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15 Attorneys for Defendant and Counterclaim-Plaintiff
 Apple Inc.

17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**
 19 **OAKLAND DIVISION**

19 AFFINITY LABS OF TEXAS, LLC, a
 20 Texas Limited Liability Company,

21 Plaintiff and
 Counterclaim-Defendant,

22 v.

23 APPLE INC., a California Corporation,

24 Defendant and
 25 Counterclaim-Plaintiff.

CASE NO. CV 09-4436-CW

**STIPULATION REGARDING
 MODIFICATION OF BRIEFING
 SCHEDULE AND DISPOSITIVE MOTION
 AND CLAIM CONSTRUCTION HEARING;
 ORDER**

Judge: Hon. Claudia Wilken

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

4 WHEREAS, the parties prefer to depose technical experts prior to completion of briefing
5 on dispositive motions and claim construction;

6 WHEREAS, although the parties are working diligently to meet the current case deadlines,
7 the parties need additional time to complete depositions of expert witnesses based on the
8 availability of one or more experts;

9 WHEREAS, Affinity and Apple wish to modify the current briefing schedule on
10 dispositive motions and claim construction, which modification necessarily impacts the hearing
11 date for such motions;

12 WHEREAS, the parties have reached agreement on how to proceed regarding the briefing
13 schedule and have confirmed that the proposed dispositive motion and claim construction hearing
14 date is available on the Court’s calendar;

15 WHEREAS, the parties’ proposed modifications will not impact the trial date;

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

- 19 1. Affinity’s claim construction and case dispositive motion shall be due by May
20 6, 2011 (formerly April 26, 2011);
- 21 2. Apple’s opposition to Affinity’s motion and case dispositive motion shall be
22 due by May 24, 2011 (formerly May 10, 2011);
- 23 3. Affinity’s reply and opposition to Apple’s case dispositive motion shall be due
24 by June 2, 2011 (formerly May 17, 2011);
- 25 4. Apple’s reply shall be due by June 9, 2011 (formerly May 24, 2011);
- 26 5. The parties respectfully request that the hearing on dispositive motions and
27 claim construction occur on June 23, 2011 (formerly June 9, 2011);
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Dated: April 20, 2011

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By: /s/ Darin J. Glasser
Darin J. Glasser

Attorneys for Defendant and Counterclaim-
Plaintiff APPLE INC.

Dated: April 20, 2011

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

Attorneys for Plaintiff and Counterclaim-
Defendant 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 Matt Gaudet.

Dated: April 20, 2011

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By: /s/ Darin J. Glasser
Darin J. Glasser

Attorneys for Defendant and Counterclaim-
Plaintiff APPLE INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED. Case management conference is also continued to the new hearing date.

Dated: 4/21/2011



Honorable Claudia Wilken
United States District Judge