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14 *Attorneys for Defendant Marks Studios, LLC*

15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 KONAMI GAMING, INC., a Nevada  
18 corporation,  
19 Plaintiff,

20 v.

21 MARKS STUDIOS, LLC d/b/a Gimmie  
22 Games, a Georgia limited liability company,  
23 Defendant.

CASE NO.: 2:14-cv-01485-JAD-CWH

Honorable Jennifer A. Dorsey  
Magistrate Judge Carl W. Hoffman

**STIPULATION AND [PROPOSED]  
ORDER TO MODIFY SCHEDULING  
ORDER  
(SECOND REQUEST)**

24 Pursuant to Local Rules 6-1 and 26-4. Plaintiff Konami Gaming, Inc. (“Konami” or  
25 “Plaintiff”) and Defendant Marks Studios, LLC d/b/a Gimmie Games (“Marks Studios” or  
26 Defendant”) hereby stipulate as follows:  
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1           **WHEREAS**, the parties to this action filed a proposed joint Discovery Plan and  
2 Scheduling Order (the “Scheduling Order”) on December 30, 2014, (*Docket no. 24*);

3           **WHEREAS**, the Court so ordered the Scheduling Order on January 27, 2015 (*Docket no.*  
4 *31*);

5           **WHEREAS**, to date, the Plaintiff and Defendant have made their Initial Disclosures  
6 pursuant to Federal Rule of Civil Procedure 26(a)(1) and have filed the Stipulated Protective  
7 Order required under Local Rule 16.1-4;

8           **WHEREAS**, pursuant to the Scheduling Order, discovery is partially stayed until the  
9 Court issues a *Markman* order on claim construction;

10           **WHEREAS**, the parties first requested to modify the Scheduling Order on February 6,  
11 2015 (*Docket No. 35*);

12           **WHEREAS**, the Court so ordered the Scheduling Order on February 6, 2015 (*Docket*  
13 *No. 37*);

14           **WHEREAS**, the parties have disputes regarding the sufficiency of the local rule  
15 disclosures made by Plaintiff and Defendant as well as discovery related to additional Defendant  
16 products;

17           **WHEREAS**, the parties have agreed to stipulate to a modification of the case schedule to  
18 allow the parties sufficient time to resolve their disputes and for Plaintiff to receive from  
19 Defendant discovery related to additional Defendant products;

20           **WHEREAS**, this is the parties’ second request to modify the Scheduling Order;

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1           **IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned  
 2 counsel for the named parties hereto, that the schedule in the Scheduling Order will be amended  
 3 as follows:  
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Event	Basis	Proposed Date
Defendant shall produce source code and operating documents for the ten additional games as identified in the supplemental Asserted Claims and Infringement Contentions	LR 16.1-9	May 19, 2015
Disclosure of Asserted Claims and Infringement Contentions	LR 16.1-6	June 2, 2015
Disclosure of Non-Infringement, Invalidity and Unenforceability Contentions	LR 16.1-8	July 2, 2015
Response to Non-Infringement, Invalidity and Unenforceability Contentions	LR 16.1-10	July 20, 2015
Exchange of Proposed Terms for Claim Construction	LR 16.1-13	August 3, 2015
Exchange of Preliminary Claim Construction and Extrinsic Evidence	LR 16.1-14	August 24, 2015
Parties to Meet and Confer regarding terms requiring construction and proposed meaning of the terms	LR 16.1-14	August 25-28, 2015
Joint Claim Construction Statement	LR 16.1-15	September 9, 2015
Opening Claim Construction Brief	LR 16.1-16	October 9, 2015
Responsive Claim Construction Brief	LR 16.1-16	October 23, 2015
Reply Claim Construction Brief	LR 16.1-16	October 30, 2015
<i>Markman</i> Hearing	N/A	To be Set By Court
Initial Expert Disclosures and Submission of Interim Status Report	N/A	November 15, 2015
Rebuttal Expert Exchange	N/A	December 15, 2015

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**IT IS FURTHER STIPULATED AND AGREED** that nothing herein alters the obligations and requirements included in the Scheduling Order and that this Stipulation is made in good faith and not for the purpose of delay.

**IT IS SO STIPULATED THROUGH COUNSEL OF RECORD,**

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Dated: May 18, 2015

By: /s/ Nicholas J. Santoro  
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Dated: May 18, 2015

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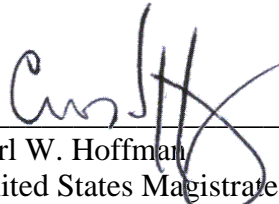
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Attorneys for Plaintiff Konami Gaming, Inc.

**ORDER**

IT IS SO ORDERED.

DATED: May 19, 2015

  
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Carl W. Hoffman  
United States Magistrate Judge