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10 ADOBE SYSTEMS INCORPORATED

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 19 WOWZA MEDIA SYSTEMS, INC.

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 OAKLAND DIVISION

20 ADOBE SYSTEMS INCORPORATED, a
 21 Delaware Corporation,

22 Plaintiff,

23 v.

24 WOWZA MEDIA SYSTEMS, INC., a
 25 California Corporation,

26 Defendant.

ACTION NO. cv 11-02243

**STIPULATION AND [PROPOSED] ORDER
 TO ALLOW FILING OF SECOND
 AMENDED COMPLAINT**

Honorable Claudia Wilken

1 **WHEREAS** Plaintiff Adobe Systems Incorporated (“Adobe”) initiated this action for
2 patent infringement against Defendant Wowza Media Systems, Inc. (“Wowza,” and together
3 with Adobe, the “Parties”) on May 6, 2011;

4 **WHEREAS** Adobe filed a First Amended Complaint on June 20, 2011;

5 **WHEREAS** on November 1, 2011, the U.S. Patent and Trademark Office (“PTO”)
6 issued Patent No. 8,051,287 (“the ‘287 Patent”), and on November 22, 2011, the PTO issued
7 Patent No. 8,065,426 (“the ‘426 Patent”);

8 **WHEREAS** Adobe desires to amend its claims against Wowza to allege infringement of
9 the ‘287 Patent and the ‘426 Patent, both assigned to Adobe;

10 **WHEREAS** the Parties wish to modify dates for exchanging information under the
11 Northern District of California Patent Local Rules (“PLR”) but do not wish to change any
12 deadlines in the Court’s October 11, 2011 Minute Order and Case Management Order;

13 **IT IS HEREBY STIPULATED** by and between the Parties through their respective
14 attorneys of record pursuant to Federal Rule of Civil Procedure 15(a)(2) as follows:

- 15 1. Adobe may file a Second Amended Complaint, a copy of which is attached hereto
16 as Exhibit A;
- 17 2. Wowza shall be permitted to file an Answer to the Second Amended Complaint
18 within 10 days of Court approval of this Stipulation;
- 19 3. The deadlines under the PLR shall be as follows:
 - 20 a. Within 14 days of Court approval of this Stipulation, Adobe shall
21 supplement its PLR 3-1 Infringement Contentions (and related documents
22 under PLR 3-2), including Infringement Contentions relating to the newly
23 issued ‘287 Patent and ‘426 Patent;
 - 24 b. All other PLR deadlines for exchanging information between the Parties,
25 including the PLR 3-3 Invalidity Contentions (and related PLR 3-4
26 document production) and deadlines relating to Claim Construction
27 Proceedings under PLR 4-1 through PLR 4-7, shall be stayed pending the

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Court's approval or denial of this Stipulation, and modified according to the date Adobe supplements its PLR 3-1 Infringement Contentions.

4. All deadlines in the Court's October 11, 2011 Minute Order and Case Management Order shall remain in effect.

Dated: November 30, 2011

LATHAM & WATKINS LLP

Robert Steinberg
Jennifer Barry
Ryan Hatch

By /s/ Robert Steinberg _____
Robert Steinberg
Attorney for Plaintiff
Adobe Systems Incorporated

Dated: November 30, 2011

FLIESLER MEYER LLP


Martin C. Fliesler
Joseph P. O'Malley

By /s/ Martin C. Fliesler _____
Martin C. Fliesler
Attorney for Defendant
Wowza Media Systems, Inc.

PROPOSED ORDER APPROVING STIPULATION

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 12/2/2011



Honorable Claudia Wilken
United States District Judge

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ATTESTATION CLAUSE

I, Robert Steinberg, hereby attest in accordance with General Order No. 45.X(B) that Martin C. Fliesler, counsel for Defendant, Wowza Media Systems, Inc., has provided his concurrence with the electronic filing of the foregoing document entitled **STIPULATION AND [PROPOSED] ORDER TO ALLOW FILING OF SECOND AMENDED COMPLAINT**

Dated: November 30, 2011

By /s/ Robert Steinberg