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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 Joint Rule 26(f) report (Docket No. 54) and the Minute Order
4 and Case Management Order (Docket No. 64), the parties’ Joint Claim Construction and
5 Prehearing Statement pursuant to Patent L.R. 4-3 is due January 13, 2011, the close of fact
6 discovery is scheduled for February 1, 2011, designation of expert witnesses and exchange of
7 initial expert reports is scheduled for February 15, 2011, designation of rebuttal expert witnesses
8 and exchange of rebuttal expert reports is scheduled for March 15, 2011, and the completion of
9 expert discovery is scheduled for April 12, 2011;

10 WHEREAS, the parties need additional time to complete their discovery obligations,
11 expert reports, and expert discovery;

12 WHEREAS, the parties seek to set a date by which the parties shall work in good faith to
13 complete their respective document productions;

14 WHEREAS, the parties seek to set a date by which the parties shall work in good faith to
15 complete fact witness depositions;

16 WHEREAS, the parties seek to extend the deadline to file the Joint Claim Construction
17 and Prehearing Statement pursuant to Patent L.R. 4-3;

18 WHEREAS, the parties wish to modify the current schedule to allow the parties to have
19 additional time to complete their discovery obligations, expert reports, and expert discovery;

20 WHEREAS, Affinity served its Second Amended Infringement Contentions on December
21 9, 2010, and Apple wishes to extend the current deadline to serve its Amended Invalidity
22 Contentions;

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

25 NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN THE
26 PARTIES HERETO, THROUGH THEIR RESPECTIVE COUNSEL AND SUBJECT TO THE
27 APPROVAL OF THE COURT, AS FOLLOWS:
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1. Apple shall serve amended Patent L.R. 3-3 Invalidity Contentions on or before January 5, 2011;
2. The parties shall work in good faith to complete their respective document productions on or before January 24, 2011;
3. The deadline for the parties to file the Joint Claim Construction and Prehearing Statement pursuant to Patent L.R. 4-3 shall be extended from January 13, 2011 to January 27, 2011;
4. The parties shall work in good faith to complete fact witness depositions on or before March 1, 2011;
5. The close of fact discovery shall be extended from February 1, 2011 to March 11, 2011;
6. The deadline for designation of expert witnesses and exchange of initial expert reports shall be extended from February 15, 2011 to March 15, 2011;
7. The deadline for designation of rebuttal experts and exchange of rebuttal expert reports shall be extended from March 15, 2011 to April 5, 2011;
8. The close of expert discovery shall be extended from April 12, 2011 to April 19, 2011.

Dated: December 21, 2010

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: December 21, 2010

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

Dated: December 21, 2010

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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: 12/23/2010



Honorable Claudia Wilken
United States District Judge

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