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 13 APPLIED SIGNAL TECHNOLOGY, INC.

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 OAKLAND DIVISION

17 APPLIED SIGNAL TECHNOLOGY, INC.
 18 Plaintiff,
 19 vs.
 20 EMERGING MARKETS COMMUNICATIONS,
 INC., EMC SATCOM TECHNOLOGIES, INC.,
 21 PARADISE DATACOM, LLC, and VIASAT,
 INC.,
 22 Defendants.
 23

Case No. 09-CV-02180-SBA

**STIPULATED MOTION AND ORDER
 TO MODIFY CASE MANAGEMENT
 CONFERENCE SCHEDULE AND
 ADOPTING NEW SCHEDULE**

JURY TRIAL DEMANDED

24 AND RELATED COUNTERCLAIMS
 25

26 Plaintiff and counter-defendant, Applied Signal Technology, Inc., and each defendant,
 27 including Emerging Markets Communications, Inc., EMC Satcom Technologies, Inc., Paradise
 28

1 Datacom, LLC, and defendant and counterclaimant ViaSat, Inc. (collectively “the parties”), hereby
2 stipulate and move the Court for an order modifying and extending the dates set by the Court’s
3 Case Management Scheduling Order of November 30, 2009, as set forth in the Proposed Order
4 filed concurrently herewith.

5 The parties request this modified schedule to accommodate two substantial occurrences in
6 the lawsuit. First, on or about April 19, 2010, Applied Signal Technology retained and substituted
7 new counsel of record as lead counsel to represent the company in this action. At that time, the
8 parties’ preliminary claim constructions pursuant to Patent L.R. 4-1 were due in only seven (7)
9 days and other critical dates related to claim construction were quickly approaching. An extension
10 of the current schedule is needed for Applied Signal’s new counsel to get up to speed on this
11 complex litigation. Second, counterclaimant ViaSat has indicated its intent to seek leave to amend
12 its counterclaims to add third-party Comtech EF Data (“Comtech”) as a counter-defendant. The
13 inclusion of Comtech as a new counter-defendant would thus require additional time for Comtech
14 to “catch up” so that it can effectively participate in the claim construction procedures
15 concurrently with the existing parties. Comtech and Applied Signal have agreed not to oppose
16 ViaSat’s motion to add Comtech as a new counter-defendant on ViaSat’s existing claims for
17 infringement of U.S. Patent Nos. 6,907,093 and 6,725,017, subject to the adoption of a modified
18 schedule as set forth in the Proposed Order, which accommodates Comtech’s late-comer status.

19 ViaSat requested that AST and Comtech stipulate to allow ViaSat to amend its answer and
20 counterclaims to add a counterclaim for infringement of an additional ViaSat patent, U.S. Patent
21 No. 6,011,952 (“the ’952 patent”) by AST and Comtech, and to place the ’952 patent on the same
22 schedule as the existing patents in suit. AST and Comtech refused to stipulate, and therefore
23 ViaSat will move to amend its answer and counterclaims to add the ’952 patent to this case
24 asserting infringement by both AST and Comtech. AST and Comtech do not oppose the addition
25 of Comtech as a counterclaim defendant on ViaSat’s existing claims for infringement of U.S.
26 Patent Nos. 6,907,093 and 6,725,017; rather, AST and Comtech are only opposing the addition of
27 ViaSat’s ’952 patent as a counterclaim.

1 Accordingly, the parties collectively request that the Court modify the Case Management
2 Scheduling Order to adopt the dates as set forth in the Proposed Order.

3
4 Date: April 23, 2010 SANDERS & PARKS P.C.

5
6 /s/ Michelle Breit
7 Michelle Breit
8 Attorneys for Plaintiff
9 APPLIED SIGNAL TECHNOLOGY

10 Date: April 23, 2010 HARNES, DICKEY & PIERCE, PLC

11 /s/ Rudolph Telscher
12 Rudolph Telscher
13 Attorneys for Defendants
14 EMERGING MARKETS COMMUNICATIONS, INC.
15 and EMC SATCOM TECHNOLOGIES, INC.

16 Date: April 23, 2010 FISH & RICHARDSON P.C.

17
18 /s/ Seth M. Sproul
19 Seth M. Sproul
20 Attorneys for Defendants
21 PARADISE DATACOM, LLC
22 and VIASAT, INC.

1 **ORDER**

2 The Case Management Conference Schedule filed November 20, 2009 is hereby vacated.
3 The following schedule is hereby adopted.

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<u>EVENT</u>	<u>DATE</u>
Comtech's Initial Disclosure	June 16, 2010
Comtech's Document Production (Patent L.R. 3-4) due	July 9, 2010
Comtech's Invalidity Contentions (Patent L.R. 3-3) due	July 9, 2010
EMC's Supplemental Invalidity Contentions	July 9, 2010
Comtech's Proposed Terms for Construction (Patent L.R. 4-1)	July 21, 2010
Preliminary Claim Constructions (Patent L.R. 4-2) due	July 28, 2010 (currently April 26, 2010)
Joint Claim Construction (Patent L.R. 4-3) due	August 18, 2010 (currently May 21, 2010)
Claim Construction Expert reports (Patent L.R. 4-3) due	August 25, 2010 (currently May 21, 2010)
L/D for discovery relating to Claim Construction (Patent L.R. 4-4)	September 15, 2010 (currently June 18, 2010)
Opening Claim Construction Brief (in compliance with Patent L.R. 4-5(a))	October 1, 2010 (currently July 6, 2010)
Opposing Claim Construction Brief(s) (in compliance with Patent L.R. 4-5(b)) due	October 21, 2010 (currently August 2, 2010)
Reply Claim Construction Brief(s) (in compliance with Patent L.R. 4-5 (c)) due	November 4, 2010 (currently August 25, 2010)
Tutorial and Claim Construction Hearing (in compliance with Patent L.R. 4-6)	December 2, 2010 @ 9:00 AM (currently September 23, 2010)
Further Case Management Conference	December 2, 2010 @ 9:00 AM (currently September 23, 2010)

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22 ** Lead counsel for the EMC defendants currently has a trial scheduled that will conflict with the
23 proposed December 2, 2010 Markman hearing date. The parties have agreed to select a different
24 Markman hearing date with the cooperation of the Court if the conflict remains later in the year.

25
26 Dated: 4/26/10


SAUNDRA BROWN ARMSTRONG
JUDGE, UNITED STATES DISTRICT COURT