

E-Filed 6/10/11

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10 Attorneys for Plaintiff Vasudevan Software, Inc.

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

14 VASUDEVAN SOFTWARE, INC.,

15 Plaintiff,

16 vs.

17 INTERNATIONAL BUSINESS MACHINES
 CORPORATION and ORACLE
 CORPORATION

18 Defendants.
 19

Case No. 5:09-CV-05897 (RS-PSG)

**JOINT STIPULATION AND PROPOSED
 ORDER REGARDING PLAINTIFF'S
 PROPOSED AMENDED INFRINGEMENT
 CONTENTIONS AND DEFENDANTS'
 PROPOSED AMENDED INVALIDITY
 CONTENTIONS**

20 WHEREAS, pursuant to Patent L.R. 3-6, Plaintiff Vasudevan Software, Inc. ("VSi") seeks
 21 leave to amend its infringement contentions;

22 WHEREAS, VSi served proposed amended infringement contentions on June 1, 2011;

23 WHEREAS, VSi believes its can demonstrate the requisite "timely showing of good cause"
 24 required by Patent L.R. 3-6 to amend its infringement contentions;

25 WHEREAS, Defendants International Business Machines Corporation ("IBM") and Oracle
 26 Corporation ("Oracle") (collectively, "Defendants") dispute VSi's ability to demonstrate good cause
 27 but nevertheless have agreed, in the spirit of compromise, not to object to VSi's proposed
 28 amendments served June 1, 2011;

1 WHEREAS, VSi interprets its infringement contentions served April 27, 2010, to include
2 infringement allegations regarding IBM’s Cognos 8 versions 8.1, 8.2, and 8.3;

3 WHEREAS, IBM disputes that VSi’s infringement contentions served April 27, 2010,
4 include infringement allegations regarding IBM’s Cognos 8 versions 8.1, 8.2, and 8.3, but
5 nevertheless has agreed, in the spirit of compromise, not to object to VSi’s assertion that those
6 infringement contentions implicate Cognos 8 versions 8.1, 8.2, and 8.3;

7 WHEREAS, pursuant to Patent L.R. 3-6, Defendants seek leave to amend their invalidity
8 contentions;

9 WHEREAS, Defendants served supplemental invalidity contentions on June 1, 2011;

10 WHEREAS, Defendants believe they can demonstrate the requisite “timely showing of good
11 cause” required by Patent L.R. 3-6 to amend their invalidity contentions;

12 WHEREAS, VSi disputes Defendants’ ability to demonstrate good cause but nevertheless
13 has agreed, in the spirit of compromise, not to object to Defendants’ proposed amended invalidity
14 contentions served June 1, 2011;

15 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties, subject
16 to approval of the Court, that:

17 1) VSi may amend its infringement contentions, as reflected in the supplemental
18 infringement contentions served June 1, 2011;

19 2) VSi’s infringement contentions served April 22, 2010, regarding Cognos 8, are
20 interpreted to include Cognos 8 versions 8.1, 8.2, and 8.3;

21 3) Defendants may amend their invalidity contentions, as reflected in the supplemental
22 invalidity contentions served June 1, 2011.

1 Dated: June 3, 2011

SUSMAN GODFREY L.L.P.

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4 By: /s/ Eric J. Enger (w/ permission)

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*Attorneys for Defendant
International Business Machines Corporation*

1 PURSUANT TO THE STIPULATION, IT IS SO ORDERED this 10th day of June, 2011

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3 United States District Judge

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1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on this 3rd day of June, 2011, that a copy of the foregoing was
3 filed electronically through the Court's CM/ECF system, with notice of case activity automatically
4 generated and sent electronically to all parties.
5

6 /s/ Joseph A. Loy _____
7 Joseph A. Loy
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