

**AKIN GUMP STRAUSS HAUER & FELD LLP**

REGINALD D. STEER (SBN 056342)

AMIT KURLEKAR (SBN 244230)

**\*\*E-Filed 11/23/2010\*\***

580 California Street, 15th Floor  
San Francisco, California 94104-1036

Telephone: 415-765-9500

Facsimile: 415-765-9501

Email: [rsteer@akingump.com](mailto:rsteer@akingump.com)

Email: [akurlekar@akingump.com](mailto:akurlekar@akingump.com)

FRED I. WILLIAMS (*Pro Hac Vice*)

300 West Sixth Street, Suite 2100

Austin, Texas 78701

Telephone: 512-499-6200

Facsimile: 512-499-6290

Email: [fwilliams@akingump.com](mailto:fwilliams@akingump.com)

ERIC J. KLEIN (*Pro Hac Vice*)

1700 Pacific Ave., 41<sup>st</sup> Floor

Dallas, Texas 75201

Telephone: 214-969-2751

Facsimile: 214-969-4343

Email: [eklein@akingump.com](mailto:eklein@akingump.com)

Attorneys for Plaintiff

LENOVO (SINGAPORE) PTE. LTD.

**SIDLEY AUSTIN LLP**

ROBERT B. MORRILL (SBN 035488)

PETER H. KANG (SBN 158101)

PHILIP W. WOO (SBN 196459)

KEVIN P. BURKE (SBN 241972)

555 California Street, Suite 2000

San Francisco, California 94104

Telephone: 415-772-1200

Facsimile: 415-772-7400

Email: [rmorrill@sidley.com](mailto:rmorrill@sidley.com)

Email: [pkang@sidley.com](mailto:pkang@sidley.com)

Email: [pwoo@sidley.com](mailto:pwoo@sidley.com)

Email: [kburke@sidley.com](mailto:kburke@sidley.com)

Attorneys for Defendants and Counterclaimants

SHUTTLE, INC. and SHUTTLE COMPUTER GROUP, INC.

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION

4 LENOVO (SINGAPORE) PTE. LTD.,

5 Plaintiff,

6 v.

7 SHUTTLE, INC. and SHUTTLE  
8 COMPUTER GROUP, INC.,

9 Defendants.

Case No. 5:08-cv-03454-JF(PVT)

**JOINT STIPULATION AND  
[PROPOSED] ORDER TO ENLARGE  
TIME TO FILE THE PARTIES' PATENT  
L.R. 4-3 JOINT CLAIM  
CONSTRUCTION & PREHEARING  
STATEMENT (CIVIL L.R. 6-2)**

Hon. Judge Jeremy Fogel  
U.S. District Court Judge

10  
11 Pursuant to Civil L.R. 6-2, Plaintiff Lenovo (Singapore) Pte. Ltd. ("Plaintiff"), and Defendants  
12 Shuttle Inc. and Shuttle Computer Group Inc. (together "Defendants"), submit the following Joint  
13 Stipulation and [Proposed] Order to Enlarge Time to File the Parties' Patent L.R. 4-3 Joint Claim  
14 Construction and Prehearing Statement, and hereby request, that the current deadline of November 23,  
15 2010 be extended by one day to November 24, 2010, and would show the Court as follows:  
16

17 1. The parties are currently in settlement discussions and have agreed to file the Patent L.  
18 R. 4-3 Joint Claim Construction and Prehearing Statement on November 24, 2010.

19 2. On July 17, 2008, Plaintiff filed the Complaint. On the same day, the Court set a Case  
20 Management Conference ("CMC") for Oct. 27, 2008.

21 3. On Aug. 18, 2008, this case was reassigned to Judge Fogel. The CMC scheduled for  
22 Oct. 27, 2008 was vacated.

23 4. On Sept. 26, 2008, the Parties filed a Stipulation and Proposed Order enlarging  
24 Defendants' time to reply to Plaintiff's Complaint to Dec. 1, 2008. Judge Fogel granted this request on  
25 Oct. 6, 2008.  
26  
27

1           5.       On Sep. 30, 2008, before the extension was granted by Judge Fogel, the Court noticed  
2 the CMC for Oct. 31, 2008.

3           6.       On Oct. 21, 2008, the Parties filed a Stipulation and Proposed Order to Extend CMC  
4 and ADR Deadlines. Judge Fogel granted this request on Oct. 22, 2008, setting the CMC for Dec. 5,  
5 2008.  
6

7           7.       On Nov. 14, 2008, the Parties filed a Second Stipulation and Proposed Order to Extend  
8 the CMC and ADR Deadlines. Judge Fogel granted this request on Nov. 17, 2008, setting the CMC for  
9 Dec. 19, 2008.

10          8.       On Dec. 19, 2008, the Court set a further CMC for Mar. 20, 2009. On Mar. 13, 2009,  
11 the Court continued the CMC to Mar. 23, 2009.

12          9.       On Mar. 20, 2009, the Parties filed a Stipulation to Stay Pending Reexamination of the  
13 Patents-In-Suit. Judge Fogel granted this request on Mar. 23, 2009 CMC, setting a Status Conference  
14 for Sep. 25, 2009. The Order granting the Stay was filed on Mar. 24, 2009.

15          10.      On Sep. 25, 2009, Judge Fogel continued the Stay, setting a Status Conference for Mar.  
16 26, 2010.  
17

18          11.      On Mar. 26, 2010, Judge Fogel set a Status Conference for May 7, 2010.

19          12.      On Apr. 30, 2010, the Parties filed a Joint Case Management Statement setting forth a  
20 proposed case schedule.  
21

22          13.      On May 7, 2010, Judge Fogel lifted the Stay and adopted the proposed case schedule  
23 filed by the Parties on Apr. 30, 2010.

24          14.      On Jun. 24, 2010, Plaintiff Lenovo, filed an Unopposed Motion for Extension of Time  
25 requesting that the deadlines adopted by the Court in its May 7, 2010 Order be extended by seven days.  
26  
27

1 Judge Fogel granted this request on July 27, 2010, setting the Claim Construction Hearing for Feb. 22,  
2 2010.

3 15. On Aug. 12, 2010, Defendant Shuttle, filed a Motion to Enlarge Time and To Modify  
4 the Case Schedule. Judge Fogel granted this request on Aug. 18, 2010, and Ordered the Parties to  
5 submit a Proposed Stipulated Case Management Order with a revised case schedule by Aug. 31, 2010.  
6

7 16. On Aug. 31, 2010, the Parties filed a Joint Proposed Stipulated Case Management  
8 Order. Judge Fogel granted the Joint Stipulated Case Management Order on Sep. 2, 2010.

9 17. On Nov. 19, 2010, the Parties filed a Joint Stipulation and Proposed Order to Continue  
10 the Hearing date on Defendant Shuttle's Motion to Strike Plaintiff Lenovo's Infringement Contentions.  
11 Magistrate Judge Patricia Trumbull, granted this request, setting the hearing Joint Stipulation for Dec.  
12 14, 2010.  
13

14 18. The relief requested herein is an extension of time by only one day therefore, the  
15 requested time modification would have no effect on the current case schedule.

16 FOR THE ABOVE REASONS, the parties respectfully request the Court to enter an order  
17 enlarging the time from November 23, 2010 to November 24, 2010, for the parties to file their Joint  
18 Claim Construction and Prehearing Statement pursuant to Patent L.R. 4-3.  
19  
20  
21  
22  
23  
24  
25  
26  
27

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

Dated: November 23, 2010

Respectfully submitted,  
AKIN GUMP STRAUSS HAUER & FELD LLP

By: /s/ Fred I. Williams

Attorneys for Plaintiff  
LENOVO (SINGAPORE) PTE. LTD.

Dated: November 23, 2010

SIDLEY AUSTIN LLP

By: /s/ Robert B. Morrill

Attorneys for Defendants SHUTTLE, INC. and  
SHUTTLE COMPUTER GROUP, INC.

1 ~~PROPOSED~~ ORDER

2 The Parties' Joint Stipulation and [Proposed] Order to Enlarge Time to File the Parties' Patent  
3 L. R. 4-3 Joint Claim Construction and Prehearing Statement is hereby granted.

4 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
5

6  
7 Dated: November 23, 2010.

8   
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
HONORABLE JEREMY FOSSEL  
UNITED STATES DISTRICT JUDGE