

1 Robert H. Sloss, (SBN 87757)
 2 robert.sloss@procopio.com
 3 PROCOPIO, CORY, HARGREAVES &
 4 SAVITCH LLP
 5 1117 California Ave., Suite 200
 6 Palo Alto, CA 94304
 7 Telephone: 650.645.9000
 8 Facsimile: 619.235.0398

9 Lance D. Reich, pro hac vice
 10 lreich@helsell.com
 11 Kevin E. Regan, (SBN 262335)
 12 kregan@helsell.com
 13 HELSELL FETTERMAN LLP
 14 1001 Fourth Ave., Suite 4200
 15 Seattle, WA 98154
 16 Telephone: 206.292.1144
 17 Facsimile: 206.340.0902

18 *Attorneys for Plaintiff*
 19 Big Baboon, Inc.

J. Christopher Carraway (*pro hac vice*)
 chris.carraway@klarquist.com
 Klaus H. Hamm (SBN 224905)
 klaus.hamm@klarquist.com
 KLARQUIST SPARKMAN, LLP
 121 S.W. Salmon Street, Suite 1600
 Portland, Oregon 97204
 Telephone: (503) 595-5300
 Facsimile: (503) 595-5301

Attorneys for Defendants
 SAP AMERICA, INC. and HP INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

BIG BABOON, INC.,
 Plaintiff,
 v.
 SAP AMERICA, INC., et al.,
 Defendants.

Case No. 4:17-cv-02082-HSG

**JOINT STIPULATION TO
 EXTEND DATES IN THE
 SCHEDULING ORDER FOR CLAIM
 CONSTRUCTION PROCEEDINGS
 AND ~~PROPOSED~~ ORDER**

Pursuant to Civil L.R. 6-2, Plaintiff Big Baboon Inc. (“Big Baboon”) and Defendants
 SAP America, Inc. and HP Inc. (“Defendants”) hereby submit this Stipulation To Extend Dates
 In Scheduling Order For Claim Construction Proceedings by four weeks. This includes the

1 following deadlines and the Technology Tutorial and Claim Construction Hearing set in the
2 Scheduling Order (ECF No. 58):
3

Litigation Event	Current Date	Requested Date
4 Joint Claim Construction and 5 Prehearing Statement 6 Pursuant to L.R. 4-3	January 9, 2019	February 6, 2019
7 Claim Construction 8 Discovery Cut-Off Pursuant 9 to L.R. 4-4	February 8, 2019	March 8, 2019
10 Plaintiff's Opening Claim 11 Construction Brief Pursuant to 12 L.R. 4-5	February 22, 2019	March 22, 2019
13 Defendant's Responsive Claim 14 Construction Brief Pursuant to 15 L.R. 4-5	March 8, 2019	April 5, 2019
16 Plaintiff's Reply Claim 17 Construction Brief Pursuant to 18 L.R. 4-5	March 15, 2019	April 12, 2019
19 Technology Tutorial	March 22, 2019 at 10:00 a.m.	At the convenience of the 20 Court, on or after April 19, 21 2019
22 Claim Construction Hearing	March 29, 2019 at 2:00 p.m.	At the convenience of the 23 Court, on or after April 26, 24 2019

25 The reasons for the requested four-week extension of these dates is set forth below, and
26 in the accompanying Declaration of J. Christopher Carraway.

27 1. On November 15, 2018, the Court heard argument on Defendants' Motion for
28 Summary Judgment of Invalidity (ECF No. 60) and took the motion under advisement. A
decision granting the motion would make claim construction proceedings moot.

1. The parties are about to commence the most resource-intensive phase of claim
construction, including expert disclosures, claim construction discovery (including the

1 possibility of expert depositions), claim construction briefs, a Technology Tutorial, and
2 finally the Claim Construction Hearing.
3

4 3. The parties seek the four-week extension to avoid expending significant party and
5 Court resources on claim construction proceedings at this time given that Defendants'
6 Motion for Summary Judgment of Invalidity is pending.

7 4. The prior time modifications in this case are: (1) on May 10, 2018, the Court
8 granted (ECF No. 40) the parties' stipulation to extend the briefing schedule for Motion to
9 Dismiss Big Baboon's First Amended Complaint; (2) on November 23, 2018, the parties
10 stipulated to extend Defendants' deadline for its Patent LR 4-1 disclosure from November
11 23, 2018 to November 28, 2018; (3) on November 28, 2018, the parties stipulated to extend
12 the deadline for expert disclosures under Patent LR 4-2(b) from December 14, 2018 to
13 January 7, 2019; and (4) on January 3, 2018, the parties stipulated to extend the deadline for
14 expert disclosures under Patent LR 4-2(b) from January 7, 2019 to January 14, 2019.
15

16 5. The parties' current proposed extension will not affect any other dates scheduled
17 for the case, as the only dates scheduled thus far are the dates at issue in this stipulation.
18

19 Pursuant to Local Rule 6-2, submitted with this stipulation is the Declaration of J.
20 Christopher Carraway, which (1) sets forth with particularity, the reasons for the requested
21 enlargement or shortening of time; (2) discloses all previous time modifications in the case,
22 whether by stipulation or Court order; and (3) describes the effect the requested time
23 modification would have on the schedule for the case.
24
25
26
27

1 Dated: January 4, 2019

PROCOPIO, CORY, HARGREAVES &
SAVITCH LLP

2
3 By: s/ Lance D. Reich

Robert H. Sloss (SBN. 87757)
Lance D. Reich (admitted *pro hac vice*)
Kevin E. Regan (SBN 262335)

4
5
6 Attorneys for Plaintiff
Big Baboon, Inc.

7 KLARQUIST SPARKMAN, LLP

8 By: s/ Klaus H. Hamm

9 J. Christopher Carraway (*pro hac vice*)
chris.carraway@klarquist.com
10 Klaus H. Hamm (SBN 224905)
klaus.hamm@klarquist.com
11 121 S.W. Salmon Street, Suite 1600
12 Portland, Oregon 97204
13 Telephone: (503) 595-5300
14 Facsimile: (503) 595-5301
Attorney for Defendants
SAP AMERICA, INC. and HP INC.

15 **ATTESTATION**

16 The filer of this document attests that concurrence in the filing of the document has been
17 obtained from each of the other Signatories.

18 **~~PROPOSED~~ ORDER**

19 The deadlines in the Scheduling Order (ECF No. 58) are amended as follows:

20

Litigation Event	Date
21 Joint Claim Construction and Prehearing Statement Pursuant to 22 L.R. 4-3	February 6, 2019
23 Claim Construction Discovery Cut-Off Pursuant to L.R. 4-4	March 8, 2019
24 Plaintiff's Opening Claim Construction Brief Pursuant to L.R. 4-5	March 22, 2019
25 Defendant's Responsive Claim Construction Brief Pursuant to L.R. 4-5	April 5, 2019
Plaintiff's Reply Claim Construction Brief Pursuant to L.R. 4-5	April 12, 2019


26
27

28 JOINT STIPULATION TO EXTEND DATES IN THE SCHEDULING ORDER
FOR CLAIM CONSTRUCTION PROCEEDINGS AND ~~PROPOSED~~ ORDER
Case No.: 4:17-cv-02082-HSG

1 2	Technology Tutorial	At the convenience of the Court, on or after April 19, 2019 at 10:00 a.m.
3 4	Claim Construction Hearing	At the convenience of the Court, on or after April 26, 2019 at 2:00 p.m.

5
6 IT IS SO ORDERED.

7 Dated: 1/7/2019

8 
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 THE HONORABLE HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE