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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

CIVIL LOCAL RULE 6-2(a)
STIPULATION AND 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, pursuant to Civil Local Rule 6-2(a) Stipulation and Order (entered by the
5 Court December 23, 2010 at Dkt. No. 82), the deadline for the parties to file the Joint Claim
6 Construction and Prehearing Statement pursuant to Patent L.R. 4-3 is currently January 27, 2011;

7 WHEREAS, Affinity and Apple are working diligently to meet the current deadline, but
8 need additional time to complete their submission;

9 WHEREAS, the parties wish to modify the current schedule to allow the parties to have
10 additional time to complete their Patent L.R. 4-3 Joint Claim Construction and Prehearing
11 Statement;

12 WHEREAS, the other time modifications in this case include a Stipulation and Order
13 extending the deadline for the parties to have an ADR Session from June 23, 2010 to August 12,
14 2010 (Dkt. No. 68); a Stipulation and Order extending the deadline for Apple to serve Patent L.R.
15 3-4 Invalidity Contentions from June 24, 2010 to July 19, 2010 (Dkt. No. 69); and a Stipulation
16 and Order (1) extending the deadline for the parties to file the Joint Claim Construction and
17 Prehearing Statement from January 13, 2011, to January 27, 2011; (2) extending the deadline for
18 the parties to complete fact discovery from February 1, 2011, to March 11, 2011; (3) extending
19 the deadline for designation of expert witnesses and exchange of initial expert reports from
20 February 15, 2011, to March 15, 2011; (4) extending the deadline for designation of rebuttal
21 experts witnesses and exchange of rebuttal expert reports from March 15, 2011, to April 5, 2011;
22 and (5) extending the close of expert discovery from April 12, 2011, to April 19, 2011 (Dkt. No.
23 82);

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:

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1. 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 27, 2011, to February 24, 2011.

Dated: January 26, 2011

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.

Dated: January 26, 2011

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DUANE MORRIS LLP

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 Matthew C. Gaudet.

Dated: January 26, 2011

GEORGE A. RILEY
DARIN W. SNYDER
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: 2/3/2011



Honorable Claudia Wilken
United States District Judge