposited on the same day in the ordinary
25 course of business with a facility regularly maintained by Federal
Express.
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27 course of business with a facility regularly maintained by the United
States Postal Service.
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**OVERNIGHT
DELIVERY:**

Such correspondence was given on the same day in the ordinary course of business to an authorized courier or a driver authorized by that courier to receive documents.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

I declare under penalty of perjury that the above is true and correct. Executed on November 26, 2008, at Redwood City, California.

Wendy M. Hobbs