

1 CAROLINE McINTYRE, SBN 159005, cmcintyre@be-law.com
 GRACE Y. PARK, SBN 239928, gpark@be-law.com
 2 BERGESON, LLP
 303 Almaden Boulevard, Suite 500
 3 San Jose, CA 95110-2712
 Telephone: (408) 291-6200
 4 Facsimile: (408) 297-6000

5 DANIEL P. ALBERS (admitted *pro hac vice*) dalbers@btlaw.com
 MARK A. HAGEDORN (admitted *pro hac vice*) mhagedorn@btlaw.com
 6 BARNES & THORNBURG LLP
 One North Wacker Drive, Suite 4400
 7 Chicago, IL 60606-2833
 Telephone: (312) 357-1313
 8 Facsimile: (312) 759-5646

9 Attorneys for Defendants
 THE UNIVERSITY OF CHICAGO and
 10 UCHICAGO ARGONNE LLC

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

14 NANOEXA CORPORATION, a Delaware
 Corporation,

Plaintiff,

16 vs.

17 THE UNIVERSITY OF CHICAGO, an Illinois
 18 Corporation; UCHICAGO ARGONNE LLC, an
 Illinois limited liability company,

Defendants.

Case No. CV 10-02631 LHK

**STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING BRIEFING
 SCHEDULE FOR DEFENDANTS'
 RESPONSE TO FIRST AMENDED
 COMPLAINT**

Judge: Hon. Lucy H. Koh
 Ctrm: 4, 5th Fl.

Complaint Filed: June 15, 2010

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 WHEREAS, Plaintiff Nanoexa Corporation (“Plaintiff”) filed a Complaint For Declaratory
3 Relief And Breach Of Contract against Defendants The University of Chicago and UChicago
4 Argonne LLC (“Defendants”) on June 15, 2010 (the “Complaint”);

5 WHEREAS, Defendants filed a Motion To Dismiss Or Alternatively To Transfer Venue
6 (the “Motion to Dismiss”) scheduled for hearing on October 21, 2010;

7 WHEREAS, during a hearing on August 26, 2010, the parties agreed to expedite the
8 briefing schedule, and the Court expedited the briefing schedule, for the Motion to Dismiss so that
9 Plaintiff’s opposition would be due on September 16, 2010, and Defendants’ reply would be due
10 on September 23, 2010;

11 WHEREAS, on August 27, 2010, Plaintiff filed a First Amended Complaint For
12 Declaratory Judgment, Breach Of Contract, And Patent Misuse (the “First Amended Complaint”);

13 WHEREAS, Defendants’ response to the First Amended Complaint is currently due
14 September 13, 2010;

15 WHEREAS, Plaintiff and Defendants have agreed to keep the October 21, 2010 hearing
16 date for Defendants’ response to the First Amended Complaint, and Defendants have confirmed
17 with the Court that they may do so;

18 WHEREAS, Plaintiff and Defendants agree that the time for Plaintiff to file its opposition
19 to Defendants’ responsive motion and for Defendants to file their reply will be pursuant to the
20 Federal Rules of Civil Procedure;

21 IT IS HEREBY STIPULATED by and between Plaintiff and Defendants, subject to the
22 approval of the Court, that:

- 23 1. The expedited briefing schedule for the Motion to Dismiss the Complaint is
24 vacated;
- 25 2. Defendants will file their response to the First Amended Complaint by September
26 13, 2010;

27
28

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

3. The hearing on any motion Defendants file in response to the First Amended Complaint will take place on October 21, 2010 at 1:30 p.m., preceding the previously scheduled status conference.

4. Plaintiff will file any opposition to any motion responding to the First Amended Complaint by ~~September 30, 2010~~; September 24, 2010, *Lucy H. Koh*

5. Defendants will file any reply to any motion responding to the First Amended Complaint by ~~October 7, 2010~~. October 1, 2010. *Lucy H. Koh*

The filer attests that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: September 7, 2010

BARNES & THORNBURG LLP

BERGESON, LLP

By: /s/
Caroline McIntyre

Attorneys for Defendants
THE UNIVERSITY OF CHICAGO and
UCHICAGO ARGONNE LLC

Dated: September 7, 2010

KIRIN LAW GROUP, P.C.

By: /s/
Q. Huy Do, Esq.

Attorneys for Plaintiff
NANOEXA 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

PURSUANT TO STIPULATION AND AS MODIFIED BY THE COURT, IT IS SO ORDERED.

DATED: September 8, 2010



Lucy H. Koh
UNITED STATES DISTRICT JUDGE