

1 [COMPLETE LIST OF COUNSEL
2 IDENTIFIED ON SIGNATURE PAGES]

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

TV INTERACTIVE DATA CORPORATION,
Plaintiff,
v.
SONY CORPORATION, et al.,
Defendants.

Case No. 10-CV-00475-JF

**STIPULATION AMONG
PLAINTIFF TV INTERACTIVE
DATA CORPORATION AND
THE FUNAI DEFENDANTS
CONCERNING DR. ANDREW
WOLFE AND [PROPOSED]
ORDER**

1
2 WHEREAS Defendants Funai Electric Co., Ltd. and Funai Corporation, Inc.
3 (collectively, the “Funai Defendants”) have notified TVI and the other parties that
4 the Funai Defendants believe that they have a basis to object to the designation of
5 Dr. Andrew Wolfe by TVI as a testifying expert on the grounds that Dr. Andrew
6 Wolfe is a named inventor on multiple patent applications that members of the
7 Funai Defendants’ litigation team are currently prosecuting;

8 WHEREAS Plaintiff TVI does not agree that the Funai Defendants have a
9 basis to object to the designation of Dr. Andrew Wolfe by TVI as a testifying expert
10 in this case; and

11 WHEREAS, to resolve the Funai Defendants’ alleged basis for such an
12 objection, TVI and the Funai Defendants have reached an agreement regarding
13 communications with Dr. Andrew Wolfe.

14 IT IS HEREBY STIPULATED AND AGREED as follows:

15 1. TVI will not raise objection to Baker & Hostetler LLP and the specific
16 attorneys prosecuting patent applications in which Dr. Wolfe is a named inventor
17 from communicating or working with Dr. Wolfe regarding the prosecution of such
18 patent applications. Baker & Hostetler LLP agrees that its attorneys will
19 communicate and work with Dr. Wolfe only as necessary to prosecute patent
20 applications in which Dr. Wolfe is a named inventor. Baker & Hostetler LLP
21 further agrees that its attorneys will not intentionally attempt to book or use Dr.
22 Wolfe’s time in a way that negatively impacts his ability to effectively serve as an
23 expert witness in the TVI case.

24 2. Baker & Hostetler LLP or its attorneys will not have any discussions
25 with Dr. Wolfe regarding anything whatsoever that may touch upon or relate to the
26 TVI case or to any matters or topics in the TVI case outside the presence of TVI’s
27 counsel of record for the TVI case (except to acknowledge or discuss this specific
28 agreement). Baker & Hostetler LLP and its attorneys also agree not to inquire into
Dr. Wolfe’s scheduling commitments to the TVI case.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 23, 2010

/s/
Honorable Jeremy Fogel
United States District Judge

Dated: November 22, 2010

ROBINS, KAPLAN, MILLER & CIRESI
L.L.P.

By: /s/ Sang Young A. Brodie
Sang Young A. Brodie

Ronald J. Schutz
Email: rjschutz@rkmc.com
Richard M. Martinez
Email: rmmartinez@rkmc.com
Sang Young A. Brodie
Email: sybrodie@rkmc.com
Robins, Kaplan, Miller & Ciresi L.L.P.
800 LaSalle Avenue, 2800 LaSalle Plaza
Minneapolis, MN 55402

David Martinez
Email: dmartinez@rkmc.com
Robins, Kaplan, Miller & Ciresi L.L.P.
2049 Century Park East, Suite 3400
Los Angeles, CA 90067-3208

Attorneys for Plaintiff
TV Interactive Data Corporation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: November 22, 2010

BAKER & HOSTETLER LLP

By: /s/ Kevin W. Kirsch
Kevin W. Kirsch

Kevin W. Kirsch
Email: kkirsch@bakerlaw.com
David A. Mancino
Email: dmancino@bakerlaw.com
John F. Bennett
Email: jbennett@bakerlaw.com
Matthew P. Hayden
Email: mhayden@bakerlaw.com
Baker & Hostetler LLP
312 Walnut Street, Ste. 3200
Cincinnati, OH 45202

Hayes F. Michel
Email: hmichel@bakerlaw.com
Baker & Hostetler, LLP
12100 Wilshire Boulevard
Los Angeles, CA 90025

Attorneys for Defendants Funai Electric Co.
Ltd. and Funai Corporation, Inc.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I, Kevin W. Kirsch, am the ECF user whose ID and password are being used to file this STIPULATION AMONG PLAINTIFF TV INTERACTIVE DATA CORPORATION AND THE FUNAI DEFENDANTS CONCERNING DR. ANDREW WOLFE AND [PROPOSED] ORDER. In compliance with General Order 45, X.B., I hereby attest that Sang Young A. Brodie has concurred in this filing.

Dated: November 22, 2010

/s/ Kevin W. Kirsch
Kevin W. Kirsch

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I declare that I am employed with the law firm of Baker & Hostetler LLP, whose address is 312 Walnut Street, Suite 3200, Cincinnati, Ohio 45202. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on November 22, 2010, I served the following:

STIPULATION AMONG PLAINTIFF TV INTERACTIVE DATA CORPORATION AND THE FUNAI DEFENDANTS CONCERNING DR. ANDREW WOLFE AND [PROPOSED] ORDER



BY ELECTRONIC SERVICE by electronically mailing a true and correct copy through Baker & Hostetler LLP's electronic mail system to the e-mail addresses set forth below per agreement of the parties in accordance with Fed. R. Civ. P. 5(b).

Alan Grimaldi
Email: GrimaldiA@howrey.com
Howrey LLP
1299 Pennsylvania Ave., NW
Washington, DC 20004-2402

Sten Anker Jensen
Email: sjensen@orrick.com
Orrick Herrington & Sutcliffe LLP
1152 15th St. NW
Washington, DC 20005

Trevor J. Foster
Email: tjfoster@rkmc.com
Robins Kaplan Miller & Ciresi LLP
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, MN 55402

Steven J. Routh
Email: srouth@orrick.com
Orrick, Herrington & Sutcliffe LLP
1152 15th Street, NW
Washington, DC 20005



BY MAIL by placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in Cincinnati, Ohio, in sealed envelopes with postage fully prepaid.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 22, 2010, 2010, in Cincinnati, Ohio.

/s/ John F. Bennett
John F. Bennett