

1 Richard L. Seabolt, Esq. (SBN 67469)  
 rlseabolt@duanemorris.com  
 2 DUANE MORRIS LLP  
 Spear Tower  
 3 One Market Plaza, Suite 2200  
 San Francisco, CA 94105-1127  
 4 Telephone: 415.957.3000  
 Facsimile: 415.957.3001

5 Attorneys for Plaintiff,  
 6 AFFINITY LABS OF TEXAS, LLC

7 GEORGE A. RILEY (S.B. #118304)  
 griley@omm.com  
 8 O'MELVENY & MYERS LLP  
 Two Embarcadero Center, 28th Floor  
 9 San Francisco, California 94111-3823  
 Telephone: 415.984.8700  
 10 Facsimile: 415.984.8701

11 Attorneys for Defendant and Counterclaim-Plaintiff  
 APPLE INC.

12  
 13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

15 AFFINITY LABS OF TEXAS, LLC., a  
 16 Texas Limited Liability Company,  
 17 Plaintiff and  
 Counterclaim-Defendant,

18 v.

19 APPLE INC., a California Corporation,  
 20 Defendant and  
 21 Counterclaim-Plaintiff.

CASE NO. CV 09-4436-CW  
**CIVIL LOCAL RULE 6-2(a)**  
**STIPULATION AND ~~PROPOSED~~**  
**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, Affinity served Patent Local Rule 3-1 Infringement Contentions on May 10,  
5 2010, pursuant to the deadlines dictated by the Joint Rule 26(f) report (Docket No. 54) and the  
6 Minute Order and Case Management Order (Docket No. 64).

7 WHEREAS, Affinity indicated to Apple that it would seek leave from the Court (pursuant  
8 to Patent Local Rule 3-6) to serve amended Patent Local Rule 3-1 Infringement Contentions,  
9 asserting two additional claims of U.S. Patent No. 7,187,947, and Apple agreed not to oppose  
10 Affinity’s efforts to amend its Infringement Contentions;

11 WHEREAS, pursuant to the Joint Rule 26(f) report (Docket No. 54) and the Minute Order  
12 and Case Management Order (Docket No. 64), Apple is required to serve by June 24, 2010, its  
13 Patent Local Rule 3-3 Invalidity Contentions and its Patent Local Rule 3-4 Document Production  
14 Accompanying the Invalidity Contentions;

15 WHEREAS, Apple indicated to Affinity that although Apple is working diligently to meet  
16 the current deadlines, Apple needs additional time to complete its Patent Local Rule 3-3  
17 Invalidity Contentions and its Patent Local Rule 3-4 Document Production Accompanying the  
18 Invalidity Contentions;

19 WHEREAS, Affinity and Apple wish to modify the current schedule to allow Apple  
20 additional time to complete its Patent Local Rule 3-3 Invalidity Contentions and its Patent Local  
21 Rule 3-4 Document Production Accompanying the Invalidity Contentions;

22 WHEREAS, the parties have not previously sought any time modifications related to the  
23 foregoing contentions;

24 WHEREAS, the parties’ proposed modification will not impact the trial date or any other  
25 dates in this action;

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

1 Apple shall serve its Patent Local Rule 3-3 Invalidity Contentions and its Patent Local  
2 Rule 3-4 Document Production Accompanying the Invalidity Contentions on or before July 19,  
3 2010; and

4 Affinity shall be permitted to amend its Patent Local Rule 3-1 Infringement Contentions  
5 to add dependent claims 11 and 12 of U.S. Patent No. 7,187,947.

6 Dated: June 21, 2010

7 GEORGE A. RILEY  
8 RYAN K. YAGURA  
9 DARIN J. GLASSER  
10 NICHOLAS J. WHILT

O'MELVENY & MYERS LLP

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

13 Attorneys for Defendant and Counterclaim-  
14 Plaintiff APPLE INC.

15 Dated: June 21, 2010

16 RICHARD L. SEABOLT  
17 L. NORWOOD JAMESON  
18 MATTHEW C. GAUDET

DUANE MORRIS LLP

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

21 Attorneys for Plaintiff and Counterclaim-  
22 Defendant AFFINITY LABS OF TEXAS,  
23 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 Richard L. Seabolt.

Dated: June 21, 2010

GEORGE A. RILEY  
RYAN K. YAGURA  
DARIN J. GLASSER  
NICHOLAS J. WHILT  
  
O'MELVENY & MYERS LLP

By: /s/ Darin J. Glasser  
Darin J. Glasser  
  
Attorneys for Defendant and Counterclaim-  
Plaintiff APPLE INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: 6/22/2010

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