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[All Counsel in signature block below]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

GOOGLE LLC,
Plaintiff and Counter-Defendant,
v.
ECOFACOR, INC.,
Defendant and Counter-Claimant.

Case No. 4:21-cv-03220-HSG

**JOINT STIPULATION REGARDING
BRIEFING SCHEDULE FOR GOOGLE
LLC'S RENEWED MOTION TO STAY
AND REQUEST FOR BRIEF
EXTENSION REGARDING STATUS OF
THREE ASSERTED PATENTS;
ORDER**

Dept.: Courtroom 2 – 4th Floor
Judge: Hon. Haywood S. Gilliam, Jr.

Date Filed: April 30, 2021

Trial Date: None set

1 Pursuant to ECF No. 143, Plaintiff and Counter-Defendant Google LLC (“Google”) and
2 Defendant and Counter-Claimant EcoFactor, Inc. (“EcoFactor”) submit this joint stipulation to
3 (1) propose a briefing schedule for Google’s renewed motion to stay proceedings for remaining
4 U.S. Patent No. 10,584,890 (the “’890 patent”); and (2) request a brief extension until October 6,
5 2023 to provide a stipulation and proposed order “confirming that three of the four asserted
6 patents are no longer in the case.” ECF No. 143.

7 **WHEREAS**, Google and EcoFactor propose the briefing schedule below for Google’s
8 renewed motion to stay proceedings for the ’890 patent:

9

Event	Deadline to File
Google’s Renewed Motion to Stay	October 18, 2023
EcoFactor’s Opposition to Google’s Renewed Motion to Stay	November 1, 2023
Google’s Reply in Support of Renewed Motion to Stay	November 8, 2023

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16 **WHEREAS**, on September 29, 2023, EcoFactor granted Google a covenant not to sue
17 (“CNS”) on U.S. Patent Nos. 8,740,100 (the “’100 patent”), 8,751,186 (the “’186 patent”), and
18 9,194,597 (the “’597 patent”), by which EcoFactor intended to extinguish any current or future
19 case or controversy between the parties as to the ’100, ’186, and ’597 patents—such that these
20 three patents are no longer part of the above-captioned case;

21 **WHEREAS**, Google has raised questions as to whether EcoFactor’s current CNS
22 extinguishes any current or future case or controversy between the parties as to the ’100, ’186,
23 and ’597 patents;

24 **WHEREAS**, the parties continue to meet and confer over the questions raised by Google;
25 and

26 **WHEREAS**, the parties respectfully request a three-day extension so that they can apprise
27 the Court of the status of the ’100 patent, the ’186 patent, and the ’597 patent by October 6, 2023.

28 **SO STIPULATED AND AGREED.**

1 Dated: October 3, 2023

KEKER, VAN NEST & PETERS LLP

2
3 By: /s/ Leo L. Lam

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[PROPOSED] ORDER GRANTING JOINT STIPULATION

The parties have submitted the Joint Stipulation Regarding Briefing Schedule for Google LLC’s Renewed Motion to Stay and Request for Brief Extension Regarding Status of Three Asserted Patents. In light of the Joint Stipulation, it is hereby **ORDERED** that:


1. The parties shall comply with the following briefing schedule for Google’s renewed motion to stay proceedings for remaining U.S. Patent No. 10,584,900:

Event	Deadline to File
Google’s Renewed Motion to Stay	October 18, 2023
EcoFactor’s Opposition to Google’s Renewed Motion to Stay	November 1, 2023
Google’s Reply in Support of Renewed Motion to Stay	November 8, 2023

2. The parties’ request for an extension to apprise the Court on whether U.S. Patent Nos. 8,740,100, 8,751,186, and 9,194,597 are part of the case is **GRANTED**. By no later than October 6, 2023, the parties shall inform the Court on whether the foregoing patents are part of the case.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/4/2023



 Honorable Haywood S. Gilliam, Jr.
 United States District Judge

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ATTESTATION PURSUANT TO L.R. 5-1(i)

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from any other signatory to this document.

Dated: October 3, 2023

/s/ Leo L. Lam
Leo L. Lam