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14 Attorneys for Defendant and Counterclaim-Plaintiff
Apple Inc.

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

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

20 Plaintiff and
Counterclaim-Defendant,

21 v.

22 APPLE INC., a California Corporation,

23 Defendant and
24 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 its Patent L.R. 3-1 Infringement Contentions on May 10,
5 2010, pursuant to the deadline 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 served its First Amended Infringement Contentions on June 17,
8 2010, pursuant to the Civil Local Rule 6-2(a) Stipulation and Order (Docket No. 69);

9 WHEREAS, Apple served its Patent L.R. 3-3 Invalidity Contentions on July 19, 2010,
10 pursuant to the Civil Local Rule 6-2(a) Stipulation and Order (Docket No. 69);

11 WHEREAS, the parties seek leave pursuant to Patent L.R. 3-6 to amend their respective
12 contentions;

13 WHEREAS, Apple agrees not to oppose Affinity seeking leave to serve its Second
14 Amended Infringement Contentions adding additional products and clarifying its allegations, and
15 Affinity agrees not to oppose Apple seeking leave to file amended invalidity contentions by a date
16 that will allow Apple to consider Affinity’s Second Amended Infringement Contentions and
17 prepare its amended contentions;

18 WHEREAS, pursuant to the Joint Rule 26(f) report (Docket No. 54) and the Minute Order
19 and Case Management Order (Docket No. 64), Affinity and Apple are required to serve their
20 Patent L.R. 4-2 Preliminary Claim Constructions and Extrinsic Evidence by December 9, 2010;

21 WHEREAS, Affinity and Apple are working diligently to meet the current deadline, but
22 need additional time to complete their Patent L.R. 4-2 Preliminary Claim Constructions and
23 Extrinsic Evidence;

24 WHEREAS, the parties wish to modify the current schedule to allow the parties to have
25 additional time to complete their Patent L.R. 4-2 Preliminary Claim Constructions and Extrinsic
26 Evidence;

27 WHEREAS, the other time modifications in this case include a Stipulation and Order
28 extending the deadline for the parties to have an ADR Session from June 23, 2010 to August 12,

1 2010 (Docket No. 68), and a Stipulation and Order extending the deadline for Apple to serve
2 Patent L.R. 3-4 Invalidation Contentions from June 24, 2010 to July 19, 2010 (Docket No. 69);

3 WHEREAS, the parties' proposed modifications will not impact the trial date or any other
4 dates in this action;

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

- 8 1. Affinity's Second Amended Infringement Contentions provided to Apple on
9 December 2, 2010 are deemed served;
- 10 2. Apple shall serve amended Patent L.R. 3-3 Invalidation Contentions on or before
11 December 24, 2010; and
- 12 3. The deadline for the parties to exchange Patent L.R. 4-2 Preliminary Claim
13 Constructions and Extrinsic Evidence shall be extended to December 13, 2010.

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Dated: December 9, 2010

GEORGE A. RILEY
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By: /s/ Nicholas J. Whilt
Nicholas J. Whilt

Attorneys for Defendant and Counterclaim-
Plaintiff APPLE INC.

Dated: December 9, 2010

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

Attorneys for Plaintiff and Counterclaim-
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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 Matthew C. Gaudet.

Dated: December 9, 2010

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By: /s/ Nicholas J. Whilt
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Attorneys for Defendant and Counterclaim-
Plaintiff APPLE INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: 12/13/2010



Honorable Claudia Wilken
United States District Judge