E-Filed 12/14/11

Daniel Johnson, Jr. (State Bar No. 57409)
Michael J. Lyons (State Bar No. 202284)
Dion M. Bregman (State Bar No. 208393)
Ahren C. Hsu-Hoffman (State Bar No. 250469)
MORGAN, LEWIS & BOCKIUS LLP
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306-2122
Tel: 650.843.4000
Fax: 650.843.4001
E-mail: djjohnson@morganlewis.com
E-mail: mlyons@morganlewis.com
E-mail: dbregman@morganlewis.com
E-mail: ahsu-hoffman@morganlewis.com

Attorneys for Plaintiff
FINISAR CORPORATION

THOMAS J. FRIEL, JR. (SBN 80065)
101 California Street, 5th Floor
San Francisco, CA 94111-5800
Tel.: 415.693.2000
Fax: 415.693.2222
E-mail: tfriel@cooley.com

MARK T. SMITH (SBN 260845)
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306
Tel.: 650.843.5122
Fax: 650.857.0663
E-mail: msmith@cooley.com

SARAH J. GUSKE (SBN 232467)
WAYNE O. STACY (pro hac vice)
380 Interlocken Crescent, Suite 900
Broomfield, CO 80021-8023
Tel.: 720.566.5000
Fax: 720.566.4099
E-mail: sguske@cooley.com
E-mail: wstacy@cooley.com

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

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

FINISAR CORPORATION,

Plaintiff,

v.

OPLINK COMMUNICATIONS INC., OPTICAL COMMUNICATION PRODUCTS, INC.,

Defendants.

CASE NO. 3:10-cv-05617 RS

STIPULATION AND ~~[PROPOSED]~~ ORDER TO AMEND CLAIM CONSTRUCTION SCHEDULE UNDER CIV. L.R. 6-2

Plaintiff FINISAR CORPORATION ("Finisar") and Defendants OPLINK COMMUNICATIONS INC., OPTICAL COMMUNICATION PRODUCTS, INC. ("Oplink"), by and through their respective counsel, hereby submit, pursuant to Civil L.R. 6-1(b), 6-2 and 7-12, this stipulated and agreed request that the Court delay the Claim Construction Briefing Schedule by two weeks.

WHEREAS the parties participated in Court-ordered mediation before Mr. Wulff on November 30, 2011;

WHEREAS the parties are continuing to participate in good faith in continuing, active negotiations towards a settlement;

WHEREAS the parties believe in good faith that this litigation may be settled within the next two weeks;

WHEREAS the Court issued its Amended Joint Schedule and Order (Docket No. 54) on August 2, 2011 (the "Scheduling Order");

WHEREAS the Court issued a Stipulation and Order to Amend Claim Construction Schedule Under Civ. L.R. 6-2 on December 1, 2011;

WHEREAS the Stipulation and Order requires Finisar to file its Patent L.R. 4-5(a) Opening Claim Construction Brief on December 14, 2011;

WHEREAS the Stipulation and Order requires Oplink to file its Patent L.R. 4-5(b) Responsive Claim Construction Brief on January 4, 2011;

WHEREAS the Stipulation and Order requires Finisar to file its Patent L.R. 4-5(c) Reply Claim Construction Brief on January 11, 2011;

WHEREAS the Stipulation and Order set a tutorial for the Court on January 18, 2012;

WHEREAS the Stipulation and Order set the Claim Construction Hearing on January 20, 2012;

WHEREAS the requested time modification will have minimal effect on any other scheduled dates;

WHEREAS the parties agree that delaying the claim construction briefing schedule by about two weeks may prevent unnecessary expense, promote judicial economy, and increase the

likelihood of an extra-judicial settlement in this litigation;

IT IS HEREBY STIPULATED AND AGREED:

Subject to the Court's approval, the Scheduling Order shall be amended as follows:

Patent L.R. 4-5(a) Opening Claim Construction Brief	January 6, 2012
Patent L.R. 4-5(b) Responsive Claim Construction Brief	January 20, 2012
Patent L.R. 4-5(c) Reply Claim Construction Brief	January 27, 2012
Tutorial	~~February 15, 2012 (Court's schedule permitting)~~ February 22, 2012 at 10:00 am
Claim Construction Hearing	~~February 17, 2012 (Court's schedule permitting)~~ February 24, 2012 at 10:00 am

Dated: December 14, 2011

RESPECTFULLY SUBMITTED,

MORGAN, LEWIS & BOCKIUS LLP

By /s/ Michael J. Lyons
Michael J. Lyons
Attorneys for Plaintiff
FINISAR CORPORATION

I, Michael J. Lyons, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER. In compliance with General Order 45, X.B., I hereby attest that the signatory identified below has concurred in this filing.

Dated: December 14, 2011

COOLEY LLP

By /s/ Sarah Guske
Sarah Guske
Attorneys for Defendant
OPLINK COMMUNICATIONS INC.,
OPTICAL COMMUNICATION
PRODUCTS, INC.,

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

That the Stipulation and [~~Proposed~~] Order To Amend Claim Construction Schedule Under Civ. L.R. 6-2 is hereby adopted by the Court. The parties shall comply with this Order.

Dated: 12/14, 2011

HON. RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE