

1 ARCHIE S. ROBINSON [SBN. 34789]
asr@robinsonwood.com
 2 JESSE F. RUIZ [SBN. 77984]
jfr@robinsonwood.com
 3 GABRIEL G. GREGG [SBN 187333]
ggg@robinsonwood.com
 4 ROBINSON & WOOD, INC.
 227 N 1st Street
 5 San Jose, California 95113
 Telephone: (408) 298-7120
 6 Facsimile: (408) 298-0477
 7 Attorneys for Defendant and Counterclaimant
 PURPLE LEAF, LLC, and Defendants PURPLE
 8 LEAF LLC and RANI YADAV-RANJAN

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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

SAP AMERICA, INC.,
 Plaintiff,
 vs.
 PURPLE LEAF, LLC, a Delaware
 corporation, PURPLE LEAF, LLC, a Texas
 corporation, and RANI YADAV-RANJAN, an
 individual,
 Defendants.

Case No. 4:11-CV-04601-PJH
**STIPULATION RE EXTENSION OF
 CERTAIN FILING DATES TO PERMIT
 FINALIZATION OF SETTLEMENT**
 Dept.: Courtroom 3 – 3rd Floor
 Judge: Hon. Phyllis J. Hamilton

PURPLE LEAF, LLC, a Delaware
 corporation,
 Counterclaimant,
 vs.
 SAP AMERICA, INC.,
 Counterdefendant.

ROBINSON & WOOD, INC.
 ATTORNEYS AT LAW

1 Pursuant to Civil Local Rule 6-2, the parties respectfully submit this Stipulation re
2 Extension of Certain Filing Dates To Permit Finalization of Settlement ("Stipulation"). As set
3 forth in the accompanying Declaration of Archie S. Robinson, the parties reached terms of
4 settlement of this action during mediation before Hon. Edward A. Infante on Tuesday, July 10,
5 2012. The parties are currently engaged in finalizing the formal settlement agreement and related
6 documents. On this basis, the parties wish to request and confirm certain extensions of time on
7 certain upcoming filing dates in order to permit them to complete the finalization of the settlement,
8 including the agreed dismissal of this action.

9 The mutually-agreeable new-filing dates for the following court filings will provide the
10 parties with the time to focus on finalization of their settlement without the complication and
11 imposition of other immediate substantive filing obligations in this action. In the event that the
12 parties' settlement is not able to be finalized for some reason, the proposed time extensions will
13 not substantively impact the Court or the parties for the reasons set forth below.

14 This Stipulation follows the parties' Stipulation Re Continuation of Certain Dates which
15 was approved and ordered by this Court on July 10, 2012 (Doc. 76).

16 1. **Purple Leaf's Answer or Other Response.** On June 20, 2012, SAP America, Inc.
17 ("SAP") filed its First Amended Answer and Counterclaim (Doc. 74). In substantive part, SAP's
18 First Amended Answer sets forth new detailed allegations supporting SAP's "unclean hands"
19 affirmative defense (Defense 10). Purple Leaf LLC ("Purple Leaf") has informed SAP of its likely
20 intent to bring a FRCP Rule 12 motion to strike against this defense if necessary. For the reasons
21 set forth above, the parties have agreed to continue the due date for Purple Leaf's answer or other
22 response to SAP's First Amended Answer and Counterclaim from July 27, 2012 to August 15,
23 2012.

24 2. **Joint Claim Construction & Prehearing Statement and Related Claim**
25 **Construction Briefing Dates.** The current due date for the parties' Patent L.R. 4-3 "Joint Claim
26 Construction & Prehearing Statement" is August 1, 2012; the parties propose that this date be
27 continued two weeks until August 15, 2012.

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1 The parties further propose that the following dates relating to claim construction briefing
2 each be extended by two weeks:

3 <u>Filing Event</u>	<u>Current Filing Date</u>	<u>Proposed New Filing Date</u>
4 Patent L.R. 4-5(a): Claim 5 Construction Opening Briefs	August 24, 2012	<i>September 7, 2012</i>
6 Patent L.R. 4-5(b): Claim 7 Construction Responsive Briefs	September 7, 2012	<i>September 21, 2012</i>
8 Patent L.R. 4-5(c): Claim 9 Construction Reply Briefs	September 14, 2012	<i>September 28, 2012</i>

10 The parties do **not** propose to extend the Courts' scheduled date for the claim construction
11 hearing – October 17, 2012.

12 As brief background, the current due date for the "Joint Claim Construction and Prehearing
13 Statement" is August 1, 2012, which was stipulated and ordered in this Court's order dated July
14 10, 2012 (Doc. 76). The previously proposed date for this "Joint Statement" filing, July 11, 2012,
15 was originally proposed by the parties in their Joint Case Management Conference Statement
16 (Doc. 46) and adopted by the Court in its Civil Minutes following the CMC (Doc. 51). The date
17 was proposed based on a then-proposed date for the Court's Claim Construction Hearing of
18 September 26, 2012. However, in the Court's order (Doc. 51), the Court continued the claim
19 construction hearing date three weeks – to October 17, 2012. This means that none of the
20 extensions requested in this Stipulation (the "Joint Statement" and the claim construction
21 briefings) truncate the typical briefing schedule for claim construction briefing, and specifically do
22 not impact this Court's regular timing for review prior to the claim construction hearing. (Pursuant
23 to this proposed schedule, this Court will still receive the parties' final "reply" papers almost three
24 weeks prior to the claim construction hearing.)

25 In sum, the parties do not believe that the proposed extensions will impact the Court or the
26 parties, and will provide the substantial benefits set forth above.

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ATTESTATION CLAUSE

I, Gabriel G. Gregg, hereby attest in accordance with General Order 45.X that Harrison J. Frahn IV, counsel for SAP America, Inc., provided his concurrence with the electronic filing of the foregoing document entitled **STIPULATION RE EXTENSION OF CERTAIN FILING**

DATES

Dated: July 31, 2012

ROBINSON & WOOD, INC.

By: /s/ Gabriel G. Gregg
ARCHIE S. ROBINSON
JESSE F. RUIZ
GABRIEL G. GREGG
Attorneys for Defendant and
Counterclaimant PURPLE LEAF, LLC, and
Defendants PURPLE LEAF LLC and RANI
YADAV-RANJAN