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13 *Attorneys for Defendant Marks Studios, LLC*

14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 KONAMI GAMING, INC., a Nevada
17 corporation,
18
19 Plaintiff,
20
21 v.
22 MARKS STUDIOS, LLC d/b/a Gimmie
Games, a Georgia limited liability company,
23
24 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
(FOURTH 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:

27 **WHEREAS**, the parties to this action filed a proposed joint Discovery Plan and
28 Scheduling Order (the “Scheduling Order”) on December 30, 2014, (*Docket no. 24*);

1 **WHEREAS**, the Court so ordered the Scheduling Order on January 27, 2015 (*Docket no.*
2 *31*);

3 **WHEREAS**, the parties' first request to modify the Scheduling Order was on February 6,
4 2015 (*Docket No. 35*);

5 **WHEREAS**, the Court approved the proposed modification of the Scheduling Order on
6 February 9, 2015 (*Docket No. 37*);

7 **WHEREAS**, the parties' second request to modify the Scheduling Order was on May 18,
8 2015 (*Docket No. 65*);

9 **WHEREAS**, the Court approved the proposed modification of the Scheduling Order on
10 May 19, 2015 (*Docket No. 66*);

11 **WHEREAS**, the parties' third request to modify the Scheduling Order was on July 23,
12 2015 (*Docket No. 73*);

13 **WHEREAS**, the Court approved the proposed modification of the Scheduling Order on
14 July 29, 2015 (*Docket No. 75*);

15 **WHEREAS**, in the interest of judicial economy, the parties have agreed to stipulate to
16 simultaneous exchange of opening and responsive claim construction briefs.

17 **WHEREAS**, the parties have agreed to stipulate to a modification of the case schedule,
18 to allow the parties sufficient time to resolve their disputes;

19 **WHEREAS**, this is the parties' second request to modify the Scheduling Order;

20 **IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned
21 counsel for the named parties hereto, that the schedule in the Scheduling Order will be amended
22 as follows:

Event	Basis	Proposed Date
Simultaneous Opening Claim Construction Briefs Exchange (75 pages)	LR 16.1-16	October 21, 2015
Simultaneous Responsive Claim Construction Brief Exchange (50 pages)	LR 16.1-16	November 6, 2015
<i>Markman</i> Hearing	N/A	To be Set By Court

1 **IT IS FURTHER STIPULATED AND AGREED** that nothing herein affects either
2 party's ability to seek to further modify the case schedule or alters the obligations and
3 requirements included in the Scheduling Order and that this Stipulation is made in good faith and
4 not for the purpose of delay.

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

6 Dated: September 30, 2015

Dated: September 30, 2015

7 By: /s/ Nicholas J. Santoro

By: /s/ Patrick M. McCarthy

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21 *Attorneys for Defendant Marks Studios, LLC*

22 **ORDER**

23 **PURSUANT TO THE STIPULATION, IT IS SO ORDERED:**

24
25 Dated: October 1, 2015

26
27 
28 _____
Carl W. Hoffman
United States Magistrate Judge