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 SAP AMERICA, INC. and HP INC.

20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA
 22 OAKLAND DIVISION

23 BIG BABOON, INC.,

24 Plaintiff,

25 v.

26 SAP AMERICA, INC., et al.,

27 Defendants.

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

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

28 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 six weeks. This includes the
 following deadlines and the Technology Tutorial and Claim Construction Hearing set in the

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

1 Scheduling Order (ECF No. 58) and modified by the Order Extending Dates in the Scheduling
 2 Order (ECF No. 81) (or as agreed by the parties):
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Litigation Event	Previous Date	Requested Date
Description of the Substance of Expert Witness' Proposed Testimony Pursuant to L.R. 4-2(b)	March 18, 2019	April 29, 2019
Joint Claim Construction and Prehearing Statement Pursuant to L.R. 4-3	March 20, 2019	May 1, 2019
Claim Construction Discovery Cut-Off Pursuant to L.R. 4-4	April 19, 2019	May 31, 2019
Plaintiff's Opening Claim Construction Brief Pursuant to L.R. 4-5	May 3, 2019	June 14, 2019
Defendant's Responsive Claim Construction Brief Pursuant to L.R. 4-5	May 17, 2019	June 28, 2019
Plaintiff's Reply Claim Construction Brief Pursuant to L.R. 4-5	May 24, 2019	July 5, 2019
Technology Tutorial	May 31, 2019 at 2 pm	At the convenience of the Court, on or after July 12, 2019
Claim Construction Hearing	June 7, 2019 at 2 pm	At the convenience of the Court, on or after July 19, 2019

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

21 1. On November 15, 2018, the Court heard argument on Defendants' Motion for
 22 Summary Judgment of Invalidity (ECF No. 60) and took the motion under advisement. A
 23 decision granting the motion would make claim construction proceedings moot.
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2. The parties are about to commence the most resource-intensive phase of claim construction, including expert disclosures, claim construction discovery (including the possibility of expert depositions), claim construction briefs, a Technology Tutorial, and finally the Claim Construction Hearing.

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

4. The prior time modifications in this case are: (1) on May 10, 2018, the Court granted (ECF No. 40) the parties' stipulation to extend the briefing schedule for Motion to Dismiss Big Baboon's First Amended Complaint; (2) on November 23, 2018, the parties stipulated to extend Defendants' deadline for its Patent LR 4-1 disclosure from November 23, 2018 to November 28, 2018; (3) on November 28, 2018, the parties agreed to extend the deadline for expert disclosures under Patent LR 4-2(b) from December 14, 2018 to January 7, 2019; (4) on January 3, 2019, the parties agreed to extend the deadline for expert disclosures under Patent LR 4-2(b) from January 7, 2019 to January 14, 2019, and on January 4, 2019, agreed to extend that deadline again to February 4, 2019; (5) on January 4, 2019, the parties filed a stipulation extending all other claim construction deadlines by four weeks, a stipulation this Court signed on January 6, 2019; (6) on January 30, 2019, the parties filed a stipulation extending all other claim construction deadlines by six weeks, a stipulation this Court signed on February 1, 2019.

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

4 Pursuant to Local Rule 6-2, submitted with this stipulation is the Declaration of J.
5 Christopher Carraway, which (1) sets forth with particularity, the reasons for the requested
6 enlargement or shortening of time; (2) discloses all previous time modifications in the case,
7 whether by stipulation or Court order; and (3) describes the effect the requested time
8 modification would have on the schedule for the case.
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10 Dated: March 15, 2019

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ATTESTATION

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

2
3 **PROPOSED ORDER**

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


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Litigation Event	Date
Description of the Substance of Expert Witness' Proposed Testimony Pursuant to L.R. 4-2(b)	April 29, 2019
Joint Claim Construction and Prehearing Statement Pursuant to L.R. 4-3	May 1, 2019
Claim Construction Discovery Cut-Off Pursuant to L.R. 4-4	May 31, 2019
Plaintiff's Opening Claim Construction Brief Pursuant to L.R. 4-5	June 14, 2019
Defendant's Responsive Claim Construction Brief Pursuant to L.R. 4-5	June 28, 2019
Plaintiff's Reply Claim Construction Brief Pursuant to L.R. 4-5	July 5, 2019
Technology Tutorial	7/19/2019 at 2:00 p.m.
Claim Construction Hearing	7/19/2019 at 2:00 p.m.

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15 IT IS SO ORDERED.

16 Dated: 3/19/2019

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18 THE HONORABLE HAYWOOD S. GILLIAM, JR.
19 UNITED STATES DISTRICT JUDGE
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