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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

AERIELLE TECHNOLOGIES, INC.,

Plaintiff,

v.

BELKIN INTERNATIONAL, INC.; BEST BUY
 CO., INC.; BESTBUY.COM, LLC; BEST BUY
 STORES, L.P.; and RADIOSHACK
 CORPORATION,

Defendants.

CASE NO. C 10-01301 LHK (HRL)

**STIPULATION AND ~~PROPOSED~~
 ORDER ALLOWING PLAINTIFF TO
 AMEND ITS COMPLAINT AND
 INFRINGEMENT CONTENTIONS
 AND ALLOWING DEFENDANTS TO
 AMEND THEIR AFFIRMATIVE
 DEFENSES AND INVALIDITY
 CONTENTIONS**

WHEREAS, Plaintiff filed its Second Amended Complaint for Patent Infringement on July 29, 2011 (DN121);

WHEREAS, Defendants filed their Answers and Counterclaims Re: Plaintiff's Second Amended Complaint for Patent Infringement on August 15, 2011 (DN127-129);

1 WHEREAS, Plaintiff served its Patent Local Rule 3-1 Disclosure of Asserted Claims and
2 Infringement Contentions on December 17, 2010.

3 WHEREAS, Defendants served their Patent L.R. 3-3 Disclosure of Invalidity Contentions
4 and Documents Production Under Patent L.R. 3-4 on February 3, 2011.

5 WHEREAS, the parties during the September 21, 2011 Status Conference represented to
6 the Court that in view of the recently rendered Claim Construction Order and newly discovered
7 information they had agreed to simultaneously exchange supplemental/amended infringement and
8 invalidity contentions and amended pleadings regarding additional claims and defenses no later
9 than Friday September 23, 2011 and meet and confer on those contentions early the following
10 week;

11 WHEREAS, on or about Friday September 23, 2011 the parties exchanged their proposed
12 amended pleadings, infringement contentions, and invalidity contentions;

13 WHEREAS, on Monday September 26, 2011, the parties met and conferred on their
14 respective proposed amended pleadings and contentions and agreed to stipulate to each others
15 amendments, subject to the Court's approval;

16 WHEREAS, the parties believe that good cause exists under the governing local and
17 federal rules to permit these amendment pleadings and contentions and do not anticipate that this
18 stipulation will affect any other dates that have been set by this Court;

19 WHEREAS, the parties hereby stipulate and agree, by and through their attorneys of
20 record, to allow the September 23, 2011 exchanged amendments to their pleadings, infringement
21 contentions, and invalidity contentions.

22 NOW THEREFORE, having shown good cause, the parties respectfully request the entry
23 of an Order permitting:

24 (1) Plaintiff Aerielle Technologies, Inc. to amend its complaint to add claims of willful
25 infringement against Belkin and Best Buy defendants as to U.S. Patent No. 6,671,494 and to add a
26 claim of willful infringement against Belkin as to U.S. Patent No. 5,771,441; Plaintiff reserves its
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1 rights to assert willful infringement as to U.S. Patent No. 5,771,441 as to Best Buy and
2 RadioShack as discovery is ongoing;

3 (2) Plaintiff Aerielle Technologies, Inc. to serve its September 23, 2011 exchanged
4 infringement contentions within 2 calendar days of this Order (and will include the willful
5 allegation against Belkin regarding the '441 patent);

6 (3) Defendant Best Buy to amend their answers to add affirmative defenses of equitable
7 estoppel and Defendants reserve their rights in all other respects including with respect to lack of
8 standing, substitution of plaintiff, and any right, claim or defense relating to the issue of the
9 transfer of ownership of the patents-in-suit; and

10 (4) Defendants to serve their September 23, 2011 exchanged invalidity contentions within
11 2 calendar days of this Order.

12 Plaintiff is to file its amended complaint within 5 calendar days of this Order. Defendants
13 to file their amended answers and counterclaims within 15 calendar days of this Order.

14 By entering into this stipulation the parties do not waive and expressly reserve any other
15 rights, claims or defenses.

16 DATED: October 10, 2011 DICKSTEIN SHAPIRO LLP

18 By: /s/ Robert W. Dickerson
19 Robert W. Dickerson
20 Attorneys for Defendants

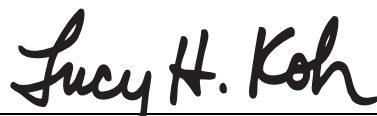
21 DATED: October 10, 2011 DLA PIPER LLP

23 By: /s/ Christine Corbett
24 Christine Corbett
25 Attorneys for Plaintiff

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: October 11, 2011



LUCY H. KOH
United States District Court Judge