

1 JOHN W. CARPENTER (Bar No. 221708)  
 2 829 Baronne Street  
 3 New Orleans, LA 700113  
 4 Telephone: (504) 581-9311  
 5 Facsimile: 1- 866-410-6248  
 6 Email: [john@jwcarpenterlaw.com](mailto:john@jwcarpenterlaw.com)

7 Attorneys for Plaintiff  
 8 Albert John Freeman

9 ADDITIONAL COUNSEL ON SIGNATURE PAGE

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

<p>12 ALBERT JOHN FREEMAN,          an individual,            13 Plaintiff,            14 v.            15 DELTA AIR LINES, INC.,            16 Defendant.</p>	<p>17 CASE NO.: 4:13-cv-04179-JSW/JCS    <b>STIPULATION AND <del>[PROPOSED]</del> ORDER          RE FILING OF PLAINTIFF'S          CORRECTED AMENDED          INFRINGEMENT CONTENTIONS          PURSUANT TO PATENT L.R. 3-6</b></p>
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18 Plaintiff Albert John Freeman and Defendant Delta Air Lines, Inc. hereby consent and  
 19 stipulate as follows:

20 WHEREAS, On January 12, 2015, this Court entered an order [Doc 92] permitting Plaintiff  
 21 to serve amended infringement contentions, pursuant to a stipulation between the parties [Doc 91];

22 WHEREAS, Plaintiff seeks to serve Corrected Amended Infringement Contentions, in the  
 23 form attached hereto as Exhibit A, because plaintiff's counsel Victoria E. Briant inadvertently  
 24 omitted the infringement contentions for Claims 26 and 29 in the filing with Doc 91 and in the  
 25 subsequent service of plaintiff's amended infringement contentions;  
 26  
 27  
 28

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 of Pl.'s Corrected Amended  
 Infringement Contentions  
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1 WHEREAS, Plaintiff's counsel had included the claim charts for Claims 26 and 29 when  
2 counsel sought Defendant's consent to plaintiff's amended infringement contentions and  
3 Defendant had consented to their inclusion in the amended infringement contentions;  
4

5 WHEREAS, Defendant's counsel graciously brought the omission of Claims 26 and 29 to  
6 plaintiff's counsel's attention and has consented to permit plaintiff to correct this clerical error and  
7 serve corrected infringement contentions in the form attached hereto as Exhibit A.

8 WHEREAS, Exhibit A is the same as the amended claim construction charts attached as  
9 Exhibit A to Doc 91, except for inclusion of the inadvertently omitted claims.  
10

11 WHEREAS, Plaintiff seeks to serve corrected amended infringement contentions;

12 WHEREAS, Plaintiff's proposed corrected amended infringement contentions are  
13 submitted concurrently herewith as Appendix A;

14 WHEREAS, Defendant consents to Plaintiff's service of corrected amended infringement  
15 contentions, subject to the entry of this Order;

17 WHEREAS, Plaintiff submits that its proposed corrected amendment to his infringement  
18 contentions would not prejudice Defendant, since it is a clerical correction.

19 WHEREAS, Defendant, if it deems it necessary, shall have forty-five (45) days to respond  
20 to Plaintiff's corrected amended infringement contentions by providing amended invalidity  
21 contentions;  
22

23 WHEREAS, Plaintiff consents to Defendant serving its amended invalidity contentions  
24 forty five (45) days after Plaintiff's filing of his corrected amended infringement contentions if  
25 Defendant elects to do so;

26 WHEREAS, By consenting to the service of amended infringement contentions, Defendant  
27 is not conceding and expressly reserves all rights to contest the legal or factual adequacy of  
28

1 Plaintiff's alleged amended infringement contentions including all issues raised in Defendant's letter  
2 to the Court regarding Plaintiff's First Amended Infringement Contentions [Doc 50];; and

3 WHEREAS, The service of Plaintiff's corrected amended infringement contentions and  
4 Defendant' optional service of amended invalidity contentions will not affect any of the deadlines  
5 set by the Court's orders or the Local Rules.  
6

7 WHEREAS, Plaintiff and Defendant agree that renewed or additional document  
8 production or other obligation by Defendant under Patent L.R. 3-4 will not be triggered or required  
9 by the filing of corrected amended infringement contentions or the service of Defendant' amended  
10 invalidity contentions, and Plaintiff will not request any additional documents to be served under  
11 Patent L.R. 3-4.  
12

13 WHEREFORE, IT IS THEREFORE STIPULATED AND AGREED AS FOLLOWS:

14 1. That pursuant to Patent L.R. 3-6, Plaintiff's corrected amended infringement  
15 contentions shall be served no later than five business days after entry of this Order; and  
16

17 2. That pursuant to Patent L.R. 3-6, Defendant shall have 45 days from service of  
18 Plaintiff's corrected amended infringement contentions to serve its amended invalidity  
19 contentions, if it elects to do so.  
20

21 In accordance with N.D. Cal. General Order No. 45, Section X, the filer of this document  
22 attests that she obtained the consent of the other signatory hereto.

23 **IT IS SO STIPULATED:**

24 Dated: February 11, 2015.

Respectfully submitted,

25 By: /s/ Victoria E. Brieant  
26 Victoria E. Brieant (CA Bar No. 141519)  
27 Law Office of Victoria E. Brieant  
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Stip. And [Prop. Order] re Service  
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**ORDER**


Based on the foregoing stipulation and good cause appearing,

IT IS SO ORDERED.

1. Plaintiff Freeman’s proposed corrected amended infringement contentions shall be served no later than five business days after entry of this Order; and

2. Defendant Delta Air Lines shall have 45 days from service of Plaintiff’s corrected amended infringement contentions to serve its amended invalidity contentions.

DATED: February 11, 2015.

  
HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of February, 2015, I will electronically file the foregoing **STIPULATION AND [PROPOSED] ORDER RE FILING OF PLAINTIFF’S CORRECTED AMENDED INFRINGEMENT CONTENTIONS PURSUANT TO PATENT L.R. 3-6** with the Clerk of the Court using the CM/ECF system, which will then send a Notification of Filing (NEF) to counsel for plain\_\_tiff at the addresses below:

David H.S. Commins at david@commins.com  
Kit L. Knudsen at kit@commins.com  
Stephen F. Roth at SRoth@ldlkm.com  
Alexander Solo at ASolo@ldlkm.com

By: /s/ Victoria E. Briant