

HON. MARSHA J. PECHMAN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTERVAL LICENSING LLC,

Plaintiff,

v.

AOL, INC.; APPLE, INC.; eBAY, INC.;
FACEBOOK, INC.; GOOGLE INC.;
NETFLIX, INC.; OFFICE DEPOT, INC.;
OFFICEMAX INC.; STAPLES, INC.;
YAHOO! INC.; AND YOUTUBE, LLC,

Defendants.

Case No. 2:10-cv-01385-MJP

STIPULATION

Plaintiff Interval Licensing LLC and Defendants eBay Inc., Netflix, Inc., Office Depot, Inc., OfficeMax Inc., and Staples, Inc., through their undersigned attorneys of record, hereby stipulate that Plaintiff's First Amended Complaint For Patent Infringement ("FAC") (Dkt. No. 153) does not assert or allege any claims that eBay Inc., Netflix, Inc., Office Depot, Inc., OfficeMax Inc., or Staples, Inc. indirectly infringe U.S. Patent Nos. 6,263,507 or 6,757,682. This stipulation, itself, does not prohibit Plaintiff from seeking leave to amend the FAC pursuant to Federal Rule of Civil Procedure 15.

STIPULATION (10-cv-01385-MJP)

- 1 -

KLARQUIST SPARKMAN, LLP
121 S.W. Salmon Street, Suite 1600
Portland, OR 97204
Tel: (503) 595-5300; Fax: (503) 595-5301

1 DATED this 13th day of January, 2011.

2 /s/ Justin A. Nelson

3 Justin A. Nelson, WSBA No. 31864
4 jnelson@susmangodfrey.com
5 Matthew R. Berry, WSBA No. 37364
6 mberry@susmangodfrey.com
7 SUSMAN GODFREY L.L.P.
8 1201 Third Avenue, Suite 3800
9 Seattle, Washington 98101
10 Tel: (206) 516-3880

11 Max L. Tribble, Jr. (*pro hac vice*)
12 mtribble@susmangodfrey.com
13 SUSMAN GODFREY L.L.P.
14 1000 Louisiana Street, Suite 5100
15 Houston, Texas 77002
16 Tel: (713) 651-9366

17 Michael F. Heim (*pro hac vice*)
18 mheim@hpcllp.com
19 Eric J. Enger (*pro hac vice*)
20 eenger@hpcllp.com
21 Nathan J. Davis (*pro hac vice*)
22 ndavis@hpcllp.com
23 HEIM, PAYNE & CHORUSH, L.L.P.
24 600 Travis, Suite 6710
25 Houston, Texas 77002
26 Tel: (713) 221-2000

27 *Attorneys for Plaintiff Interval Licensing LLC*

/s/ Klaus H. Hamm

J. Christopher Carraway, WSBA No. 37944
chris.carraway@klarquist.com
Klaus H. Hamm (*pro hac vice*)
klaus.hamm@klarquist.com
Kristin L. Cleveland (*pro hac vice*)
kristin.cleveland@klarquisit.com
John D. Vandenberg, WSBA No. 38445
john.vandenberg@klarquist.com
KLARQUIST SPARKMAN, LLP
121 S.W. Salmon Street, Suite 1600
Portland, Oregon 97204
Tel: (503) 595-5300

Christopher T. Wion, WSBA No. 33207
chrism@dhl.com
Arthur W. Harrigan, Jr., WSBA No. 1751
arthurh@dhl.com
DANIELSON HARRIGAN LEYH &
TOLLEFSON LLP
999 Third Avenue, Suite 4400
Seattle, Washington 98104
Tel: (206) 623-1700

*Attorneys for Defendants eBay Inc., Netflix,
Inc., Office Depot, Inc., and Staples, Inc.*

/s/ John S. Letchinger

John S. Letchinger (*pro hac vice*)
letchinger@wildman.com
Douglas S. Rupert (*pro hac vice*)
rupert@wildman.com
WILDMAN, HARROLD, ALLEN &
DIXON LLP
225 West Wacker Drive, Suite 2800
Chicago, Illinois 60606
Tel: (312) 201-2698

*Attorneys for Defendant OfficeMax
Incorporated*

STIPULATION (10-cv-01385-MJP)

- 2 -

KLARQUIST SPARKMAN, LLP
121 S.W. Salmon Street, Suite 1600
Portland, OR 97204
Tel: (503) 595-5300; Fax: (503) 595-5301

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on January 13, 2011, I electronically filed the foregoing with the
3 Clerk of the Court using the CM/ECF system which will send notification of such filing to the
4 following counsel of record:

5 **Attorneys for AOL Inc.**

6 Molly A. Terwilliger mollyt@summitlaw.com
7 Gerald F. Ivey gerald.ivey@finnegan.com
8 Robert L. Burns robert.burns@finnegan.com
9 Cortney S. Alexander cortney.alexander@finnegan.com
10 Elliot C. Cook elliot.cook@finnegan.com

11 **Attorneys for Apple, Inc.**

12 David Almeling dalmeling@omm.com
13 Brian Berliner bberliner@omm.com
14 George Riley griley@omm.com
15 Jeremy Roller jroller@yarmuth.com
16 Scott Wilsdon wilsdon@yarmuth.com
17 Neil Yang nyang@omm.com

18 **Attorneys for eBay Inc., Netflix, Inc., Office Depot, Inc. and Staples, Inc.**

19 Christopher Carraway chris.carraway@klarquist.com
20 Kristin Cleveland kristin.cleveland@klarquist.com
21 John Vandenberg john.vandenberg@klarquist.com
22 Christopher Wion chrisw@dhlt.com
23 Arthur Harrigan, Jr. arthurh@dhlt.com

24 **Attorneys for Facebook, Inc.**

25 Christen Dubois cdubois@cooley.com
26 Heidi Keefe hkeefe@cooley.com
27 Michael Rhodes mrhodes@cooley.com
Elizabeth Stameshkin lstameshkin@cooley.com
Mark Weinstein mweinstein@cooley.com
Chris Durbin cdurbin@cooley.com

28 **Attorneys for Google, Inc. and YouTube, LLC**

29 Aneelah Afzali aneelah.afzali@stokeslaw.com
30 Aaron Chase achase@whitecase.com
31 Dimitrios Drivas ddrivas@whitecase.com
32 John Handy jhandy@whitecase.com
33 Warren Heit wheat@whitecase.com
34 Kevin McGann kmcgann@whitecase.com

35 **STIPULATION (10-cv-01385-MJP)**

- 3 -

KLARQUIST SPARKMAN, LLP
121 S.W. Salmon Street, Suite 1600
Portland, OR 97204
Tel: (503) 595-5300; Fax: (503) 595-5301

1 Scott Johnson
2 Shannon Jost

scott.johnson@stokeslaw.com
shannon.jost@stokeslaw.com

3 **Attorneys for OfficeMax, Inc.**

4 Kevin Baumgardner
5 Steven Fogg
6 John Letchinger
7 Douglas Rupert
8 Jeff Neumeyer

kbaumgardner@correronin.com
sfogg@correronin.com
letchinger@wildman.com
rupert@wildman.com
jeffneumeyer@officemax.com

9 **Attorneys for Yahoo! Inc.**

10 Francis Ho
11 Richard S.J. Hung
12 Michael Jacobs
13 Matthew Kreeger
14 Dario Machleidt
15 Eric Ow
16 Mark Walters

fho@mofocom
rhung@mofocom
mjacobs@mofocom
mkreeger@mofocom
dmachleidt@flhlaw.com
eow@mofocom
mwalters@flhlaw.com

17
18
19
20
21
22
23
24
25
26
27
By: /s/ Klaus H. Hamm
Klaus H. Hamm