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15	Attorneys for Defendant			
16	MICROSOFT CORPORATION			
17	UNITED STATES DISTRICT COURT			
18	NORTHERN DISTRICT OF CALIFORNIA			
19	OAKLAND DIVISION			
20				
21	BACKWEB TECHNOLOGIES, LTD.,	Case No. CV 09-1224-CW		
22	Plaintiff,	STIPULATION AND ORDER		
23	v.	PERMITTING MICROSOFT TO FILE ITS AMENDED ANSWER AND		
24	MICROSOFT CORPORATION;	COUNTERCLAIMS TO BACKWEB TECHNOLOGIES, LTD.'S SECOND		
25	IANYWHERE SOLUTIONS, INC.; SYBASE, INC.; AND SYMANTEC	AMENDED COMPLAINT AND GRANTING MICROSOFT		
26	CORPORATION,	ADDITIONAL TIME TO SERVE DISCLOSURE OF ASSERTED		
27	Defendants.	CLAIMS AND INFRINGEMENT CONTENTIONS		
28				
	OHS West:260726371.1	STIPULATION AND [PROPOSED] ORDER TO FIL AMENDED ANSWER AND COUNTERCLAIM		

1	WHEREAS, Plaintiff BackWeb Technologies, Ltd. ("BackWeb") filed a Second	
2	Amended Complaint alleging infringement against Microsoft Corp. ("Microsoft") on July 22,	
3	2009;	
4	WHEREAS, Defendant Microsoft filed an Answer And Counterclaims to	
5	Plaintiff's Second Amended Complaint on August 10, 2009;	
6	WHEREAS, Defendant Microsoft wishes to file an additional counterclaim against	
7	BackWeb;	
8	IT IS HEREBY STIPULATED by and between BackWeb and Microsoft (the	
9	"Parties") through their designated counsel as follows:	
10	1. the Parties agree that Defendant Microsoft shall have leave to file an	
11	Amended Answer and Counterclaims To BackWeb Technologies, Ltd.'s Second Amended	
12	Complaint no later than September 15, 2009;	
13	2. the Parties agree that Defendant Microsoft shall have until October 9, 2009	
14	to serve its Disclosure of Asserted Claims and Infringement Contentions (the "Disclosure")	
15	required by Patent Local Rule 3-1 and to produce the documents accompanying the Disclosure	
16	required by Patent Local Rule 3-2; and	
17	3. the Parties agree that Plaintiff BackWeb shall have until November 20,	
18	2009 to serve its Invalidity Contentions required by Patent Local Rule 3-3 and to produce the	
19	documents accompanying the Invalidity Contentions required by Patent Local Rule 3-4.	
20	IT IS SO STIPULATED.	
21	Dated: September 14, 2009 / s / Eric L. Wesenberg / s /	
22	ERIC L. WESENBERG (SBN 139696) ewesenberg@orrick.com	
23	ULYSSES S. HUI (SBN 225521) uhui@orrick.com	
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10	Attorneys for Defendant MICROSOFT CORPORATION	
11	/ / D W 1 / /	
12	/s/ Bruce Wecker /s/ SPENCER HOSIE (SBN 101777)	
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18	Attorneys for Plaintiff	
19	BACKWEB TECHNOLOGIES, LTD	
20		
21	CERTIFICATION PURSUANT TO GENERAL ORDER 45	
22	Pursuant to General Order 45X.B, I, Eric L. Wesenberg, attests that the above signatories	
23	for the BackWeb Technologies, Ltd. have concurred and consented to the filing of this document	
24	DATED: September 14, 2009	
25	/s/ Eric L. Wesenberg /s/ Eric L. Wesenberg	
26	Ene L. Wesenberg	
27		
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۷٥	STIPULATION AND [PROPOSED] ORDER TO FILE	

1	<u>ORDER</u>
2	PURSUANT TO STIPULATION, IT IS SO ORDERED.
3	DATED:September 16, 2009
4	DATED:September 16, 2009
5	Honorable Claudia Wilken U.S. DISTRICT COURT JUDGE
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