

\* E-filed on 10/27/06 \*

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INTERACTIVE MEDIA TECHNOLOGIES  
INC.

**ORIGINAL  
FILED**

**OCT 26 2006**

**RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(San Jose Division)

11 IN RE

12 CYGNUS TELECOMMUNICATIONS  
13 TECHNOLOGY, LLC, PATENT  
14 LITIGATION

) Case No. MDL-1423 RMW  
) AND ORDER  
) STIPULATION TO ALTER DATES

15  
16 Defendants, through Liaison Counsel, and Plaintiff seek to slightly alter the dates set  
17 forth in the court's Order dated August 21, 2006. All dates set prior to October 24, 2006, have  
18 been met, and the October 27 deadline for Plaintiff to submit its claim construction brief remains  
19 as set in the August 21 Order. Thus, there is no change in the due dates set on page 2 of the  
20 Order.

21 As to the table on page 3 of the August 21 Order, Defendants seek to separate out  
22 motions for summary judgment on invalidity from motions for summary judgment on  
23 infringement. Defendants propose to submit three joint motions on invalidity on October 27,  
24 2006, according to the first date on page 3. One motion will relate to issues under 35 U.S.C.  
25 §102; a second will relate to issues under §103; and a third will relate to issues under §112. The  
26 preliminary invalidity contentions of Defendants raised over forty different invalidity issues.  
27 Cygnus attempted to remove the issues raised in the two Reexamination proceedings from  
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STIPULATION TO ALTER DATES

1 consideration at the November 20 hearing, but that motion was denied without prejudice. In  
 2 order to allow Plaintiff to see whether any of the forty-odd defenses may be dropped, the parties  
 3 stipulate that Plaintiff shall have until November 3, 2006, to file its motions regarding validity.  
 4 This stipulation balances the court's provision of a week after Plaintiff's claim construction brief  
 5 for Defendants to submit a claim construction brief in the second box of page 3 of the order.  
 6 Plaintiff will file its oppositions to the three invalidity briefs on November 10, rather than on  
 7 November 3 as specified in the table on page 3 of the Order. Also on November 10, Plaintiff  
 8 will reply to the claim construction opposition that Defendants filed on November 3.

9 Using the tabular format of the August 21 Order, the parties stipulate to the following:

|    |                   |   |
|----|-------------------|---|
| 10 | October 27, 2006  | Plaintiff's claim construction brief                    |
| 11 | October 27, 2006  | Defendants' summary judgment motions on invalidity      |
| 12 | November 3, 2006  | Defendants' claim construction brief                    |
| 13 | November 3, 2006  | Plaintiff's opposition to invalidity motions            |
| 14 | November 3, 2006  | Defendants' summary judgment motions on noninfringement |
| 15 | November 10, 2006 | Plaintiff's reply claim construction brief              |
| 16 | November 10, 2006 | Plaintiff's opposition to infringement motions          |
| 17 | November 10, 2006 | Defendants' reply on invalidity                         |

18 None of the changes affect the hearing date of November 20, 2006.

19 STIPULATED ON BEHALF OF PLAINTIFF:

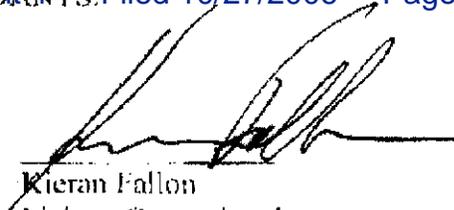
20  
 21  
 22 October 25, 2006

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26 John P. Sutton  
 27 Attorney for Plaintiff  
 28 CYGNUS TELECOMMUNICATIONS  
 TECHNOLOGY, LLC.

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10/25/06  
Date

  
Kieran Fallon  
Liaison Counsel and  
Attorney for Interactive Media Technologies, Inc.

THE PARTIES HAIVING STIPULATED. IT IS SO ORDERED.  
The courthouse will be closed on Nov. 10, 2006 for Veterans' Day. The court's Oct. 26, 2006 order is vacated. If defendants file a motion to dismiss for lack of subject-matter jurisdiction by November 3, 2006, any opposition shall be due Nov. 9, any reply shall be due Nov. 12, and a hearing shall be held on Nov. 17, 2006.

10/27/06  
Date

  
Ronald M. Whyte  
United States District Judge