

1 DARALYN J. DURIE (SBN 169825)  
 ddurie@durietangri.com  
 2 RYAN M. KENT (SBN 220441)  
 rkent@durietangri.com  
 3 217 Leidesdorff Street  
 San Francisco, CA 94111  
 Telephone: 415-362-6666  
 4 Facsimile: 415-236-6300

5 SCHEEF & STONE, LLP  
 JOHN G. FISCHER (pro hac vice)  
 john.fischer@solidcounsel.com  
 7 BRYAN HAYNES (pro hac vice)  
 bhaynes@solidcounsel.com  
 8 ERIC C. WOOD (pro hac vice)  
 eric.wood@solidcounsel.com  
 9 500 N. Akard, Suite 2700  
 Dallas, Texas 75201  
 Telephone: 214-706-4200  
 11 Facsimile: 214-706-4242  
 Attorneys for Plaintiff  
 12 C&C Jewelry Manufacturing, Inc.

13 Edward Vincent King, Jr. (SBN 085726)  
 14 KING & KELLEHER, LLP  
 Four Embarcadero Center, 17<sup>th</sup> Floor  
 15 San Francisco, CA 94111  
 Telephone: (415) 781-2888  
 16 Facsimile: (415) 781-3011  
 Attorneys for Defendant Trent West  
 17

18 IN THE UNITED STATES DISTRICT COURT  
 19 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 20 SAN JOSE DIVISION

21 C&C JEWELRY MANUFACTURING,  
 INC., a California corporation,

22 Plaintiff and Counter-  
 23 Defendant,

24 v.

25 TRENT WEST,

26 Defendant and Counter-  
 27 Claimant.

Case No. 5:09-cv-01303-JF-HRL

**JOINT STIPULATION AND ~~PROPOSED~~  
 ORDER EXTENDING (1) DEADLINE  
 FOR C&C JEWELRY  
 MANUFACTURING, INC. TO RESPOND  
 TO TRENT WEST'S MOTION FOR  
 SUMMARY JUDGMENT OF  
 INFRINGEMENT, AND TRENT WEST'S  
 MOTION FOR PRESUMPTION AND  
 BURDEN SHIFTING AND (2) DEADLINE  
 FOR PARTIES TO FILE DISPOSITIVE  
 MOTIONS**

Judge: Honorable Jeremy Fogel

1 Plaintiff C&C Jewelry Mfg., Inc. (“C&C”) and Defendant Trent West (“West”), by and  
2 through their undersigned counsel of record, have agreed and stipulate under Civil L.R. 6-2(a) to  
3 extend (1) C&C’s deadline to respond to West’s motion for summary judgment of infringement  
4 and motion for presumption and burden shifting, both filed on June 17, 2011 (collectively the  
5 “Motions”) and (2) the deadline to file dispositive motions.

6 Pursuant to Civil L.R. 7-3(a), C&C’s deadline to respond to the Motions is currently July  
7 1, 2011, which is the same day as the current deadline by which the parties are required to file  
8 dispositive motions. C&C and West enter into this stipulation to extend the time for C&C to file  
9 its responses to the Motions by one week to July 8, 2011. Given that the hearing has been  
10 noticed for July 29, 2011, the stipulated schedule would complete briefing on these motions two-  
11 weeks prior to the hearing.

12 The parties also enter into this stipulation to extend the time that C&C and West have to  
13 file dispositive motions by one week to July 8, 2011.

14 The Declaration of Eric C. Wood, which is filed herewith, provides the Court with the  
15 information required under Civil L.R. 6-2(a).

16 Accordingly, C&C and West respectfully request that the Court issue an Order, for good  
17 cause shown, extending C&C’s deadline to respond to the Motions and the parties’ deadline to  
18 file dispositive motions as requested above.

19 Respectfully stipulated to by:

20  
21 SCHEEF & STONE, LLP

KING & KELLEHER, LLP

22  
23 By: /s/ Eric C. Wood  
Eric C. Wood

By: /s/ Edward Vincent King  
Edward Vincent King

24 Attorneys for Plaintiff C&C Jewelry Mfg.,  
25 Inc.

Attorneys for Defendant Trent  
West

26 Date: June 28, 2011

Date: June 28, 2011

27  
28

**FILER'S ATTESTATION**

Pursuant to General Order No. 45, Section X (B) regarding signatures, I, John Fischer,  
attest that concurrence in the filing of this document has been obtained.

SCHEEF & STONE, LLP

By: /s/ John G. Fischer  
John G. Fischer

Attorneys for Plaintiff C&C Jewelry Mfg.,  
Inc.

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

DATED: 7/7, 2011.



\_\_\_\_\_  
Hon. Jeremy Fogel  
United States District Judge

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

1 DARALYN J. DURIE (SBN 169825)  
ddurie@durietangri.com  
2 RYAN M. KENT (SBN 220441)  
rkent@durietangri.com  
217 Leidesdorff Street  
3 San Francisco, CA 94111  
Telephone: 415-362-6666  
4 Facsimile: 415-236-6300

5 SCHEEF & STONE, LLP  
6 JOHN G. FISCHER (pro hac vice)  
john.fischer@solidcounsel.com  
7 BRYAN HAYNES (pro hac vice)  
bhaynes@solidcounsel.com  
8 ERIC C. WOOD (pro hac vice)  
eric.wood@solidcounsel.com  
9 500 N. Akard, Suite 2700  
10 Dallas, Texas 75201  
Telephone: 214-706-4200  
11 Facsimile: 214-706-4242  
Attorneys for Plaintiff  
12 C&C Jewelry Manufacturing, Inc.

13 Edward Vincent King, Jr. (SBN 085726)  
14 KING & KELLEHER, LLP  
Four Embarcadero Center, 17<sup>th</sup> Floor  
15 San Francisco, CA 94111  
Telephone: (415) 781-2888  
16 Facsimile: (415) 781-3011  
Attorneys for Defendant Trent West  
17

18 IN THE UNITED STATES DISTRICT COURT  
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
20 SAN JOSE DIVISION

21 C&C JEWELRY MANUFACTURING,  
INC., a California corporation,

22 Plaintiff and Counter-  
23 Defendant,

24 v.

25 TRENT WEST,

26 Defendant and Counter-  
27 Claimant.

Case No. 5:09-cv-01303-JF-HRL

**DECLARATION OF ERIC C. WOOD IN  
SUPPORT OF JOINT STIPULATION  
EXTENDING (1) DEADLINE FOR C&C  
JEWELRY MANUFACTURING, INC. TO  
RESPOND TO TRENT WEST'S MOTION  
FOR SUMMARY JUDGMENT OF  
INFRINGEMENT, AND TRENT WEST'S  
MOTION FOR PRESUMPTION AND  
BURDEN SHIFTING AND (2) DEADLINE  
FOR PARTIES TO FILE DISPOSITIVE  
MOTIONS**

Judge: Honorable Jeremy Fogel

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

I, Eric C. Wood, declare:

1. I am an attorney with Scheef & Stone, LLP, counsel for Plaintiff C&C Jewelry Mfg., Inc. (“C&C”) in this action. I make this declaration on personal knowledge and am competent to testify regarding the facts stated herein. This declaration is submitted pursuant to Civil L.R. 6-2(a).

2. In the Stipulation filed herewith, C&C and Defendant Trent West (“West”) have requested that the Court extend the deadline for C&C to respond to West’s motion for summary judgment of infringement and motion for presumption and burden shifting (collectively the “Motions”) by one week to July 8, 2011. West filed the Motions on Friday, June 17, 2011. C&C’s response is therefore currently due on July 1, 2011 pursuant to the Local Rules of this Court.

3. In the Stipulation filed herewith, C&C and Defendant Trent West (“West”) also have requested that the Court extend the deadline for filing dispositive motions by one week to July 8, 2011. The parties’ motions were previously due on July 1, 2011.

4. Expert reports in this case were due and were served by the parties on May 20, 2011. Expert rebuttal reports in this case were due and were served by the parties on June 10, 2011. The deadline to conduct all expert discovery (including depositions) is July 1, 2011.

5. On the Tuesday immediately following the filing of the Motions, the parties began taking the depositions of the experts who had provided reports in this case in advance of the July 1 expert discovery cutoff. Through the last two weeks of June, the parties will have taken approximately eight expert depositions all across the United States (in San Francisco, Chicago and New York) up until and including July 1, 2011. It will therefore be very difficult, given this hectic expert deposition schedule, for the parties to complete their motions for summary judgment and for C&C to prepare responses to the Motions by July 1, 2011.

6. Therefore, C&C and West have agreed, and so stipulate, that C&C’s deadline to respond to the Motions and the parties’ deadline to file dispositive motions shall be extended by one week to July 8, 2011.

1 7. The Court has previously modified time in this case as follows: (1) deadline to  
2 serve invalidity contentions under Patent L.R. 3-3 extended from November 12, 2009 to  
3 November 19, 2009 (Dkt. No. 31); (2) deadline to file joint claim construction and prehearing  
4 statement under Patent L.R. 4-3 extended from January 11, 2010 to February 1, 2010 (Dkt. No.  
5 48); (3) deadline to complete ADR (mediation) extended from May 21, 2010 to July 30, 2010  
6 (Dkt. No. 79); (4) hearing date on C&C's motion for leave to conduct additional depositions  
7 shortened to December 14, 2010 (Dkt. No. 123); and (5) hearing date on C&C's motion for leave  
8 to amend invalidity contentions moved to February 25, 2011 (Dkt. No. 160).

9 8. The requested extension will have no adverse scheduling impact on the parties'  
10 ability to comply with the other ordered deadlines in the Case Management Schedule in this  
11 matter.

12 I declare under penalty of perjury pursuant to the laws of the United States of America  
13 that the foregoing is true and correct.

14 Executed on June 28, 2011.

15  
16 By: /s/ Eric C. Wood  
Eric C. Wood  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28