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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

11 SOLANNEX, INC.,	)	Case No. 11-cv-00171 PSG
	)	
12 Plaintiff,	)	<b>STIPULATION ENLARGING TIME FOR</b>
	)	<b>CERTAIN CLAIM CONSTRUCTION</b>
13 v.	)	<b>DEADLINES; ]-----)</b>
	)	<b>ORDER THEREON</b>
14 MIASOLÉ, INC.,	)	
	)	
15 Defendant.	)	
16	)	

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18 Pursuant to Civil Local Rules 6-1 and 6-2, Plaintiff Solannex, Inc. (“Solannex”) and

19 Defendant MiaSolé, Inc. (“MiaSolé”) respectfully request that the Court enter the following

20 stipulation regarding the schedule set forth in the May 15, 2011 Amended Case Management Order

21 (Docket No. 57), as modified by the July 13, 2011, Stipulation and Order Enlarging Time for

22 Certain Claim Construction Deadlines (Docket No. 72). The parties now AGREE AND

23 STIPULATE to extend the following deadlines:

24 <b>Event</b>	<b>Previous Deadline</b>	<b>Proposed Deadline</b>
25 Last Day for the Exchange of Preliminary Proposed 26 Claim Construction and Extrinsic Evidence (Patent L.R. 4-2)	August 16, 2011 [Docket No. 72]	September 19, 2011
27 File Joint Claim Construction Statement (Patent 28 L.R. 4-3) – limited to 10 terms unless leave of court granted	August 25, 2011 [Docket No. 72]	October 10, 2011

1	<b>Event</b>	<b>Previous Deadline</b>	<b>Proposed Deadline</b>
2	Completion of Claim Construction Discovery (Patent L.R. 4-4)	August 18, 2011 [Docket No. 72]	November 9, 2011
3	Last Day for Plaintiff's Opening Claim Construction	August 29, 2011	November 22, 2011
4	Brief (Patent L.R. 4-5(a))	[Docket No. 57]	
5	Last Day for Defendant's Opposing Claim Construction Brief (Patent L.R. 4-5(b))	September 13, 2011 [Docket No. 57]	December 12, 2011
6	Last Day for Plaintiff's Reply Claim Construction	September 20, 2011	December 19, 2011
7	Brief (Patent L.R. 4-5)	[Docket No. 57]	
8	Tutorial and Claims Construction Hearing	October 4, 2011 [Docket No. 57]	To be set by the Court; earliest possible date of January 12, 2012
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10			

11 1. Reason for the Request

12 Current counsel for Solannex recently substituted into this case on July 25, 2011 (Docket  
13 No. 73). The same day, the parties agreed to extend the exchange of proposed terms for  
14 construction by two days, from July 27, 2011 to July 29, 2011, to ensure that all parties were able to  
15 meet the deadline (Docket No. 74). Now that current counsel for Solannex and counsel for  
16 MiaSolé have reviewed the current schedule, they agree that it does not allow adequate time for  
17 review of the proposed claim terms in light of MiaSolé's recently served infringement contentions  
18 nor does it allow adequate time for claim construction discovery.

19 In an effort to more closely conform the schedule with the order and pace of events  
20 originally set out by the Court (Docket No. 57), the parties request the above amendment to Case  
21 Management Order.

22 2. Prior Time Modifications

23 The time for MiaSolé to answer or otherwise respond to the Complaint was previously  
24 extended by 30 days. The Initial Status Conference was previously extended 15 days, from  
25 February 28 to March 15, 2011. Solannex was allowed to supplement its May 10, 2011  
26 infringement contentions 48 days later, on June 27, 2011. MiaSolé's invalidity contention deadline  
27 was previously extended by 17 days from June 24, 2011 to July 11, 2011, and further extended 31  
28 days to August 11, 2011. The deadline for exchange of proposed terms and claim elements for

1 construction was extended 19 days, from July 8 to July 27, 2011, and further extended 2 days to  
2 July 29, 2011. The deadline for exchange of preliminary proposed claim construction and extrinsic  
3 evidence was extended 32 days, from July 15 to August 16, 2011. The deadline to file the Joint  
4 Claim Construction Statement was extended 34 days, from July 22 to August 25, 2011. The  
5 deadline for completion of claim construction discovery was shortened 4 days, from August 22 to  
6 August 18, 2011.

7 3. Effect of Requested Modification

8 Depending on the date the Court sets for the Tutorial and Claims Construction hearing and  
9 the date of the Court's subsequent Claim Construction order, it is likely that the close of fact  
10 discovery (February 3, 2012), opening expert reports (February 10, 2012), and the subsequent dates  
11 will need to be adjusted. Once the Court sets the date of the Claims Construction hearing, the  
12 parties will endeavor to stipulate to a modified Case Management Order that takes into account the  
13 new dates.

14 So Stipulated.

15 I, Gregory S. Tamkin, attest that concurrence in the filing of this document has been  
16 obtained from each of the other signatories below.


17 Dated this 16th day of August, 2011.

18 /s/ Gregory S. Tamkin  
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*Attorneys for Defendant MiaSolé, Inc.*

**PURSUANT TO STIPULATION, IT IS SO ORDERED**

Dated: August 19, 2011

  
Honorable Paul S. Grewal  
United States District Judge

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**CERTIFICATE OF SERVICE**

On August 16, 2011, I caused the foregoing document, titled STIPULATION ENLARGING TIME FOR CERTAIN CLAIM CONSTRUCTION DEADLINES; PROPOSED ORDER THEREON, to be electronically filed with the court, which will cause a Notice of Electronic Filing to be automatically generated by the court’s electronic filing system and sent to all parties in this case. Pursuant to General Order No. 45, Sections II.G. and IX, the Notice of Electronic Filing when e-mailed to the email addresses of record for counsel in the case constitutes service on the receiving parties.

/s/ Gregory S. Tamkin  
Gregory S. Tamkin