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17 Attorneys for Defendant  
 18 TRENT WEST

19 UNITED STATES DISTRICT COURT  
 20 NORTHERN DISTRICT OF CALIFORNIA  
 21 SAN JOSE DIVISION

22 C&C JEWELRY MANUFACTURING, INC.,  
 23 a California corporation,

24 Plaintiff and Counter-Defendant,

25 v.

26 TRENT WEST, a Delaware corporation,

27 Defendant and Counter-claimant.

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

**STIPULATION TO AMEND PLAINTIFF  
 C&C JEWELRY MFG., INC.'S PATENT  
 L.R. 3-3 INVALIDITY CONTENTIONS**

1 Declaratory Judgment Plaintiff, C&C Jewelry Manufacturing, Inc. (“C&C”) and Defendant  
2 Trent West (“West”), by and through their undersigned counsel of record, have agreed and stipulated to  
3 an amendment of C&C’s Patent L.R. 3-3 Invalidity Contentions under Patent L.R. 3-6. C&C recently  
4 discovered a prior art reference—U.S. Patent No. 2,126,737—that C&C asserts is material to the  
5 patentability of the patents asserted in this case. (By entering into this stipulation, West does not admit  
6 to the materiality of the 2,126,737 patent.) The prior art reference was dated from 1935 and therefore  
7 was not available in searchable text on the USPTO website. As a result, despite numerous searches,  
8 search professionals engaged by C&C were unable to, and did not, find this patent. C&C advised West  
9 of its recent discovery of this prior art reference, and by and through this stipulation, West agrees that  
10 C&C should be permitted to amend its contentions to add contentions related to this prior art reference.  
11 Furthermore, based upon the relatively early stage of this litigation, C&C and West agree that this  
12 amendment will cause no undue prejudice to West.

13 Accordingly, C&C and West respectfully request that the Court issue an Order, for good  
14 cause shown, permitting C&C to amend its Invalidity Contentions in the manner requested above.

15 Respectfully stipulated to by:

16 DURIE TANGRI LLP

KING & KELLEHER, LLP

17 By: /s/ Ryan M. Kent  
18 Ryan M. Kent

By: /s/ Alvin B. Lindsay  
Alvin B. Lindsay

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

Attorneys for Defendant Trent West

20 Date: February 3, 2010

Date: February 3, 2010

21  
22 FILERS ATTESTATION

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

25 /s/ Ryan M. Kent  
26 Ryan M. Kent

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

2  
3 DATED: Feb. 5, 2010



4  
5 Hon. Jeremy Fogel  
6 United States District Judge  
7 Northern District of California

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**CERTIFICATE OF SERVICE**

I certify that all counsel of record is being served on February 3, 2010 with a copy of this document via the Court's CM/ECF system.

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By:           /s/ Ryan M. Kent            
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