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SPENCER HOSIE (CA Bar No. 101777)
shosie@hosielaw.com
BRUCE WECKER (CA Bar No. 078530)
bwecker@hosielaw.com
GEORGE F. BISHOP (CA Bar No. 89205)
gbishop@hosielaw.com
DIANE S. RICE (CA Bar No. 118303)
drice@hosielaw.com
HOSIE RICE LLP
188 The Embarcadero, Suite 750
San Francisco, CA 94105
(415) 247-6000 Tel.
(415) 247-6001 Fax

Attorneys for Plaintiff
BACKWEB TECHNOLOGIES, LTD.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BACKWEB TECHNOLOGIES, LTD.,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant.

PJH

Case No. C 10-4310 VRW

**STIPULATION AND [PROPOSED]
ORDER FOR LEAVE TO FILE FIRST
AMENDED COMPLAINT**

1 Plaintiff BackWeb Technologies, Ltd. (“Plaintiff”) and defendant International
2 Business Machines Corporation (“Defendant”), hereby stipulate through their respective
3 counsel of record as follows:

4
5 WHEREAS, on or about September 23, 2010, Plaintiff served its Original Complaint
6 upon Defendant;

7 WHEREAS, Plaintiff’s Complaint alleges counts for patent infringement, including
8 direct infringement, induced infringement, contributory infringement and willful
9 infringement;

10 WHEREAS, Plaintiff has drafted its First Amended Complaint to allege certain facts
11 in more detail; and

12 WHEREAS, no trial date has yet been set in this action;

13
14 WHEREFORE IT IS HEREBY STIPULATED BY THE PARTIES HERETO that
15 Plaintiff may have leave to file its First Amended Complaint, attached hereto as Exhibit 1.
16 Plaintiff and Defendant, through their respective counsel of record, have agreed to this filing.

17 DATED: December 2, 2010

18 HOSIE RICE LLP

19
20 By: /s/ George Bishop
21 George Bishop
22 Attorneys for Plaintiff
BackWeb Technologies, Ltd.

23 QUINN EMANUEL URQUHART &
24 SULLIVAN, LLP

25 By: /s/ Jennifer A. Kash
26 Jennifer A. Kash
27 Attorneys for Defendant
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PURSUANT TO STIPULATION IT IS ORDERED THAT

Leave to file Plaintiff's First Amended Complaint is GRANTED.

January 11, 2011

Dated: ~~December~~ __, 2010

