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14 UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

15 INTEGRATED TECHNOLOGICAL
 16 SYSTEMS, INC.,
 17 Plaintiff,
 18 v.
 19 GREEN DOT CORPORATION,
 20 Defendant.

Civil Action No. 2:11-cv-01626-GMN-(PAL)

**STIPULATION REGARDING PARTIAL
 ALIGNMENT OF CASES AND MOOTING
 OF PLAINTIFF'S MOTION TO
 CONSOLIDATE CASES**

AND ORDER

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1 On Tuesday May 29, 2012, Integrated Technology Systems, Inc. (“ITS”) and Green Dot
2 Corporation (“Green Dot”), along with NetSpend Corporation (“NetSpend”), met and conferred
3 regarding Plaintiff’s Motion to Consolidate Civil Action No. 2:11-cv-01625-GMN-(GWF) (Dkt.
4 30) and Civil Action No. 2:11-cv-01626-GMN-(PAL) (Dkt. 24) (“the Actions”). The parties in
5 the respective Actions reached agreement on measures to partially align the cases that the parties
6 believe will minimize the burden of the litigations on the parties and the Court and moot ITS’s
7 Motion to Consolidate. All information required pursuant to Local Rule 26.4 was submitted to
8 the Court on May 29, 2012 in the parties’ Stipulated Request For Extension of Deadlines (Dkt.
9 51) and is incorporated herein by reference.

11 It is hereby stipulated by and between the parties through their counsel of record as
12 follows:

- 14 1. The respective Actions shall be assigned to a single magistrate judge for further
15 pre-trial proceedings;
- 16 2. The respective Actions shall proceed on parallel schedules through and including
17 the discovery cut-off date as set forth below:

18 Defendant to serve initial disclosure of 19 noninfringement, invalidity and unenforceability contentions pursuant to Local Rule 16.1-8	June 7, 2012
20 Defendant to produce documents 21 accompanying initial disclosure of 22 invalidity contentions pursuant to Local Rule 16.1-9	June 7, 2012
23 ITS to serve response to initial 24 noninfringement, invalidity and unenforceability contentions pursuant to Local Rule 16.1-10	June 21, 2012
25 All parties in both Actions to exchange 26 proposed terms for claim construction pursuant to Local Rule 16.1-13	July 5, 2012

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1	All parties in both Actions to meet and confer regarding claim terms pursuant to Local Rule 16.1-13	July 11, 2012
2		
3	All parties in both Actions to exchange preliminary claim constructions and extrinsic evidence pursuant to Local Rule 16.1-14	July 27, 2012
4		
5		
6	All parties in both Actions to submit common Joint Claim Construction and Prehearing Statement pursuant to Local Rule 16.1-15	August 10, 2012
7		
8	ITS to submit opening claim construction brief pursuant to Local Rule 16.1-16	September 17, 2012
9		
10	Each Defendant to submit responsive claim construction brief pursuant to Local Rule 16.1-16	October 5, 2012
11		
12	ITS to submit consolidated reply claim construction brief pursuant to Local Rule 16.1-16 of up to 40 pages	October 19, 2012
13		
14	<i>Markman</i> Hearing in both Actions	TBD
15	Expert Disclosures on Issues for which a Party Bears the Burden of Proof	30 days after the <i>Markman</i> decision
16	Rebuttal Expert Disclosures	60 days after the <i>Markman</i> decision
17	Discovery cut-off date	120 days after the <i>Markman</i> decision
18		

19 With the exception of the date for submission of Plaintiff's reply claim construction brief, which
20 is extended by seven (7) days, all other dates remain unchanged from the Actions' respective
21 Scheduling Order and the respective Stipulated Request For Extension of Deadlines. The
22 Scheduling Order shall not be further modified in either Action absent a showing of good cause,
23 and any modification of the above deadlines in either Action shall apply to both Actions.

24 3. The *Markman* hearings in the Actions shall proceed concurrently on a date and in
25 a manner determined by the Court. The dispositive motion deadline and any dispositive motion
26

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1 hearings in the respective Actions shall proceed concurrently on a date and in a manner
2 determined by the Court. Except for the scheduling coordination and common submissions
3 noted above, the Actions will remain separate; and their respective Rule 26(f) Reports, Protective
4 Orders, and Discovery Plans shall be unaffected by this Stipulation.

5 4. Plaintiff's Motion to Consolidate (Dkt. 24) is **DENIED AS MOOT**. The hearing
6 on Plaintiff's Motions to Consolidate set for June 5, 2012 is **VACATED**.

7 DATED: June 1, 2012

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IT IS SO ORDERED this 4th day of June, 2012.



Gloria M. Navarro
United States District Judge