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13 Attorneys for Defendant
 14 BROCADE COMMUNICATIONS SYSTEMS, INC.

15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**
 17 **SAN JOSE DIVISION**

19 A10 NETWORKS, INC., a California
 20 corporation,
 21 **Plaintiff,**
 22 v.
 23 BROCADE COMMUNICATIONS
 SYSTEMS, INC., a Delaware corporation,
 24 **Defendant.**

Case No.: 11-cv-05493 LHK

**STIPULATION RE DEFENDANT
 BROCADE COMMUNICATIONS
 SYSTEMS, INC.'S SUPPLEMENTAL
 INVALIDITY CONTENTIONS
 PURSUANT TO PATENT LOCAL
 RULE 3-3**

1 Plaintiff A10 Networks, Inc. (A10) and Defendant Brocade Communications
2 Systems, Inc. (Brocade) submit this Stipulation regarding the amendment of Brocade's
3 Preliminary Invalidity Contentions under Patent L. R. 3-6. The Parties ask the Court to approve
4 the Stipulation.

5 1. Brocade served its Preliminary Invalidity Contentions pursuant to Patent
6 Local Rule 3-3 on April 2, 2012.

7 2. Brocade has prepared Supplemental Preliminary Invalidity Contentions
8 which include references to newly discovered patents and publications that Brocade contends is
9 prior art. Brocade represents that this alleged prior art was discovered and analyzed by Brocade
10 in the course of a diligent prior art search after April 2.

11 3. On identifying this alleged prior art, Brocade prepared Supplemental
12 Invalidity Contentions and accompanying claim charts for the prior art. Brocade produced copies
13 of all the newly discovered prior art to A10 on April 10, 2012.

14 4. Brocade presented the Supplemental Invalidity Contentions to A10's
15 counsel on April 10, 2012 seeking a stipulation. Brocade and A10 have met and conferred
16 regarding Brocade's request to supplement its Preliminary Invalidity Contentions.

17 5. A10 has agreed to stipulate to grant Brocade's leave to serve its
18 Supplemental Preliminary Invalidity Contentions as provided to A10 on April 10, 2012.

19 6. A10's agreement to stipulate to such amendment shall not be construed as
20 an admission that A10 agrees with any of Brocade's contentions, or that A10 agrees that Brocade
21 may further supplement its contentions in any manner.

22 NOW, THEREFORE, the Parties hereby AGREE AND STIPULATE and request
23 that the Court order that Brocade's request for leave to serve its Supplemental Preliminary
24 Invalidity Contentions Pursuant to Patent Local Rule 3-3 is GRANTED.

