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SHUTTLE, INC. and SHUTTLE COMPUTER
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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

19 LENOVO (SINGAPORE) PTE. LTD.,

20 Plaintiff,

21 vs.

22 SHUTTLE, INC. and SHUTTLE COMPUTER
23 GROUP, INC.,

24 Defendants.

Case No. 5:08-CV-3454-JF-PSG

**JOINT STIPULATION AND [PROPOSED]
ORDER REGARDING STAY PENDING
SETTLEMENT DISCUSSIONS**

Judge: Hon. Jeremy Fogel

1 Plaintiff Lenovo (Singapore) Pte. Ltd. (“Plaintiff”) and Defendants Shuttle Inc. and Shuttle
2 Computer Group Inc. (together “Defendants”) respectfully request that the Court enter an order
3 staying this case until February 24, 2011 pending the outcome of settlement discussions. In support
4 of this Stipulation, the parties state as follows:

5 **I. Reasons for Requested Stay**

6 1. On or about November 22, 2010, representatives for both parties met in Taiwan to
7 discuss a possible settlement of the pending litigation. During those discussions, the parties reached
8 a preliminary agreement to a four week standstill in the lawsuit while settlement discussions
9 continue. At that time, the parties also agreed and requested that the Court stay all case deadlines,
10 both Court imposed and discovery related, during this four week period. In the event that a
11 settlement could not be reached, the parties requested that the Court extend the case deadlines set
12 forth in the Joint Stipulated Case Management Order entered by the Court on September 2, 2010 by
13 four weeks. The Court signed an Order granting the stay on November 30, 2010.

14 2. However, due to the holiday season, the parties were unable to complete settlement
15 discussions during the four week period. Moreover, given the holiday season, the four week
16 adjustment of the case schedule did not provide ample time to satisfy approaching deadlines. For
17 example, pursuant to the Court’s November 30, 2010 Order, the deadline for claim construction
18 discovery was shifted from December 23, 2010 to January 20, 2011. Even under the adjusted
19 timeline, the parties’ ability to conduct claim construction discovery would be hindered given the
20 logistics of scheduling and conducting depositions over the holidays, in addition to the parties’
21 continuing efforts to collect responsive documents. Therefore, on December 21, 2010 the parties
22 filed a Joint Stipulation and [Proposed] Order to Modify Case Management Order Pursuant to L.R.
23 6-2 requesting an additional four week extension of all remaining deadlines established by
24 September 2, 2010 Order and modified by the November 30, 2010 Order.

25 3. Since requesting an extension on December 21, 2010, the parties have reached an
26 agreement regarding a standstill in the lawsuit through February 24, 2011 while settlement
27 discussions continue. The parties have agreed and request that the Court stay all case deadlines, both
28 Court imposed and discovery related, until February 24, 2011. The parties request the standstill

1 through February 24, 2011 in order to accommodate the upcoming holidays, including the Chinese
2 New Year. The Chinese New Year falls on February 2, 2011, and it is customary for people to take
3 the week off before and/or after for family gathering. Thus, Defendants may not be able to
4 communicate in a most timely fashion from now to shortly after the Chinese New Year. In the event
5 that the parties cannot reach a settlement, the parties request that the Court extend the current case
6 deadlines set forth in the Joint Stipulated Case Management Order entered by the Court on
7 September 2, 2010 and modified by the Court's November 30, 2010 Order as set forth in section III
8 below.

9 **II. Previous Time Modifications**

10 4. On July 17, 2008, Plaintiff filed the Complaint (*see* Dkt. No. 1). On the same day,
11 the Court set a Case Management Conference ("CMC") for Oct. 27, 2008 (*see* Dkt. No. 3).

12 5. On Aug. 18, 2008, this case was reassigned to Judge Fogel (*see* Dkt. No. 11). The
13 CMC scheduled for Oct. 27, 2008 was vacated.

14 6. On Sept. 26, 2008, the parties filed a Stipulation and Proposed Order enlarging
15 Defendants' time to reply to Plaintiff's Complaint to Dec. 1, 2008 (*see* Dkt. No. 17). Judge Fogel
16 granted this request on Oct. 6, 2008 (*see* Dkt. No. 20).

17 7. On Sep. 30, 2008, before the extension was granted by Judge Fogel, the Court noticed
18 the CMC for Oct. 31, 2008 (*see* Dkt. No. 19).

19 8. On Oct. 21, 2008, the parties filed a Stipulation and Proposed Order to Extend CMC
20 and ADR Deadlines (*see* Dkt. No. 22). Judge Fogel granted this request on Oct. 22, 2008, setting the
21 CMC for Dec. 5, 2008 (*see* Dkt. No. 23).

22 9. On Nov. 14, 2008, the parties filed a Second Stipulation and Proposed Order to
23 Extend the CMC and ADR Deadlines (*see* Dkt. No. 28). Judge Fogel granted this request on Nov.
24 17, 2008, setting the CMC for Dec. 19, 2008 (*see* Dkt. No. 30).

25 10. On Dec. 19, 2008, the Court set a further CMC for Mar. 20, 2009 (*see* Dkt. No. 38).
26 On Mar. 13, 2009, the Court continued the CMC to Mar. 23, 2009 (*see* Dkt. No. 41).

27 11. On Mar. 20, 2009, the parties filed a Stipulation to Stay Pending Reexamination of
28 the Patents-In-Suit (*see* Dkt. No. 42). Judge Fogel granted this request on Mar. 23, 2009 CMC,

1 setting a Status Conference for Sep. 25, 2009 (*see* Dkt. No. 44). The Order granting the Stay was
2 filed on Mar. 24, 2009 (*see* Dkt. No. 43).

3 12. On Sep. 25, 2009, Judge Fogel continued the Stay, setting a Status Conference for
4 Mar. 26, 2010 (*see* Dkt. No. 45).

5 13. On Mar. 26, 2010, Judge Fogel set a Status Conference for May 7, 2010 (*see* Dkt. No.
6 48).

7 14. On Apr. 30, 2010, the parties filed a Joint Case Management Statement setting forth a
8 proposed case schedule (*see* Dkt. No. 52).

9 15. On May 7, 2010, Judge Fogel lifted the Stay and adopted the proposed case schedule
10 filed by the parties on Apr. 30, 2010 (*see* Dkt. No. 53).

11 16. On Jun. 24, 2010, Plaintiff Lenovo, filed an Unopposed Motion for Extension of
12 Time requesting that the deadlines adopted by the Court in its May 7, 2010 Order be extended by
13 seven days (*see* Dkt. No. 56). Judge Fogel granted this request on July 27, 2010, setting the Claim
14 Construction Hearing for Feb. 22, 2010 (*see* Dkt. No. 58).

15 17. On Aug. 12, 2010, Defendant Shuttle, filed a Motion to Enlarge Time and To Modify
16 the Case Schedule (*see* Dkt. No. 59). Judge Fogel granted this request on Aug. 18, 2010, and
17 ordered the parties to submit a Proposed Stipulated Case Management Order with a revised case
18 schedule by Aug. 31, 2010 (*see* Dkt. No. 64).

19 18. On Aug. 31, 2010, the parties filed a Joint Proposed Stipulated Case Management
20 Order (*see* Dkt. No. 65), which Judge Fogel granted on Sep. 2, 2010 (*see* Dkt. No. 67).

21 19. On Nov. 19, 2010, the parties filed a Joint Stipulation and Proposed Order to
22 Continue the Hearing date on Defendant Shuttle's Motion to Strike Plaintiff Lenovo's Infringement
23 Contentions (*see* Dkt. No. 79). Magistrate Judge Patricia Trumbull, granted this request, setting the
24 hearing Joint Stipulation for Dec. 14, 2010 (*see* Dkt. No. 80).

25 20. On Nov. 23, 2010, the parties filed a Joint Stipulation and [Proposed] Order to
26 Enlarge Time to File the parties' Patent L.R. 4-3 Joint Claim Construction and Prehearing Statement
27 (Civil L.R. 6-2) (*see* Dkt. No. 81). On Nov. 23, 2010, the Court granted the parties' request (*see*
28 Dkt. No. 82).

1 21. On Nov. 24, 2010, the parties filed a Joint Stipulation and [Proposed] Order
2 Regarding Stay Pending Settlement Discussions (*see* Dkt. No. 83). On Nov. 30, 2010, the Court
3 entered an Order granting the stay (*see* Dkt. No. 84).

4 22. On December 21, 2010, the parties filed a Joint Stipulation and [Proposed] Order to
5 Modify Case Management Order Pursuant to L.R. 6-2 (*see* Dkt. No. 85).

6 **III. Effect of Requested Stay**

7 23. The parties request the Court stay the case and all case deadlines, Court imposed and
8 discovery related, until February 24, 2010 pending settlement discussions.

9 24. In the event that a settlement cannot be reached, the parties request that the Court
10 extend the current case deadlines set forth in the September 2, 2010 Joint Stipulated Case
11 Management Order and modified by the Court's November 30, 2010 Order and the parties'
12 December 21, 2010 Stipulation as set forth below:

Event	Schedule Established by September 2 Order	4-Week Extension Granted Pursuant to Nov. 30 Order	Additional Extension Requested by this Stipulation
Parties file Joint Claim Construction and Prehearing Statement. Patent L.R. 4-3	November 23, 2010	December 21, 2010	March 28, 2011
Amended pleadings deadline	December 7, 2010	January 4, 2011	April 11, 2011
Deadline for completing discovery on issues relating to claim construction for the patents-in-suit. Patent L.R. 4-4	December 23, 2010	January 20, 2011	April 29, 2011
Lenovo files Opening Claim Construction Brief. Patent L.R. 4-5(a)	January 7, 2011	February 4, 2011	May 13, 2011
Shuttle files Opposition Claim Construction Brief.	January 21, 2011	February 18, 2010	May 27, 2011

1	Patent L.R. 4-5(b)			
2	Lenovo files Reply	January 28, 2011	February 25, 2011	June 3, 2011
3	Claim Construction			
4	Brief. Patent L.R. 4-5(c)			
5	Claim Construction	March 4, 2011	April 1, 2011	To be set by Court on
6	Hearing			a date convenient to
7				the Court on or after
8	Parties relying upon	50 days after issuance	50 days after issuance	July 1, 2011
9	advice of counsel to	of Claim Construction	of Claim Construction	50 days after issuance
10	support any claim or	Order	Order	of Claim
11	defense must produce			Construction Order
12	and serve all			
13	supporting documents.			
14	Patent L.R. 3-7.			

12

13 FOR THE ABOVE REASONS, the parties respectfully request that the Court enter an order

14 staying this case and all deadlines until February 24, 2011.

15 SO STIPULATED:

16 Respectfully submitted,

17 Dated: January 3, 2011

18 AKIN GUMP STRAUSS HAUER & FELD LLP

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20 By: /s/ Fred I. Williams

21 FRED I. WILLIAMS

22 Attorneys for Plaintiff
23 LENOVO (SINGAPORE) PTE. LTD.

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1 Dated: January 3, 2011

SIDLEY AUSTIN LLP

2
3 By: /s/

4 PETER H. KANG¹

5 Attorneys for Defendants SHUTTLE, INC. and
6 SHUTTLE COMPUTER GROUP, INC.
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28 ¹ Pursuant to General Order 45(X), the filer of this document hereby attests that concurrence in the filing of the document has been obtained from Peter H. Kang.

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~~PROPOSED~~-ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

1. The case is stayed and all case deadlines, Court imposed and discovery related, are stayed until February 24, 2010 pending settlement discussions; and

2. In the event a settlement cannot be reached, the current case deadlines set forth in the Joint Stipulated Case Management Order (Dkt. No. 67) entered by this Court on September 2, 2010 and modified pursuant to the Court's November 30, 2010 Order and the parties' December 21, 2010 Stipulation will be extended as follows:

March 28, 2011	Parties file Joint Claim Construction and Prehearing Statement. Patent L.R. 4-3
April 11, 2011	Amended pleadings deadline.
April 29, 2011	Deadline for completing discovery on issues relating to claim construction for the patents-in-suit. Patent L.R. 4-4
May 13, 2011	Lenovo files Opening Claim Construction Brief. Patent L.R. 4-5(a)
May 27, 2011	Shuttle files Opposition Claim Construction Brief. Patent L.R. 4-5(b)
June 3, 2011	Lenovo files Reply Claim Construction Brief. Patent L.R. 4-5(c)
[To be set by Court on a date convenient to the Court on or after July 1, 2011]	Claim Construction Hearing.
50 days after issuance of Claim Construction Order	Parties relying upon advice of counsel to support any claim or defense must produce and serve all supporting documents. Patent L.R. 3-7.

Dated: 1/5/2011


HONORABLE JEFFREY FOGEL
UNITED STATES DISTRICT JUDGE