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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

23 INTERNET PATENTS CORPORATION,
 24 Plaintiff,
 25 v.
 26 EBAGS, INC. and TELLAPART, INC.
 27 Defendants.

Case No. 4:12-CV-03385-SBA
 STIPULATION AND ORDER
 REGARDING AMENDED PROPOSED
 CASE MANAGEMENT SCHEDULE

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Pursuant to Civil Local Rule 6-1(b), this Stipulation is entered into by and among Plaintiff Internet Patents Corporation, f/k/a Insweb Corporation (“Plaintiff” or “IPC”), and Defendants eBags, Inc. (“eBags”) and TellApart, Inc. (“TellApart”) (IPC, eBags, and TellApart will be collectively referred to as “the Parties”), by and through their respective counsel:

WHEREAS, IPC filed this suit for patent infringement against Defendants eBags, Inc. and TellApart, Inc. on June 29, 2012;

WHEREAS, the parties originally filed a Joint Case Management Statement with a Proposed Case Management Schedule on January 31, 2013 [Dkt. No. 35];

WHEREAS, the Case Management Conference was held on February 7, 2013 and per the instructions of the court a revised Case Management Statement with a Proposed Case Management Schedule was emailed to the Court on February 14, 2013;

WHEREAS, a difference of opinion arose between the parties regarding the proposed schedule’s deadlines;

WHEREAS, the parties met and conferred regarding the schedule on April 22, 2013 and in an effort to avoid motions practice and in the spirit of cooperation, the parties agreed to amend the proposed schedule to clear up any ambiguity regarding the remaining deadlines. As a result, the parties agreed to make changes to only two deadlines: (1) the date for service of Defendants' invalidity contentions (from May 23, 2013 to May 14, 2013) and (2) the date the parties would serve lists of proposed terms to be construed (from June 6, 2013 to June 7, 2013).

WHEREAS, the Court has not yet signed the order for the Joint Case Management Statement and Proposed Case Management Schedule; and

WHEREAS, the amendment to the Proposed Case Management Schedule is not done for delay, but so that justice may be done.

1 NOW, THEREFORE, the Parties hereby stipulate and agree, subject to approval by the
 2 Court, as follows:

3 1. The Parties shall substitute the Proposed Case Management Schedule with the
 4 Amended Proposed Case Management Schedule as Appendix A to the Parties' Joint Case
 5 Management report submitted to the Court, a copy of which is attached hereto;

7 2. The Amended Proposed Case Management Schedule will be as follows (with
 8 previous dates shown):

EVENT	PROPOSED DEADLINE
Service of IPC's Infringement Contentions and IPC's Patent L.R. 3-2 Document Production	M, 3/8/13 (29 days after CMC)
Service of Defendants' Invalidity Contentions and Defendants' Patent L.R. 3-4 Document Productions	T, 5/14 23 /13 (67 45 days after 3-2)
Parties Serve Lists of Proposed Terms for Construction Pursuant to Patent L.R. 4-1	F, 6/7 6 /13 (24 30 days after 3-4)
Parties Exchange Preliminary Claim Constructions and Identification of Extrinsic Evidence Pursuant to Patent L.R. 4-2	Th, 6/27/13 (20 21 days after 4-1)
Parties File Joint Claim Construction and Prehearing Statement Pursuant to Patent L.R. 4-3	M, 7/22/13 (69 60 days after 3-4)
Last Day for Claim Construction Discovery Pursuant to Patent L.R. 4-4	W, 8/21/13 (30 days after 4-3)
Plaintiff Files Opening Brief re Proposed Claim Constructions and Supporting Evidence Pursuant to Patent L.R. 4-5(a)	Th, 9/5/13 (45 days after 4-3)
Defendants File Opposition Brief re Proposed Claim Constructions and Supporting Evidence Pursuant to Patent L.R. 4-5(b)	Th, 9/19/13 (14 days after 4-5(a))
Plaintiff Files Reply Brief re Proposed Claim Constructions and Rebuttal Evidence Pursuant to Patent L.R. 4-5(c)	Th, 9/26/13 (7 days after 4-5(b))
Claim Construction Hearing Pursuant to Patent L.R. 4-6 and Case Management Conference Regarding Remaining Scheduling and Trial Setting	Th, 10/24/13 at 10 A.M.
Parties File Joint Case Management Statement for Remainder of Case	Th, 10/17/13
Parties Serve Initial Expert Reports and Produce Related Documents and Materials	TBD
Parties Serve Rebuttal Expert Reports and Produce Related Documents and Materials	TBD

1	Expert Depositions Commence	TBD
2	Final Date to Complete Fact and Expert Discovery	TBD
3	Final Date for Filing Dispositive Motions and Motions to Limit or Exclude Expert Testimony	TBD
4	Oppositions to Motions for Summary Judgment	TBD
5	Replies in Support of Motions for Summary Judgment	TBD
6	Summary Judgment Hearing (subject to Court's availability)	TBD
7	Final Pretrial Conference (subject to Court's availability)	TBD
8	Trial (subject to Court's availability)	TBD

IT IS SO STIPULATED

Dated: May 3, 2013

WINSTEAD PC

/s/ Brian L. King

Brian L. King

Attorneys for Plaintiff Internet Patents Corporation

Dated: May 3, 2013

SHERIDAN ROSS PC

/s/ Ian Walsworth

Ian Walsworth

Attorneys for Defendant eBags, Inc.

Dated: May 3, 2013

GOODWIN PROCTER LLP


/s/ Thomas Fitzpatrick

Thomas Fitzpatrick

Attorneys for Defendant TellApart, Inc.

IT IS SO ORDERED.

DATED: May 7, 2013


 HON. SAUNDRA BROWN ARMSTRONG
 UNITED STATES DISTRICT JUDGE

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ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Brian L. King, attest that concurrence in the filing of this STIPULATION AND [PROPOSED] ORDER REGARDING AMENDED PROPOSED CASE MANAGEMENT SCHEDULE has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 3rd day of May, 2013, in AUSTIN, TEXAS.

/s/ Brian L. King
Brian L. King

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the forgoing document will be served via electronic mail to counsel of record in this case.

/s/ Brian L. King
Brian L. King

**APPENDIX A:
AMENDED PROPOSED CASE MANAGEMENT SCHEDULE**

With the exception of a few agreed upon dates, the Parties believe that the case schedule should be set in accordance with the N.D. Cal. Patent Local Rules and that a Claim Construction Hearing should be set at the Court's direction. The deadlines following construction will be based on the dates provided at a later Case Management Conference to be held following the Claim Construction Hearing.

EVENT	PROPOSED DEADLINE
Service of IPC's Infringement Contentions and IPC's Patent L.R. 3-2 Document Production	M, 3/8/13 (29 days after CMC)
Service of Defendants' Invalidity Contentions and Defendants' Patent L.R. 3-4 Document Productions	T, 5/14/13 (67 days after 3-2)
Parties Serve Lists of Proposed Terms for Construction Pursuant to Patent L.R. 4-1	F, 6/7/13 (24 days after 3-4)
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Plaintiff Files Reply Brief re Proposed Claim Constructions and Rebuttal Evidence Pursuant to Patent L.R. 4-5(c)	Th, 9/26/13 (7 days after 4-5(b))
Claim Construction Hearing Pursuant to Patent L.R. 4-6 and Case Management Conference Regarding Remaining Scheduling and Trial Setting	Th, 10/24/13 at 10 A.M.
Parties File Joint Scheduling Order for Remainder of Case	Th, 10/31/13
Parties Serve Initial Expert Reports and Produce Related Documents and Materials	TBD
Parties Serve Rebuttal Expert Reports and Produce Related Documents and Materials	TBD
Expert Depositions Commence	TBD

1	Final Date to Complete Fact and Expert Discovery	TBD
2	Final Date for Filing Dispositive Motions and Motions to Limit or Exclude Expert Testimony	TBD
3	Oppositions to Motions for Summary Judgment	TBD
4	Replies in Support of Motions for Summary Judgment	TBD
5	Summary Judgment Hearing (subject to Court's availability)	TBD
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