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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

BRIGHTEDGE TECHNOLOGIES, INC.,

Plaintiff,

v.

SEARCHMETRICS GMBH. ET AL.,

Defendants.

Case No.4:14-cv-01009-HSG

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING CASE
SCHEDULE THROUGH CLAIM
CONSTRUCTION**

1 IT IS HEREBY STIPULATED AND AGREED, by and between BrightEdge
 2 Technologies, Inc. (“BrightEdge”) and Defendants Searchmetrics GmbH and Searchmetrics, Inc.
 3 (collectively, “Searchmetrics”) through their undersigned counsel, as follows:

4 WHEREAS The following events occurred pursuant to the Patent Local Rules, prior to the
 5 Court staying this case on November 21, 2014 (Dkt. No. 109):

| Date | Event | Patent L.R. |
|-------------|---|--------------------|
| 6-6-14 | BrightEdge disclosed asserted claims, infringement contention, and its accompanying document production | 3-1 & 3-2 |
| 8-27-14 | Searchmetrics disclosed invalidity contentions and its accompanying document production | 3-3 & 3-4 |
| 9-8-14 | The parties exchanged proposed terms for construction | 4-1 |
| 9-29-14 | The parties exchanged preliminary claim constructions and extrinsic evidence | 4-2 |
| 10-27-14 | The parties filed a joint claim construction and prehearing statement | 4-3 |

12 WHEREAS the Patent Local Rules were amended on January 17, 2017 to add additional
 13 requirements necessitating amendment/supplementation of some of these disclosures as described
 14 below.

15 IT IS HEREBY STIPULATED that, subject to the Court’s approval, the Parties agree to
 16 the following case schedule through claim construction:

| Date | Event | Patent L.R. |
|--|---|--------------------|
| Any time | Searchmetrics may file its motion for judgment on the pleadings based on 35 U.S.C. § 101 (limited to 25 pages) | |
| 21 days after Searchmetrics files its § 101 motion | BrightEdge files its opposition to Searchmetrics’ motion for judgment on the pleadings based on 35 U.S.C. § 101 (limited to 25 pages) | |
| 10 days after BrightEdge files its opposition to Searchmetrics’ § 101 motion | Searchmetrics files its reply in support of its motion for judgment on the pleadings based on 35 U.S.C. § 101 (limited to 15 pages) | |
| TBD | The Court holds a hearing on Searchmetrics’ motion for judgment on the pleadings based on 35 U.S.C. § 101 | |
| 10-17-17 | Deadline for the parties to complete meet and confers and resubmit only the live portions of prior discovery disputes and motion to seal (Dkt. Nos. 105, 106, 107, and 108) to Judge James (<i>see</i> Dkt. No. 110) | -- |
| 10-24-17 | BrightEdge supplements its infringement contentions and | 3-1(h) & 3- |

| Date | Event | Patent L.R. |
|-------------|--|--------------------------|
| | accompanying document production only to comply with the amendments to the Patent Local Rules | 2(f)–(j) |
| 11-27-17 | Searchmetrics supplements its invalidity contentions and accompanying document production only to comply with the amendments to the Patent Local Rules | 3-3(a), (c) & 3-4(c)–(e) |
| 1-16-18 | BrightEdge serves damages contentions | 3-8 |
| 2-15-18 | Searchmetrics serves responsive damages contentions | 3-9 |
| 3-1-18 | BrightEdge files its opening claim construction brief | 4-5(a) |
| 3-13-18 | Searchmetrics completes depositions of any expert who offers a declaration in support of BrightEdge’ claim construction positions | 4-4 |
| 3-15-18 | Searchmetrics files its responsive claim construction brief | 4-5(b) |
| 3-20-18 | BrightEdge completes depositions of any expert who offers a declaration in support of Searchmetrics’ claim construction positions | 4-4 |
| 3-22-18 | BrightEdge files its reply claim construction brief | 4-5(c) |
| 4-5-18 | The court holds a claim construction hearing | 4-6 |

DATED: October 12, 2017

Respectfully submitted,

BAKER BOTTS L.L.P.

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DATED: October 12, 2017

Respectfully submitted,

DLA PIPER LLP (US)

By: /s/ Carrie Williamson (with permission)

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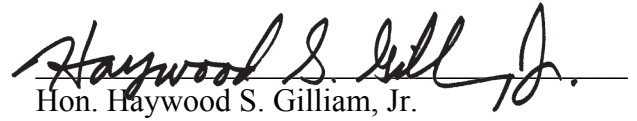
Attorneys for Defendants
SEARCHMETRICS GMBH and
SEARCHMETRICS, INC.

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~~PROPOSED~~ ORDER

PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED.

Dated: 10/12/2017


Hon. Haywood S. Gilliam, Jr.