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Attorneys for Defendant
FREESCALE
SEMICONDUCTOR, INC.

Attorney for Plaintiff Gregory Bender

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

Gregory Bender,

Plaintiff,

v.

Freescale Semiconductor, Inc.,

Defendant.

Case No. C 09-01156 PJH (MEJ)

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING AMENDED
INFRINGEMENT CONTENTIONS**

DISCOVERY MATTER

Plaintiff Gregory Bender ("Plaintiff") and Defendant Freescale Semiconductor, Inc., ("Defendant"), through their respective counsel, hereby make the following stipulation with regards to Plaintiff's infringement contentions.

WHEREAS on September 3, 2009, Plaintiff served his infringement contentions on Defendant.

WHEREAS, Defendant had filed a motion to compel amended infringement contentions on September 23, 2009 (D.I. 28) which was denied by the Court on October 19, 2009 without prejudice to refile as a joint letter according to Judge James' standing orders on discovery (D.I. 42).

WHEREAS, the parties have been preparing a joint letter to the Court regarding a dispute over the sufficiency of the infringement contentions.

1 WHEREAS, the Court has granted Defendant temporarily relief from its discovery
2 obligations pending resolution of this issue in its order dated October 29, 2009 (D.I. 47).

3 WHEREAS, Plaintiff has agreed to amend his contentions in response to concerns raised
4 by Defendant in its motion, and

5 WHEREAS, after receipt of the amended infringement contentions, the parties shall meet
6 and confer and, if unable to resolve any remaining issues, shall prepare the required joint letter to
7 the Court.

8
9 THE PARTIES HEREBY STIPULATE THAT:

10 Plaintiff shall serve amended infringement contentions on or before **January 8, 2010.**

11 After receipt of the amended infringement contentions, the parties shall meet and confer
12 and, if unable to resolve any remaining issues, shall prepare the required joint letter to the Court.

13 Defendant's obligations under Patent L.R. 3-3 and 3-4 shall be due 45 days from receipt
14 of Plaintiff's amended contentions unless Defendant notifies Plaintiff of its intent to renew its
15 motion to compel and provides its portion of the required joint letter to Plaintiff within 14 days of
16 receiving Plaintiff's amended infringement contentions.

17 The Court's previous order granting Defendant temporary relief from its discovery
18 obligations (D.I. 47) shall remain in place until the dispute is resolved.

19 Respectfully submitted,

20
21 Dated: November 23, 2009

Jones Day

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23 By: /s/ Gregory Lippetz

24 Greg L. Lippetz
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Counsel for Defendant
Freescale Semiconductor, Inc.

1 In accordance with General Order No. 45, Section X(B), the above signatory attests that
2 concurrence in the filing of this document has been obtained from the signatory below.


3
4 Dated: November 23, 2009

By: /s/ David Kuhn
David N. Kuhn
Attorney-at-Law
144 Hagar Avenue
Piedmont, California 94611
Telephone: (510) 653-4983

7 Counsel for Plaintiff Gregory Bender

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11 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

12
13 DATED: December 1, 2009

By: 
Maria Elena Torres
Chief United States Magistrate Judge

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