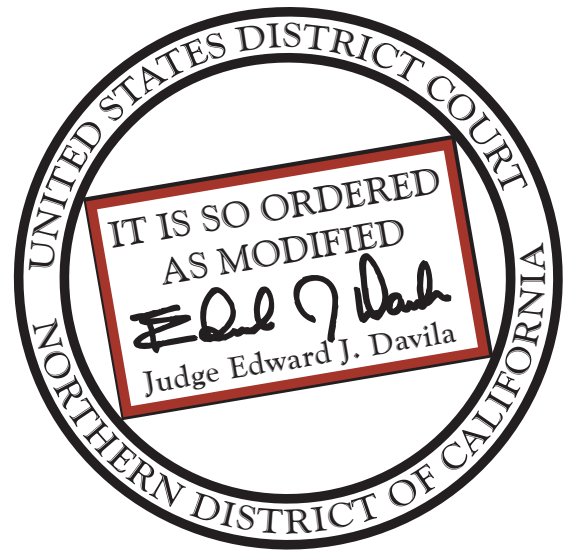


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9 Attorneys for Plaintiff, IRIDEX CORP.



10 UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

14 IRIDEX CORP., a Delaware corporation,
 15 Plaintiff,

16 v.

17 ALCON, INC., ALCON LABORATORIES,
 INC., ALCON RESEARCH LTD. (all
 18 Delaware corporations) and DOES 1-5,
 inclusive,

19 Defendants.
 20

Case No. CV11-02405 EJD (HRL)

**FURTHER STIPULATION TO EXTEND
 TIME TO RESPOND TO INITIAL
 COMPLAINT (L.R. 6-2)**

Complaint served: September 14, 2011
Original response date: October 5, 2011
First stip. resp. date: October 28, 2011
New response date: November 1, 2011

21
 22 Plaintiff IRIDEX Corporation (“IRIDEX”) filed a Complaint for patent infringement
 23 against Defendants Alcon, Inc., Alcon Laboratories, Inc., and Alcon Research Ltd. (collectively,
 24 “Alcon”) on May 17, 2011, after which time the parties began discussing settlement. Progress
 25 was made towards a resolution of this litigation but, when an agreement was not reached before
 26 the deadline to serve the Complaint, IRIDEX served the Complaint on Alcon on September 14,
 27 2011. The parties continued their settlement discussions, making further progress, but had not
 28 reached a final agreement when Alcon’s deadline to respond to the Complaint approached. The



1 parties thus stipulated on October 3, 2011, to extend the time for Alcon to respond to IRIDEX's
2 Complaint, from October 5, 2011 to October 28, 2011. Settlement discussions continued. The
3 parties now have reached a proposed settlement of this matter, have finalized the language of the
4 operative agreements and are simply awaiting the necessary Alcon corporate approvals before the
5 agreements can be signed. Because the date for Alcon to respond to IRIDEX's Complaint is once
6 again upon us, the parties have agreed to a further, short extension to allow the agreements to be
7 signed.

8 Accordingly, to allow Alcon additional time to obtain the necessary approvals, the parties
9 have stipulated, and the approval of the Court pursuant to Local Rule 6-2 is requested, that the
10 time in which Alcon may answer or otherwise respond to the Complaint in the above-referenced
11 proceeding shall be extended to and include November 1, 2011. Once the proposed settlement
12 agreement is signed, certain actions will be triggered which, under the proposed settlement
13 agreement, must occur before IRIDEX dismisses its Complaint.

14 If the agreements are signed by November 1, 2011, the parties further agree to a stay of all
15 dates in this case until November 18, 2011, at which point the parties expect this case to be
16 dismissed.

17 If the agreements are not signed by November 1, 2011, the parties agree that:

- 18 • Alcon's response to the Complaint will be filed November 1, 2011;
- 19 • the parties shall conduct a Rule 26(f) conference no later than November 11, 2011;
- 20 • the parties shall jointly submit their Rule 26(f) Report no later than November 18,
21 2011; and
- 22 • the Case Management Conference currently scheduled for November 4, 2011 be
rescheduled to a date convenient to the Court after November 18, 2011.

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DATED: October 27, 2011

Respectfully submitted,
KILPATRICK TOWNSEND & STOCKTON LLP

By: /s/ Anne M. Rogaski
A. JAMES ISBESTER
ANNE M. ROGASKI
Attorneys for Plaintiff, IRIDEX CORP.

DATED: October 27, 2011

By: /s/ Matthew A. Hayenga
MATTHEW A. HAYENGA
Attorneys for Defendants
ALCON, INC., ALCON LABORATORIES, INC.,
and ALCON RESEARCH LTD.

The Case Management Conference currently scheduled for November 4, 2011, is VACATED and rescheduled for **January 27, 2012, at 10:00 a.m.** The parties shall file a Joint Case Management Conference Statement on or before **January 20, 2012.**
PURSUANT TO STIPULATION AS AMENDED, IT IS SO ORDERED.

Dated: October 28, 2011


United States District Judge Edward J. Davila



1 Filer's Attestation: Pursuant to General Order No. 45, Section X(B), regarding signatures, I attest
2 under penalty of perjury that concurrence in the filing of this document has been obtained from
3 Matthew A. Hayenga.

4 DATED: October 27, 2011

Respectfully submitted,
KILPATRICK TOWNSEND & STOCKTON LLP

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By: /s/ Anne M. Rogaski
A. JAMES ISBESTER
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Attorneys for Plaintiff, IRIDEX CORP.

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