

1 Edward Vincent King, Jr. (SBN 085726)  
 Alvin B. Lindsay (SBN 220236)  
 2 KING & KELLEHER, LLP  
 20 California Street, 7<sup>th</sup> Floor  
 3 San Francisco, CA 94111  
 Telephone: (415) 781-2888  
 4 Facsimile: (415) 781-3011

5 *Attorneys for Plaintiff*  
 6 *TRENT WEST*

7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10

11 **TRENT WEST,**

Case No.5:07-cv-1812 JF (HRL)

12 **Plaintiff,**

13 **v.**

**STIPULATION BETWEEN WEST AND  
 CROWN RING TO PERMIT ENTRY OF  
 WEST’S FIRST AMENDED  
 INFRINGEMENT CONTENTIONS AS TO  
 CROWN RING FOR GOOD CAUSE  
 UNDER PATENT L.R. 3-7  
 AND ORDER**

14 **JEWELRY INNOVATIONS, INC.,**  
 15 **TOSYALI INTERNATIONAL, INC.**  
 16 **(dba BENCHMARK), NORTHSTAR**  
 17 **DIAMOND, INC. (dba TUNGSTEN**  
 18 **MAGNUM), A JAMAIS DESIGNS,**  
 19 **INC. (dba INFINITY RINGS), and**  
 20 **CROWN RING, INC.,**

**Defendants.**

**And Related Cross-Actions**

21  
 22 Plaintiff Trent West (“West”), by and through his undersigned counsel of record, and  
 23 Defendant Crown Ring, Inc. (“Crown”), by and through its undersigned counsel of record, have  
 24 agreed and stipulate under Civil L.R. 7-12 that good cause exists under Patent L.R. 3-7 to permit  
 25 entry of West’s First Amended Infringement Contentions, which are submitted herewith for the  
 26 Court’s review. A similar reciprocal stipulation seeking to permit entry of Crown’s amended  
 27 invalidity contentions is forthcoming.  
 28

1 Fact discovery has progressed towards closing on December 5, 2008, and expert reports  
2 by the party with the burden of proof on an issue are to be served by November 25, 2008.  
3 Documents have been produced by the parties, and fact witness depositions have been taken.  
4 While additional production and depositions may occur before the close of discovery, West and  
5 Crown believe it is prudent, fair and justified to permit amendment to their infringement and  
6 invalidity contentions for good cause in order to prepare for filing of expert reports and to  
7 facilitate their supplemental responses to certain contention interrogatories before the close of  
8 fact discovery. Thus, West and Crown seek leave of the Court, based upon this stipulation as to  
9 good cause, to permit amendment of their infringement and invalidity contentions to conform  
10 their contentions to the evidence which has been made of record thus far in this matter.

11 West and Crown have agreed that the scope of their stipulation for good cause under  
12 Patent L.R. 3-7 shall extend only to permitting entry of amendments based upon or arising  
13 directly from the content of evidence which has been made of record through production of  
14 documents or fact witness depositions. West and Crown agree that a party may not amend to  
15 add contentions based upon evidence that has not been disclosed to the other party directly  
16 through production of documents or through deposition testimony made of record thus far.

17 Accordingly, West and Crown request that the Court issue an Order, for good cause  
18 shown, permitting entry of West's First Amended Infringement Contentions Against Defendant  
19 Crown Ring, which have been submitted herewith for the Court's review. Crown's counsel has  
20 reviewed these contentions and confirms that West's amendments conform to the scope of the  
21 parties' above articulated agreement. Similar amended invalidity contentions submitted by  
22 Crown will follow shortly upon their completion and West's counsel's review for agreement  
23 conformance. West's counsel files this stipulation having received Crown's counsel's consent.

24 KING & KELLEHER

TROJAN LAW OFFICES

25 By: /s/Alvin B. Lindsay  
26 Alvin B. Lindsay

By: /s/R. Joseph Trojan  
R. Joseph Trojan

27 Attorneys for Plaintiff Trent West

Attorneys for Defendant Crown Ring, Inc.


28 Date: October 28, 2008

Date: October 28, 2008

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PURSUANT TO STIPULATION, IT IS SO ORDERED** that West's First Amended  
Infringement Contentions Against Defendant Crown Ring shall be deemed entered based upon  
good cause appearing therefor under Patent L.R. 3-7.

DATED: October 29, 2008

  
\_\_\_\_\_  
Hon. Jeremy Fogel  
Judge, U.S. District Court – N.D. Cal.