

1 MICHAEL A. LADRA (St. Bar No. 64037)  
 Email: mladra@wsgr.com  
 2 JAMES C. YOON (St. Bar No. 177155)  
 Email: jyoona@wsgr.com  
 3 STEFANI E. SHANBERG (St. Bar No. 206717)  
 Email: sshanberg@wsgr.com  
 4 ROBIN L. BREWER (St. Bar No. 253686)  
 Email: rbrewer@wsgr.com  
 5 WILSON SONSINI GOODRICH & ROSATI  
 Professional Corporation  
 6 650 Page Mill Road  
 Palo Alto, CA 94304-1050  
 7 Telephone: (650) 493-9300  
 Facsimile: (650) 565-5100

RAGESH K. TANGRI (St. Bar No. 159497)  
 Email: rtangri@durietangri.com  
 DARALYN J. DURIE (St. Bar No. 169825)  
 Email: ddurie@durietangri.com  
 RYAN M. KENT (St. Bar No. 220441)  
 Email: rkent@durietangri.com  
 DURIE TANGRI LLP  
 217 Leidesdorff Street  
 San Francisco, CA 94111  
 Telephone: (415) 362-6666  
 Facsimile: (415) 326-6300

**\*E-FILED - 2/12/10\***

Attorneys for Plaintiff and Counterclaim  
Defendant FORTINET, INC.

Attorneys for Defendants and Counterclaim  
Plaintiffs PALO ALTO NETWORKS, INC.  
AND PATRICK BROGAN

10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**  
 12 **SAN JOSE DIVISION**

14 FORTINET, INC., )

15 Plaintiff, )

16 v. )

17 PALO ALTO NETWORKS, INC., and )  
 18 PATRICK R. BROGAN, )

19 Defendants. )

20 AND RELATED COUNTERCLAIMS. )  
 21

CASE NO.: 09-CV-00036-RMW

**STIPULATED NOTICE OF  
 CONTINUANCE OF HEARING  
 DATE ON FORTINET’S SUMMARY  
 JUDGMENT MOTION  
 [CURRENTLY NOTICED FOR  
 MARCH 5, 2010]**

**AND ORDER**

22 WHEREAS Plaintiff and Counterclaim Defendant Fortinet, Inc. (“Fortinet”) and  
 23 Defendant and Counterclaim Plaintiff Palo Alto Networks, Inc. (“Palo Alto Networks”) have  
 24 agreed to a continuance pursuant to Local Rule 7-7 of the hearing date for Fortinet’s motion for  
 25 summary judgment of noninfringement;

26 WHEREAS no opposition has been filed;

27 WHEREAS Palo Alto Networks believes Fortinet’s motion is properly heard after the  
 28 parties have briefed claim construction issues in this matter;

1 WHEREAS the parties have agreed upon a schedule for claim construction and summary  
2 judgment briefing in this matter, and the parties will propose the same to the Court in the form of  
3 a Joint Subsequent Case Management Conference Statement in advance of the Subsequent Case  
4 Management Conference scheduled before this Court on March 5, 2010; and

5 WHEREAS the parties have agreed that if there are multiple summary judgment motions  
6 to be heard on the date upon which Fortinet's motion ultimately comes before the Court,  
7 Fortinet's motion filed on January 18, 2010 and refiled on January 26, 2010, shall be the first  
8 summary judgment motion heard by the Court to the extent that such ordering is acceptable to  
9 the Court.

10 IT IS HEREBY STIPULATED by and between the parties, through their respective  
11 counsel undersigned, that:

12 The hearing on Fortinet's motion for summary judgment of noninfringement shall be  
13 continued to the date of the claim construction hearing set by the Court in this matter, or such  
14 other date as the Court prefers following claim construction briefing in this matter.

15  
16 Dated: February 11, 2010

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

17  
18 By: /s/ Stefani E. Shanberg  
Stefani E. Shanberg

19 Attorneys for Plaintiff and Counterclaim  
20 Defendant FORTINET, INC.

21 Dated: February 11, 2010

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

22 By: /s/ Ryan M. Kent  
23 Ryan M. Kent

24 Attorneys for Defendants and Counterclaim  
25 Plaintiffs PALO ALTO NETWORKS, INC.  
AND PATRICK BROGAN

26 PURSUANT TO STIPULATION, IT IS SO ORDERED

27 DATED: 2/12/10

28   
The Honorable Ronald M. Whyte

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

**ATTESTATION CLAUSE**

I, Stefani E. Shanberg, am the ECF User whose identification and password are being used to file this Stipulation. In compliance with General Order 45.X.B., I hereby attest that Ryan M. Kent of Durie Tangri LLP has concurred in this filing

Dated: February 11, 2010

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/ Stefani E. Shanberg  
Stefani E. Shanberg

Attorneys for Plaintiff and Counterclaim  
Defendant FORTINET, INC.