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FINISAR CORPORATION

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

FINISAR CORPORATION, a Delaware corporation,

Plaintiff,

v.

OPLINK COMMUNICATIONS, INC., a Delaware corporation, OPTICAL COMMUNICATION PRODUCTS, INC., a Delaware corporation,

Defendants.

Case No. 5:10-cv-05617-RS

JOINT STIPULATION AND ~~[PROPOSED]~~ ORDER EXTENDING DEADLINE

Whereas, the parties seek the Court's clarification of certain deadlines and requirements relating to issues of validity under 35 U.S.C. § 112;

It is hereby Stipulated and Ordered that::

1. Other than for terms for which a party otherwise seeks a construction from the Court or for 35 U.S.C. § 112(6) terms, it is not necessary for the parties to address 35 U.S.C. § 112 invalidity issues in Patent Local Rule 4 disclosures and not addressing such issues in the Patent Local Rule 4 disclosures will not be deemed a waiver of any of parties' rights, defenses, or claims.
2. The deadline for filing any opening motions for summary judgment relating to alleged invalidity under 35 U.S.C. § 112 will be the same as the deadline for filing opening summary judgment briefs on other issues—a deadline which has yet to be ordered by the Court,

So Stipulated:

Dated: October 24, 2011

COOLEY LLP

s/Sarah J. Guske
Sarah J. Guske (232467)

Attorneys for Defendants
OPLINK COMMUNICATIONS, INC., AND OPTICAL COMMUNICATION PRODUCTS, INC.

Dated: October 24, 2011

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s/Dion Bregman
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Filer's Attestation re signatures: Sarah J. Guske hereby attests that concurrence in the filing of this document has been obtained.

IT IS SO ORDERED:

Dated: October 25 2011

United States District Court Judge