

1 [Counsel listed on signature pages]

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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SAN JOSE DIVISION

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13 TV INTERACTIVE DATA CORPORATION,

) Case No. 5:10-CV-00475-JF

14 Plaintiff,

) **STIPULATION REGARDING CLAIM**  
) **CONSTRUCTION PROCEDURES**

15 v.

16 SONY CORPORATION, et. al.,

17 Defendants.

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1 WHEREAS, TV Interactive Data Corporation (“TVI”) filed a complaint; Demand for Jury  
2 Trial against Defendants to initiate the above-referenced patent infringement action.

3 WHEREAS, the Court issued: (1) an Order Setting Initial Case Management Conference and  
4 ADR Deadlines, dated February 2, 2010; (2) a Related Cases Order on February 11, 2010, ordering  
5 that the above-matter be re-assigned to United States District Judge Jeremy Fogel; and (3) a Clerk’s  
6 Notice, dated February 23, 2010, setting a Case Management Conference for May 14, 2010, before  
7 Judge Jeremy Fogel.

8 WHEREAS, TVI and Defendants submitted a Joint Case Management Statement and  
9 [Proposed] Order on May 11, 2010 (D.E. 168). The submission contained the parties’ proposed  
10 schedules for the case.

11 WHEREAS, an Initial Case Management Conference was held on May 14, 2010 before the  
12 Honorable Jeremy Fogel. At the CMC, the Court adopted the defendants’ proposed case schedule, up  
13 to the date of the claim construction hearing, which the Court set for January 18, 2011. See D.E. 169.

14 WHEREAS, a further Case Management Conference was held on July 30, 2010 before the  
15 Honorable Jeremy Fogel. Court adopted the proposed case schedule plus 30 days. The Court further  
16 set the case for a claim construction hearing on February 22, 2011. See D.E. 214.

17 WHEREAS, in accordance with the schedule adopted by the Court, the parties exchanged  
18 proposed terms for construction pursuant to Patent L.R. 4-1(a) on September 27, 2010.

19 WHEREAS, the parties met and conferred on October 11, 2010 under Patent L.R. 4-1(b) to  
20 limit the terms in dispute.

21 WHEREAS, the parties acknowledge that ten (10) terms of the asserted claims from the four  
22 patents-in-suit were already construed in the case captioned *TVI v. Microsoft*, No. C02-02385 JSW  
23 (N.D. Cal.).

24 WHEREAS, the parties acknowledge that under the Patent Local Rules they must jointly  
25 identify up to a maximum of ten (10) terms that are most significant to the resolution of the case.

26 WHEREAS, the parties seek to limit the terms in dispute in the case and minimize the burden  
27 associated with claim construction for the Court and the parties.

1 WHEREAS, the parties also seek to avoid waiving their rights to later request the Court to  
2 construe additional terms, should those terms become relevant to resolution of the case.

3 Accordingly, pursuant to Northern District Civil Local Rules 7-12 and 6-2(a), it is hereby  
4 stipulated by and between Plaintiff and Defendants that the presently scheduled round of claim  
5 construction shall be limited to up to a maximum of ten (1) claim terms that have been jointly  
6 identified by the parties as the most significant to resolution of the case (the "significant terms"). The  
7 parties further agree to limit the activities covered by Patent Local Rules 4-2 through 4-7 in this round  
8 of claim construction to the significant terms. The claim construction hearing schedule for February  
9 22, 2011 shall similarly be limited to the significant terms.

10 The parties further stipulate that a party may later propose additional claim terms to be  
11 construed and request the Court to construe those additional claim terms, should those claim terms  
12 become relevant to resolution of the case.

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26 **TV INTERACTIVE DATA CORPORATION**

27 Dated: October 15, 2010

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Dated: October 17, 2010

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: 10/25/10



Honorable Jeremy Fogel  
United States District Judge

REY LLP