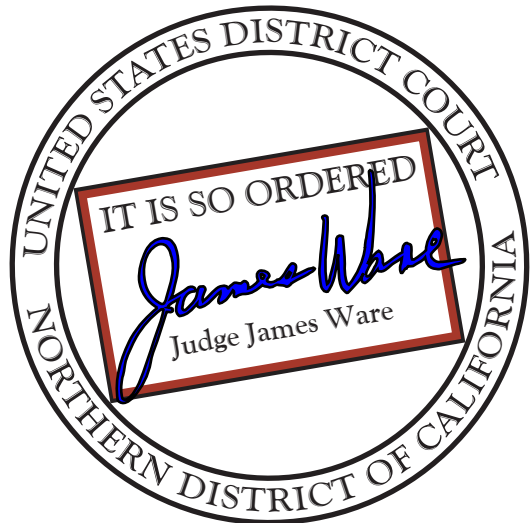


1 LAURENCE F. PULGRAM (CSB NO. 115163)  
 lpulgram@fenwick.com  
 2 JEDEDIAH WAKEFIELD (CSB NO. 178058)  
 jwakefield@fenwick.com  
 3 MARY E. MILIONIS (CSB NO. 238827)  
 mmilionis@fenwick.com  
 4 LIWEN A. MAH (CSB NO. 239033)  
 lmah@fenwick.com  
 5 FENWICK & WEST LLP  
 555 California Street, 12th Floor  
 6 San Francisco, CA 94104  
 Telephone: (415) 875-2300  
 7 Facsimile: (415) 281-1350

8 Attorneys for Defendants  
 CHORDIANT SOFTWARE, INC.,  
 9 DEREK P. WITTE, and STEVEN R. SPRINGSTEEL

10 **[ADDITIONAL PARTY APPEARS ON  
 SIGNATURE PAGE]**

11  
 12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN JOSE DIVISION



FENWICK & WEST LLP  
 ATTORNEYS AT LAW  
 SAN FRANCISCO

16 NETBULA, LLC and DONGXIAO YUE,  
 17 Plaintiffs,  
 18 v.  
 19 CHORDIANT SOFTWARE, INC., a  
 20 Delaware corporation; DEREK P. WITTE,  
 21 an individual; and STEVEN R.  
 SPRINGSTEEL, an individual,  
 22 Defendant.

Case No. C-08-00019-JW

**STIPULATION AND [PROPOSED]  
 ORDER GRANTING EXTENSION ON  
 THE TIME FOR EXPERT DISCLOSURES  
 PURSUANT TO FED. R. CIV. P. 26(a)(2)**

23  
 24  
 25  
 26  
 27  
 28

1 WHEREAS, on May 29, 2009, the Court entered an Order [Dkt. No. 137, “Stipulation and  
2 Order”] granting leave for Plaintiffs Netbula LLC, (“Netbula”) and Dongxiao Yue (“Plaintiffs”)  
3 to file a fourth amended complaint and modifying dates accordingly from the Court’s Scheduling  
4 Order of [Dkt. No. 97, “Original Scheduling Order”] in this action;

5 WHEREAS, Plaintiffs filed and served a fourth amended complaint in this action on May  
6 29, 2009 adding additional claims for copyright infringement based on Defendants’ allegedly  
7 infringing use of Netbula’s software product called “JRPC” which raises new and different issues  
8 from the prior focus of the complaint which had concerned Defendants’ allegedly infringing use  
9 of Netbula’s PowerRPC software;

10 WHEREAS on July 9, 2009 the Court entered an Order [Dkt. No. 142] Denying  
11 Defendants’ Motion for Summary Judgment on Defendants’ “license-based defense” finding of  
12 fact regarding whether Plaintiffs granted or intended to grant an express or implied license to  
13 Chordiant Software, Inc. for use of the PowerRPC software;

14 WHEREAS the Court’s May 29, 2009 Stipulation and Order amended and reset the  
15 following dates in this action:

- 16 (a) Close of All Discovery: October 30, 2009-08-24  
17 (b) Last Date for Hearing on Dispositive Motions: December 14, 2009 at 9 a.m.  
18 (c) Preliminary Pretrial Conference: September 28, 2009 at 11 a.m.  
19 (c) Preliminary Pretrial Conference Statement: September 18, 2009

20 WHEREAS pursuant to the Court’s May 29, 2009 Stipulation and Order, in connection  
21 with the Original Scheduling Order, the deadlines for presenting opening expert witness  
22 testimony is August 28, 2009 (or 63 days before the close of discovery), the deadlines for  
23 presenting rebuttal expert witness testimony is September 11, 2009 (or 49 days prior to the  
24 discovery cutoff), and the last day available for a noticed hearing set on any party’s motion to  
25 exclude any expert or any proposed testimony of an expert is October 26, 2009 [Original  
26 Scheduling Order ¶ 4-7];

27 WHEREAS counsel for the parties agreed on July 24, 2009 that additional time would be  
28 necessary for completing expert disclosures and agreed to a reciprocal 2-week extension for such

1 dates;

2 WHEREAS in light of the new issues introduced in the litigation by the fourth amended  
3 complaint and the Court's denial of Defendants' motion for summary judgment, and in light of  
4 the significant efforts extended by both parties in propounding and responding to requests for  
5 discovery, the parties agree that in the interests of justice and to allow for adequate preparation of  
6 expert testimony on the claims and defenses at issue in the action, additional time is necessary for  
7 the parties to complete opening and rebuttal expert disclosures and that such additional time will  
8 not cause any delay this action or any other deadlines in this action;

9 THEREFORE, THE PARTIES HEREBY STIPULATE AND REQUEST that the Court  
10 ORDER as follows:

- 11 1) continue the deadline for each party to make opening expert disclosures under Rule  
12 26(a)(2)(b) to October 2, 2009;
- 13 2) continue the deadline for each party to make rebuttal expert disclosures under Rule  
14 26(a)(2)(b) to October 16, 2009; and
- 15 3) the last date for any hearing on any party's motion to exclude any expert or any proposed  
16 testimony of shall be December 14, 2009 at 9 a.m.

17

18

19 Dated: September 2, 2009

20

21

22

23

24

25 Dated: September 2, 2009

26

27

28

Respectfully,

FENWICK & WEST LLP

By: /s/ Jedediah Wakefield  
Jedediah Wakefield

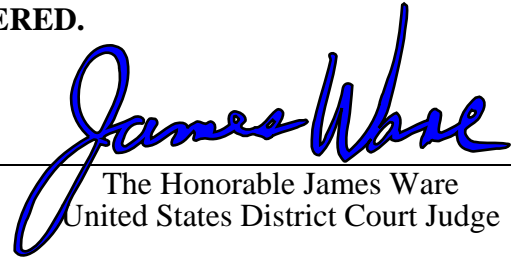
Attorneys for Defendants CHORDIANT  
SOFTWARE, INC., STEVEN R. SPRINGSTEEL  
and DEREK P. WITTE

By: /s/ Antonio L. Cortés  
Antonio L. Cortés

Attorney for Plaintiffs NETBULA, LLC and  
DONGXIAO YUE

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2  
3 Dated: September 21, 2009

  
The Honorable James Ware  
United States District Court Judge

4  
5  
6 **ATTORNEY ATTESTATION**

7 Pursuant to General Order 45, I hereby attest that that concurrence in the filing of this  
8 document has been obtained from the signatory indicated by a 'conformed' signature (/S/) within  
9 this e-filed document.

10  
11 /S/ Jedediah Wakefield  
Jedediah Wakefield

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
SAN FRANCISCO