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Attorneys for Plaintiff, Affinity Labs of Texas, LLC

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION**

AFFINITY LABS OF TEXAS, LLC, a  
 Texas Limited Liability Company,  
  
 Plaintiff and  
 Counterclaim-Defendant,  
  
 v.  
 APPLE INC., a California Corporation,  
  
 Defendant and  
 Counterclaim-Plaintiff.

CASE NO. CV 09-4436-CW  
  
**CIVIL LOCAL RULE 6-2(a)  
 STIPULATION AND ORDER**  
  
 Judge: Hon. Claudia Wilken

1 IT IS HEREBY STIPULATED by and between Plaintiff Affinity Labs of Texas, LLC  
2 (“Affinity”) and Defendant Apple Inc. (“Apple”) as follows:

3 WHEREAS, pursuant to the Civil Local Rule 6-2(a) Stipulation and Order entered  
4 December 23, 2010 (Docket No. 82), designation of expert witnesses and exchange of initial  
5 expert reports is scheduled for March 15, 2011, designation of rebuttal expert witnesses and  
6 exchange of rebuttal expert reports is scheduled for April 5, 2011, and the completion of expert  
7 discovery is scheduled for April 19, 2011;

8 WHEREAS, the parties need additional time to complete discovery on the issue of  
9 damages and prepare expert reports on the issue of damages;

10 WHEREAS, the parties’ proposed modifications will not impact the trial date, Markman  
11 date, dispositive motion date, or any other dates not listed below;

12 NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN THE  
13 PARTIES HERETO, THROUGH THEIR RESPECTIVE COUNSEL AND SUBJECT TO THE  
14 APPROVAL OF THE COURT, AS FOLLOWS:

- 15 1. The deadline for designation of expert witnesses on the issue of damages and  
16 exchange of initial expert reports on the issue of damages shall be extended from  
17 March 15, 2011 to April 1, 2011;
- 18 2. The deadline for designation of rebuttal experts on the issue of damages and  
19 exchange of rebuttal expert reports on the issue of damages shall be extended from  
20 April 5, 2011 to April 29, 2011;
- 21 3. The close of expert discovery on the issue of damages shall be extended from April  
22 19, 2011 to May 20, 2011.

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Dated: February 17, 2011

RICHARD L. SEABOLT  
L. NORWOOD JAMESON  
MATTHEW C. GAUDET

DUANE MORRIS LLP

By: /s/ Matthew C. Gaudet  
Matthew C. Gaudet

Attorneys for Plaintiff AFFINITY LABS OF  
TEXAS, LLC

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Pursuant to General Order No. 45 X(B), I hereby attest that concurrence in the filing of this document has been obtained from Darin J. Glasser.

Dated: February 17, 2011

RICHARD L. SEABOLT  
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MATTHEW C. GAUDET  
  
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By: /s/ Matthew C. Gaudet  
Matthew C. Gaudet  
  
Attorneys for Plaintiff AFFINITY LABS OF TEXAS, LLC

Dated: February 17, 2011

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By: /s/ Darin J. Glasser  
Darin J. Glasser  
  
Attorneys for Defendant APPLE INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED,

Dated: 2/18/2011

  
\_\_\_\_\_  
Honorable Claudia Wilken  
United States District Judge