

KAYE SCHOLER LLP

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Attorneys for Plaintiff and Counter-Defendant
QINETIQ LIMITED

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

QINETIQ LIMITED,) Case No. 4:10-cv-00080-SBA (EMC)
)
Plaintiff,)
)
v.) **STIPULATION AND [PROPOSED]**
) **ORDER FOR LEAVE TO AMEND**
) **INFRINGEMENT CONTENTIONS**
)
OCLARO INC.,)
)
Defendant.)
)
)
_____)
)
AND RELATED COUNTERCLAIMS)
)
_____)

1 Plaintiff QinetiQ Limited (“QinetiQ”) and Defendant Oclaro Inc. (“Oclaro”), by and
2 through their respective counsel, hereby stipulate as follows:

3 **WHEREAS**, on June 28, 2010, QinetiQ filed its Motion for Leave to Amend
4 Infringement Contentions (the “Motion”);

5 **WHEREAS**, the Motion seeks the Court’s adjudication of the parties’ disputes
6 concerning the following issues relating to QinetiQ’s Infringement Contentions:

7 Issue No. 1: Whether QinetiQ was required to disclose in its Infringement
8 Contentions the claim limitations in the patents-in-suit that it contends are governed by 35
9 U.S.C. § 112(6).

10 Issue No. 2: Whether QinetiQ properly reserved in its Infringement Contentions
11 its right to assert infringement under the doctrine of equivalents.

12 Issue No. 3: Whether QinetiQ was required to disclose dates of conception and
13 reduction to practice in its Infringement Contentions.

14 Issue No. 4: To the extent that the Court finds any deficiencies in QinetiQ’s
15 Infringement Contentions relating to (1), (2) or (3) above, whether QinetiQ should be
16 granted leave to amend its Infringement Contentions to address them.

17 Issue No. 5: Whether QinetiQ should be granted leave to amend its infringement
18 contentions to include disclosure of certain experimental apparatus and prototypes used to
19 reduce to practice the inventions claimed in the patents-in-suit.

20 **WHEREAS**, The parties have reached a mutually agreeable resolution of Issue Nos. 1
21 through 4 that moots those Issues and obviates the need for Court intervention regarding Issue
22 Nos. 1 through 4;

23 **WHEREAS**, via a letter dated July 21, 2010, QinetiQ provided Oclaro with QinetiQ’s
24 proposed amendment with respect to Issue No. 5 (the “Proposed Amendment”);

25 **WHEREAS**, Oclaro does not oppose QinetiQ’s amendment of its Infringement
26 Contentions to reflect the Proposed Amendment;

1 **THEREFORE**, the parties hereby stipulate to QinetiQ’s amendment of its Infringement
 2 Contentions to change its Patent Local Rule 3-1(g) contention to the following:

3 “QinetiQ reserves the right to rely on the assertion that the following apparatus, product,
 4 device, process, method, act or other instrumentality incorporates or reflects the identified claim:

Apparatus, Product, Device, Process, Method, Act or Other Instrumentality	Claims
Apparatus, products, devices, processes, methods and activities identified and described at QPROD0001429-33, QPROD001439-40, QPROD0001459-1522 and QPROD0002076-2082	’625 Patent, Claim 1
Apparatus, products, devices, processes, methods and activities identified and described at QPROD0001611-25 and QPROD0001459-1522	’625 Patent, Claims 4, 5, and 7
Apparatus, products, devices, processes, methods and activities identified and described at QPROD0001434-38, QPROD0001459-1522, QPROD0001633-40, and QPROD0002082-84	’698 Patent, Claims 1, 2, 3, 4, 11, 21, 22, 23, 24, 25, 26, and 27
Apparatus, products, devices, processes, methods and activities identified and described at QPROD0001434-38, QPROD0001459-1522 and QPROD0001633-40	’698 Patent, Claims 16 and 17
Apparatus, products, devices, processes, methods and activities identified and described at QPROD0001434-38, QPROD0001459-1522 and QPROD0001633-40	’698 Patent, Claims 5, 6 and 9
Apparatus, products, devices, processes, methods and activities identified and described at QPROD0001434-38, QPROD0001459-1522, QPROD0001633-40 and QPROD0001913-18	’354 Patent, claims 1, 2, 3, 5, 6 and 7

22 **IT IS HEREBY STIPULATED.**

24 Dated: August 18, 2010

KAYE SCHOLER LLP

26 By: /s/ Taryn Lam
 27 Taryn Lam

28 Attorneys for Plaintiff and Counter-Defendant
 QINETIQ LIMITED

1 Dated: August 18, 2010

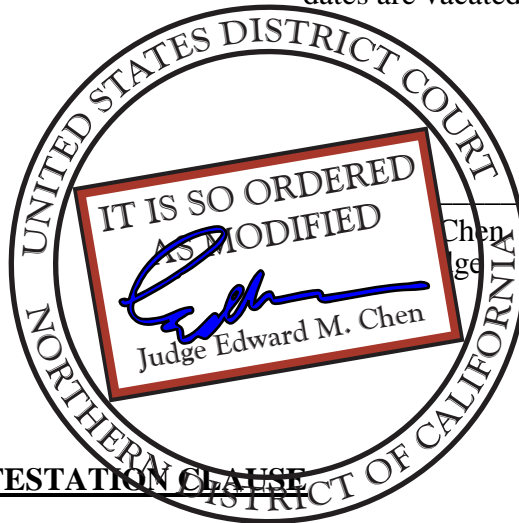
COOLEY LLP

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3 By: /s/ Orion Armon
4 Orion Armon (pro hac vice)

5 Attorneys for Defendant and Counterclaimant
6 OCLARO INC.

7 **PURSUANT TO STIPULATION IT IS SO ORDERED:** The 9/8/10 and 9/29/10 hearing
8 dates are vacated.

9 Dated: 8/19/10



15 ATTESTATION CLAUSE

16 I, Taryn Lam, hereby attest in accordance with General Order No. 45.X(B) that Orion
17 Armon, counsel for Defendant and Counterclaimant Oclaro Inc., has provided his concurrence
18 with the electronic filing of the foregoing document entitled STIPULATION AND [PROPOSED]
19 ORDER FOR LEAVE TO AMEND INFRINGEMENT CONTENTIONS.

20 Dated: August 18, 2010

21 By: /s/ Taryn Lam
22 Taryn Lam