

1 Frank E. Scherkenbach
 (CA Bar No. 142549/scherkenbach@fr.com)
 2 FISH & RICHARDSON P.C.
 3 One Marine Park Drive
 Boston, MA 02210
 4 Telephone: (617) 542-5070
 Facsimile: (617) 542-8906

5
 6 Jason W. Wolff
 (CA Bar No. 215819/wolff@fr.com)
 7 Olga I. May
 (CA Bar No. 232012/omay@fr.com)
 8 FISH & RICHARDSON P.C.
 12390 El Camino Real
 9 San Diego, CA 92130
 Telephone: (858) 678-5070
 10 Facsimile: (858) 678-5099

11 Enrique D. Duarte
 12 (CA Bar No. 247523/duarte@fr.com)
 FISH & RICHARDSON P.C.
 13 500 Arguello Street, Suite 500
 14 Redwood City, CA 94063
 Telephone: (650) 839-5070
 15 Facsimile: (650) 839-5071
 Attorneys for Plaintiff
 16 ADOBE SYSTEMS INCORPORATED

Robert D. Becker
 (Bar No. 160648/rbecker@manatt.com)
 Ronald S. Katz
 (Bar No. 85713/rkatz@manatt.com)
 Shawn G. Hansen
 (Bar No. 197033/shansen@manatt.com)
 MANATT, PHELPS & PHILLIPS, LLP
 1841 Page Mill Road, Suite 200
 Palo Alto, California 94304
 Telephone: (650) 812-1300
 Facsimile: (650) 213-0260

Attorneys for Defendant-Counterclaimant
 KELORA SYSTEMS, LLC

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

20 ADOBE SYSTEMS INCORPORATED, a
 Delaware Corporation,
 21
 22 Plaintiff-Counterdefendant,
 23 v.
 24 KELORA SYSTEMS, LLC, a Delaware Limited
 Liability Company,
 25
 26 Defendant-Counterclaimant.

Case No. 11-cv-03938-CW
**STIPULATION REGARDING
 ADMINISTRATIVE CLOSURE OF CASE;
 PROPOSED ORDER**

27 AND RELATED COUNTERCLAIM.

1 In accordance with Civil L.R. 7-12, Adobe Systems Inc. and Kelora Systems, LLC
2 (collectively “the parties”) hereby stipulate, through their respective counsel, to administrative
3 closure of this case, so as to stay matters, pending Kelora’s filing of any appeal(s) in the related
4 cases and/or resolution of such appeal(s).

5 The related cases, also assigned to this Court, are:

- 6 a. *eBay Inc. and Microsoft Corp. v. PartsRiver, Inc.*, No. 4:10-cv-4947-CW (filed Nov.
7 2, 2010);
- 8 b. *Kelora Systems, LLC v. Target Corporation et al.*, No. 5:11-cv-1548-CW (filed Nov.
9 8, 2010); and
- 10 c. *Cabela’s Inc. v. Kelora Systems, LLC*, No. 3:11-cv-1398-CW (filed Mar. 23, 2011).

11 On May 21, 2012, in each of the related cases, this Court issued an Order on Claim
12 Construction and Granting Motion for Summary Judgment, finding Kelora’s U.S. Patent No.
13 6,275,821 (“the ’821 patent”) invalid. [See, e.g., Case No. 10-4947, Dkt. No. 153.] Kelora is
14 considering whether to appeal the decision. Because the instant case was brought for declaratory
15 judgment of noninfringement and invalidity of the same ’821 patent, the outcome of the appeal(s)
16 could affect the resolution of the claims in this case.

17 The parties hereby withdraw all currently outstanding discovery requests, including those
18 served on parties and third parties.

19 There are no pending motions.

20 Finally, the parties agree to file a status report with the Court within 14 days of final
21 disposition (e.g. docketing of the mandate of the Federal Circuit Court of Appeals in the District
22 Court) on Kelora’s appeal(s) in the related cases or within 14 days after the deadline for filing an
23 appeal in the related cases if Kelora does not file any appeal(s).

1 DATED: June 12, 2012

DATED: June 12, 2012

2 By: /s/ Robert D. Becker

By: /s/ Olga I. May

3 Robert D. Becker (Bar #160648)
4 rbecker@manatt.com
5 Ronald S. Katz (Bar #85713)
6 rkatz@manatt.com
7 Shawn G. Hansen (Bar #197033)
8 shansen@manatt.com
9 MANATT, PHELPS & PHILLIPS, LLP
10 1841 Page Mill Road, Suite 200
11 Palo Alto, California 94304
12 Telephone: (650) 812-1300
13 Facsimile: (650) 213-0260

*Attorneys for Defendant-Counterclaimant
Kelora Systems, LLC*

Frank E. Scherkenbach (CA Bar #142549)
scherkenbach@fr.com
FISH & RICHARDSON P.C.
One Marine Park Drive
Boston, MA 02210
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Jason W. Wolff (CA Bar #215819)
wolff@fr.com
Olga I. May (CA Bar #232012)
omay@fr.com
FISH & RICHARDSON P.C.
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

Enrique Duarte (CA Bar #247523)
duarte@fr.com
FISH & RICHARDSON P.C.
500 Arguello Street, Suite 500
Redwood City, CA 94063
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

*Attorneys for Plaintiff-Counterdefendant
Adobe Systems Incorporated*

19 **SIGNATURE ATTESTATION**

20 Pursuant to General Order No. 45(X)(B), I hereby certify that concurrence in the filing of this
21 document has been obtained from each of the other signatories shown above.

22
23 /s/ Olga I. May

1 **PROPOSED ORDER**

2 Having reviewed the parties' Stipulation regarding Administrative Closure of Case, the Court
3 approves the stipulation and **ADMINISTRATIVELY CLOSES** the instant case in its entirety, so as
4 to stay matters, pending the filing of any Kelora's appeal(s) of this Court's May 21, 2012 Order on
5 Claim Construction and Granting Motion for Summary Judgment (as amended on June 5, 2012) in
6 the related cases and resolution of such appeal(s). The Court further orders as follows:

- 7 1. All dates are vacated.
- 8 2. All currently outstanding discovery requests, including those served on parties and
9 third parties, are withdrawn.
- 10 3. The parties shall file a status report with the Court within 14 days of final disposition
11 (e.g. docketing of the mandate of the Federal Circuit Court of Appeals in the District Court) on
12 Kelora's appeal(s) in the related cases or within 14 days after the deadline for filing an appeal in the
13 related cases if Kelora does not file any appeal(s).
- 14 4. The Clerk shall administratively close this case pending resolution of Kelora's appeal
15 or the filing of the parties' report if Kelora does not appeal.
- 16 5. Nothing contained in this Order shall be considered a final dismissal or disposition of
17 this action.

18 **IT IS SO ORDERED.**

19
20 Dated: 6/21/2012

21 
22 CLAUDIA WILKEN
23 United States District Judge
24
25
26
27
28