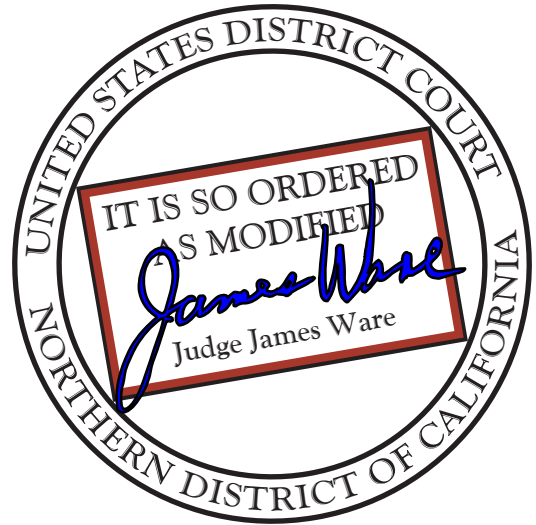


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14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN JOSE DIVISION

17 MFORMATION TECHNOLOGIES, INC., a
 Delaware corporation,
 18 Plaintiff and Counterclaim
 19 Defendant,

20 v.

21 RESEARCH IN MOTION LIMITED, a
 Canadian corporation
 22
 23 AND
 24 RESEARCH IN MOTION CORPORATION,
 a Delaware corporation,
 25
 26 Defendants and Counterclaim
 Plaintiffs.

Case No. 5:08-CV-04990-JW

Jury Trial Demanded

**JOINT STIPULATION PURSUANT TO
 CIVIL L.R. 6-1(b), 6-2 AND 7-12 TO
 CHANGE DATES FOR CLAIM
 CONSTRUCTION HEARING AND
 CASE TUTORIAL**

1 Plaintiff Mformation Technologies, Inc. (“Mformation”) and Defendants Research In Motion
2 Ltd. and Research In Motion Corp. (collectively “RIM”) jointly request that this Court reset the Case
3 Tutorial and Claim Construction Hearing dates. The parties propose that these hearings be
4 scheduled to the earliest dates available at the Court’s convenience during the weeks of
5 November 16, November 30 or December 7, 2009, with a preference for the week of December 7,
6 2009. The parties further request that the claim construction briefing schedule be in accordance with
7 the Local Patent Rules, with the due dates for the briefs to be calculated from the date of the Claim
8 Construction Hearing. Because the parties are asking that the claim construction briefing schedule
9 be changed and Mformation’s opening claim construction brief is currently scheduled to be filed in
10 two days, on Friday, September 25, 2009, the parties note that this request is ready for decision
11 immediately. In order to permit Mformation to avoid filing its opening claim construction brief
12 unnecessarily early, the parties respectfully request that the Court rule on this request by Friday,
13 September 25, 2009.

14 On September 22, 2009, this Court reset the Case Tutorial previously scheduled for
15 October 16, 2009 to October 14, 2009 and the Claim Construction Hearing previously scheduled for
16 October 30, 2009 to October 15, 2009. (Dkt. No. 79.) As outlined in the parties’ Interim Joint Case
17 Management Statement, Mformation is currently scheduled to file its reply claim construction brief
18 on October 16, 2009—one day *after* the rescheduled Claim Construction Hearing. (See Dkt. No. 75
19 at 3.) Under these revised hearing dates, the parties will be unable to complete the claim
20 construction briefing provided for in this Court’s Patent Scheduling Order and the Local Patent
21 Rules. Additionally, both parties will be hampered in their ability to prepare their presentations for
22 the Claim Construction Hearing. The Local Patent Rules provide that the final claim construction
23 brief be filed 14 days before the Claim Construction Hearing, but under this Court’s current
24 schedule, the Claim Construction Hearing will be held a mere six days after RIM files its responsive
25 claim construction brief.

26 Therefore, the parties respectfully request that this Court move the Claim Construction
27 Hearing to a later date, to allow the parties to complete the claim construction briefing and provide
28 adequate time for the Claim Construction Hearing preparations. The parties understand the Court

1 may have availability during the weeks of November 16, November 30, and December 7, 2009, and
2 therefore request that the Claim Construction Hearing be moved to a date some time during those
3 weeks. The parties have a preference for the week of December 7, 2009, due to other obligations of
4 counsel, but will accept any dates given during those weeks. In accordance with the Local Patent
5 Rules and this Court's Patent Scheduling Order, the claim construction briefing schedule would then
6 be tied to the new date for the Claim Construction Hearing, with Mformation's opening brief due 35
7 days prior to the Claim Construction Hearing, RIM's responsive brief due 21 days prior to the
8 hearing, and Mformation's reply brief due 14 days prior to the hearing. Additionally, in order for the
9 Case Tutorial to provide the most benefit, the parties suggest that it be scheduled for a date in
10 proximity to the date set for the Claim Construction Hearing.

11 There have been three prior modifications of time in this case:

12 (1) On November 20, 2008, the parties stipulated to a 29-day extension of time for
13 Defendants to respond to Plaintiff's original Complaint. The Court approved this stipulation on
14 November 25, 2008. (Dkt. No. 12.);

15 (2) On January 7, 2009, the parties stipulated to an extension of time giving the Defendants
16 until January 27, 2009, to answer the Plaintiff's First Amended Complaint, and giving the
17 Defendants an additional four weeks beyond the time specified in the Patent Local Rules in which to
18 serve their invalidity contentions and disclosures per Patent L.R. 3-3 and 3-4. The Court approved
19 this stipulation on January 16, 2009. (Dkt. No. 30); and,

20 (3) On September 4, 2009, the parties stipulated to an extension of time giving the
21 Defendants until September 15, 2009, to answer the Plaintiff's Third Amended Complaint, and
22 giving Plaintiff until September 30, 2009, in which to answer both that September 15 filing and
23 Defendants' First Amended Answer, Defenses, and Counterclaims. The Court approved this
24 stipulation on September 16, 2009. (Dkt. No. 77).

25 The present modifications will not adversely impact the case schedule.

26 For the foregoing reasons, the parties jointly request that this Court reset the Claim
27 Construction Hearing and Case Tutorial for dates during the weeks of November 16, November 30
28 or December 7, 2009, and preferably during the week of December 7, 2009. The parties additionally

1 request that the claim construction briefing schedule be in accordance with the Local Patent Rules
2 and this Court's Patent Schedule Order.

3 DATED: September 23, 2009

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4 Respectfully submitted,

5 /s/ Shawn E. McDonald

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1
2 DATED: September 23, 2009

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27 Research In Motion Limited and Research In
28 Motion Corporation


19 ***** ORDER *****

20 The Court finds good cause to GRANT the parties' Stipulation re: continuing the Tutorial and
21 Markman hearings. Accordingly, the October 8 & 9, 2009 hearings are continued as follows:

- 22
- 23 (1) On **November 19, 2009 at 9 a.m.**, the Court will conduct a Tutorial on the patents-in-suit.
 - 24 (2) On **November 20, 2009 at 9 a.m.**, the Court will hold the Claim Construction hearing.

25 The Claim Construction briefing schedule shall be in accordance with the Local Patent Rules and the
26 Court's Patent Scheduling Order.

27 Dated: September 29, 2009

28 

JAMES WARE
United States District Judge