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 INTERNATIONAL BUSINESS MACHINES

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

21 BACKWEB TECHNOLOGIES, LTD.,

22 Plaintiff,

23 vs.

25 HEWLETT-PACKARD COMPANY,

26 Defendant.

CASE NO. C 10-4311 PJH  
 CASE NO. C 10-4310 PJH

JOINT STIPULATION AND ~~[PROPOSED]~~  
 ORDER REGARDING PROPOSED  
 REVISED CONSTRUCTIONS

PATENT CASE

1 BACKWEB TECHNOLOGIES, LTD.,  
2 Plaintiff,  
3 vs.  
4 INTERNATIONAL BUSINESS MACHINES  
5 CORPORATION,  
6 Defendant.

7  
8 WHEREAS at the September 28, 2011 Markman hearing, Honorable Phyllis J. Hamilton  
9 ordered that Defendants Hewlett-Packard Company (“HP”) and International Business Machines  
10 Corp. (“IBM”) and Plaintiff BackWeb Technologies, Ltd. (“BackWeb”) (collectively “the  
11 Parties”) meet and confer in order to determine whether any compromises regarding the Parties’  
12 proposed claim constructions could be made;

13 WHEREAS Honorable Phyllis J. Hamilton ordered that the Parties submit a letter detailing  
14 any compromises reached by the Parties by Wednesday October 5, 2011;

15 WHEREAS the Parties are currently in the process of meeting and conferring regarding  
16 whether any compromises can be made in order to conserve judicial resources;

17 WHEREAS the Parties believe that they will need until Friday October 14, 2011 to  
18 complete the meet and confer process in a meaningful manner;

19 NOW THEREFORE the parties hereby request the Court extend the deadline for  
20 submitting the Parties’ statement on any claim construction compromises until Friday October 14,  
21 2011.

22 Dated: October 4, 2011

FISH & RICHARDSON P.C.

23  
24 By: /s/ Robert J. Kent  
Robert J. Kent

25 Attorneys for Defendant  
26 HEWLETT-PACKARD COMPANY

27 ///

28 ///

///

1 Dated: October 4, 2011

HOSIE RICE LLP

2  
3 By: /s/ William P. Nelson Chen (by Robert J. Kent with permission)  
4 William P. Nelson

5 Attorneys for Plaintiff  
6 BACKWEB TECHNOLOGIES, LTD.

7 Dated: October 4, 2011

QUINN EMANUEL URQUHART & SULLIVAN LLP

8  
9 By: /s/ Howard Y. Chen (by Robert J. Kent with permission)  
10 Howard Y. Chen

11 Attorneys for Defendant  
12 INTERNATIONAL BUSINESS MACHINES CORPORATION

13  
14 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

15 Pursuant to General Order No. 45 section X-B regarding signatures, I attest under penalty  
16 of perjury that the concurrence in the filing of this document has been obtained from its  
17 signatories.

18  
19 Dated: October 4, 2011

FISH & RICHARDSON P.C.

20  
21 By: /s/ Robert J. Kent  
Robert J. Kent

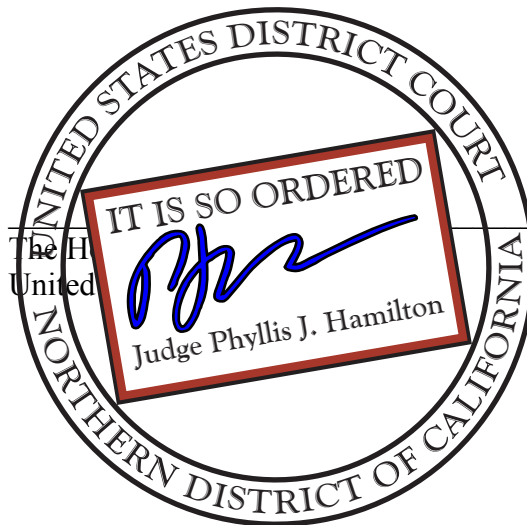
22 Attorneys for Defendant  
23 HEWLETT-PACKARD COMPANY

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**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: October 5, 2011



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