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 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,

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 three prior art references—U.S. Patent Nos. 4,574,011 (“Bonjour”) and 4,606,767
5 (“Nagato”), and Great Britain Patent No. 2,081,741 (“Shibata”)—that C&C asserts are material to the
6 patentability of the patents asserted in this case. (By entering into this stipulation, West does not admit
7 to the materiality of the above referenced patents). C&C’s ongoing search for references recently led to
8 the discovery of Bonjour, Nagato, and Shibata; due to certain nuances of these disclosures and of the
9 prosecution history, they were not previously discovered by C&C search professionals.

10 C&C advised West of its recent discovery of these prior art references, and by and through this
11 stipulation, West agrees that C&C should be permitted to amend its contentions to add contentions
12 related to these prior art references. Furthermore, C&C and West agree that this amendment will cause
13 no undue prejudice to West.

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

16 Respectfully stipulated to by:

17 STORM LLP

KING & KELLEHER, LLP

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

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

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

Attorneys for Defendant Trent West

21 Date: April 13, 2010

Date: April 13, 2010

22
23
24 FILERS ATTESTATION

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

27 /s/ John G. Fischer
28 John G. Fischer

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

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3 DATED: 4/15/10, 2010



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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 April 13, 2010 with a copy of this document via the Court's CM/ECF system.

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

Attorneys for Plaintiff
C&C JEWELRY
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