

1 David N. Kuhn (CSB #73389)  
 Attorney-at-Law  
 2 [dnkuhn@packbell.net](mailto:dnkuhn@packbell.net)  
 144 Hagar Avenue  
 3 Piedmont, CA 94611  
 Tel.: (510) 653-4983  
 4 Attorney for PLAINTIFF  
 GREGORY BENDER

5 Mark D. Rowland (CSB #157862)  
 6 [mark.rowland@ropesgray.com](mailto:mark.rowland@ropesgray.com)  
 Joshua V. Van Hoven (CSB #262815)  
 7 [joshua.vanhoven@ropesgray.com](mailto:joshua.vanhoven@ropesgray.com)  
 ROPES & GRAY LLP  
 8 1900 University Avenue  
 East Palo Alto, California 94303  
 9 Tel.: (650) 617-4000  
 Fax: (650) 617-4090  
 10 Attorneys for DEFENDANT  
 LINEAR TECHNOLOGY CORPORATION

11  
 12 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
 13 **OAKLAND DIVISION**

14  
 15 GREGORY BENDER,

16 Plaintiff,

17 v.

18 LINEAR TECHNOLOGY CORPORATION,

19 Defendant.

) Case No. 09-01154 SBA

) **STIPULATION REGARDING LOCAL**  
 PATENT RULES

20  
 21  
 22 Plaintiff Gregory Bender (“Bender”) and Defendant Linear Technology Corporation  
 23 (“Linear”) hereby stipulate and request an Order regarding application of the Local Patent Rules  
 24 as follows:

- 25 1. The parties attended by telephone the Court Management Conference on  
 26 Tuesday, April 27, 2010, at 2:45 PM.  
 27 2. At the CMC, the Court set deadlines for the above-captioned case, including a  
 28 fact discovery cutoff date and expert disclosure date of September 30, 2010, expert discovery

1 cutoff date of October 29, 2010, a dispositive motion deadline of December 14, 2010, and a  
2 February 8, 2010 pretrial conference date.

3 3. The parties also discussed submitting an agreed order regarding deadlines under  
4 the local patent rules.

5 4. The following proposed schedule generally conforms to the deadlines of the local  
6 patent rules regarding patent-specific disclosures.

7 5. Given that this case is not particularly complex, the following proposed schedule  
8 contemplates that claim construction (*Markman*) disputes will be resolved with other issues by  
9 the dispositive motion deadline.

10 6. Accordingly, the parties propose the following schedule for patent-specific  
11 activities under this Court's Local Patent Rules ("LPR"):

- 12
- 13 • May 17, 2010 - LPR 3.1/3.2 – Plaintiff's disclosure of infringement contentions and  
document production.
- 14 • July 1, 2010 - LPR 3.3/3.4 - Defendant's invalidity contentions and document  
15 production
- 16 • July 12, 2010 - LPR 4.1 - Parties identify terms for construction
- 17 • August 2, 2010 - LPR 4.2(a)/4.2(b) - Parties exchange preliminary claim constructions  
and claim construction evidence
- 18 • September 1, 2010 - LPR 4.3 – Parties file Joint Claim Construction statement; Parties  
19 Disclose claim construction evidence and witnesses; Parties identify 10 most significant  
20 claim terms
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Respectfully submitted,

Dated: May 11, 2010

By */s/ David N. Kuhn*

---

David N. Kuhn (CSB #73389)  
Attorney-at-Law  
[dnkuhn@packbell.net](mailto:dnkuhn@packbell.net)  
144 Hagar Avenue  
Piedmont, CA 94611  
Tel.: (510) 653-4983

Attorney for PLAINTIFF  
GREGORY BENDER

Respectfully submitted,

Dated: May 11, 2010

By */s/ Mark D. Rowland*

---

Mark D. Rowland (CSB #157862)  
[mark.rowland@ropesgray.com](mailto:mark.rowland@ropesgray.com)  
Joshua V. Van Hoven (CSB #262815)  
[joshua.vanhoven@ropesgray.com](mailto:joshua.vanhoven@ropesgray.com)  
ROPES & GRAY LLP  
1900 University Avenue  
East Palo Alto, California 94303  
Tel.: (650) 617-4000  
Fax: (650) 617-4090

Attorneys for DEFENDANT  
LINEAR TECHNOLOGY CORPORATION

Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in filing of the document has been obtained from David N. Kuhn, Esq.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Respectfully submitted,

Dated: May 11, 2010

By */s/ Mark D. Rowland*

---

Mark D. Rowland (CSB #157862)  
[mark.rowland@ropesgray.com](mailto:mark.rowland@ropesgray.com)  
Joshua V. Van Hoven (CSB #262815)  
[joshua.vanhoven@ropesgray.com](mailto:joshua.vanhoven@ropesgray.com)  
ROPES & GRAY LLP  
1900 University Avenue  
East Palo Alto, California 94303  
Tel.: (650) 617-4000  
Fax: (650) 617-4090

Attorneys for DEFENDANT  
LINEAR TECHNOLOGY CORPORATION

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 5/14/10

  
\_\_\_\_\_  
Hon. Sandra B. Armstrong  
United States District Court  
Northern District of California