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12		Attorneys for Defendant and				
13		Counterclaim Plaintiff, APPLE INC.				
14		THILL INC.				
15	UNITED STATES	DISTRICT COURT				
16	NORTHERN DISTRICT OF CALIFORNIA					
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19	ELAN MICROELECTRONICS	Case No. C-09-01531 RS (PSG)				
20	CORPORATION,	STIPULATION AND [PROPOSED]				
21	Plaintiff and Counterclaim Defendant,	ORDER REGARDING (1) DISPOSITIVE MOTION, (2) EXPERT REPORT, AND				
22	V.	(3) TRIAL SCHEDULING				
23	APPLE INC.,	Hon. Richard Seeborg				
24	Defendant and Counterclaim					
25	Plaintiff.					
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	STIPULATION AND PROPOSED ORDER RE: SCHEDULING	Case No. C-09-01531 RS (PSG)				

Defendant Apple, Inc. ("Apple") and Plaintiff Elan Microelectronics Corporation ("Elan"), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, during the August 4, 2011 CMC, the Court advised the parties to meet and confer regarding case scheduling, including scheduling for further dispositive motion practice and trial;

WHEREAS, during the August 4, 2011 CMC, the Court expressed a preference for further dispositive motion practice to be reasonably consolidated on at least a patent-by-patent basis;

WHEREAS, Elan has already filed a motion seeking partial summary judgment of infringement of U.S. Patent No. 5,825,352, which was heard on August 4, 2011;

WHEREAS, on August 4, 2011 Apple filed a motion seeking partial summary judgment of non-infringement of U.S. Patent No. 5,825,352, which Apple withdrew on August 17, 2011, to be re-filed following the parties' meet-and-confer on scheduling given the Court's expressed preference for consolidation of dispositive motion practice (*see* Dkt. No. 403);

WHEREAS, the parties have agreed, subject to the Court's approval, that by September 14, 2011, Apple will file its motion for summary judgment of indefiniteness of claims 24, 26 and 30 of the '352 patent and re-file its motion for partial summary judgment of non-infringement of the '352 patent, with the hearing on those motions scheduled for October 20, 2011;

WHEREAS, the parties have further agreed, subject to the Court's approval, that they will file dispositive motions on the other three patents-in-suit on October 27, 2011. The parties anticipate that those motions will include Elan's motion for partial summary judgment that Apple infringes its U.S. Patent No. 7,274,353 and that the asserted claims of Apple's U.S. Patens No. 5,764,218 and 7,495,659 are invalid, as well as Apple's motion for partial summary judgment that the '353 patent claims are invalid.

WHEREAS, the parties have agreed that these motions may be heard by the Court on January 12, 2012, or a date or dates thereafter convenient for the Court;

WHEREAS, the parties have further agreed, subject to the Court's approval, that trial be scheduled to commence on January 21, 2013, or any date thereafter subject to the Court's calendar;

NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, through their respective counsel, that the following schedule be adopted for the completion of dispositive motions, expert discovery, and trial:

7	EVENT	DATE		
8	Additional Opening Dispositive Motions Regarding U.S. Patent No. 5,825,352	No later than Sept. 14, 2011		
9	Oppositions to Additional Dispositive Motions Regarding U.S. Patent No. 5,825,352	September 29, 2011		
11	Reply Briefs in Support of Additional Dispositive Motions Regarding U.S. Patent No. 5,825,352	October 6, 2011		
12 13	Hearing on Additional Dispositive Motions Regarding U.S. Patent No. 5,825,352	October 20, 2011		
14 15	Opening Dispositive Motions Regarding Patents-in-Suit Other than U.S. Patent No. 5,825,352	October 27, 2011		
16	Oppositions to Dispositive Motions Regarding Patents-in-Suit Other U.S. Patent No. 5,825,352	November 18, 2011		
17 18	Reply Briefs in Support of Dispositive Motions Regarding Patents-in-Suit Other than U.S. Patent No. 5,825,352	December 8, 2011		
19 20	Hearing on Dispositive Motions Regarding Patents-in-Suit Other than U.S. Patent No. 5,825,352	January 12, 2012, or any time thereafter subject to the Court's calendar		
21	Opening Expert Reports	July 13, 2012		
	Rebuttal Expert Reports	August 17, 2012		
22	Close of Expert Witness Discovery	September 14, 2012		
23	Trial	January 21, 2013, or any date thereafter subject to the Court's calendar		
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## IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: September 12, 2011

/s/ Sean P. DeBruine

Sean P. DeBruine

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1 2					ALSTON & BIRD LLP Attorneys For Elan Microelec	etronics Corporation			
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4	DATED: September 12, 2011			/s/ Sonal N. Mehta Sonal N. Mehta	<u>l</u>				
5					WEIL, GOTSHAL & MANO				
6					Attorneys for Apple Inc.	ILO LLF			
7									
8	PURSUANT TO STIPULATION, IT IS SO ORDERED.								
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	DATED.								
10 11	DATED:			_	Honorable Richard Seeborg United States District Court J				
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	STIPULATION AN SCHEDULING	D PROPOSED	ORDER	RE:	4 ca	ise No. C-09-01531 RS (PSG)			

## **FILER'S ATTESTATION**

I, Sonal N. Mehta, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER REGARDING (1) DISPOSITIVE MOTION, (2) EXPERT REPORT, AND (3) TRIAL SCHEDULING. In compliance with General Order 45, paragraph X.B. I hereby attest that Sean DeBruine has concurred in this filing.

/s/ Sonal N. Mehta Sonal N. Mehta By:

SCHEDULING

STIPULATION AND PROPOSED ORDER