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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO

SAGE ELECTROCHROMICS, INC., a New Jersey Corporation,

Plaintiff and Counterclaim Defendant,

v.

VIEW, INC., a Delaware Corporation,

Defendant and Counterclaimant.

CASE NO. C 12-06441 (JST)

JOINT STIPULATION AND ~~[PROPOSED]~~ ORDER EXTENDING THE DEADLINE TO COMPLETE COURT-APPOINTED MEDIATION

Plaintiff and Counterclaim Defendant, SAGE Electrochromics, Inc. ("SAGE"), and Defendant and Counterclaimant, View, Inc. ("View"), by and through their respective undersigned counsel, respectfully submit this Joint Stipulation and [Proposed] Order to extend the deadline for the parties to complete Court-appointed mediation.

WHEREAS, on May 29, 2013, the Court issued a Scheduling Order through claim construction in this matter. Dkt. No. 57. The Scheduling Order entered by the Court originally required the parties to complete Court-appointed mediation by October 15, 2013. Dkt. No. 57.

WHEREAS, on September 20, 2013, the Court reset the mediation date to November 5, 2013. *See* Docket Text Entry of 09/20/13.

WHEREAS, on October 11, 2013, the court appointed mediator Mr. Isbester informed the parties that a conflict had come up on November 5. Mr. Isbester proposed the mediation be rescheduled to November 11, 12 or 13. On October 15, 2013, the parties confirmed to Mr. Isbester their availability for mediation on November 11, 2013. On October 22, 2013, the ADR Program Case Administrator, Claudia Forehand, informed Mr. Isbester and counsel for the parties that a joint stipulation needed to be filed by the parties extending the mediation deadline to November 11, 2013.

WHEREAS, on October 22, 2013, the Court reset the mediation date to November 11, 2013. *See* Docket Text Entry of 10/22/13.

WHEREAS, the parties do not anticipate that the requested extension will require any further adjustments to the current Scheduling Order.

NOW THEREFORE, the parties jointly agree and stipulate that good cause exists for the Court to order as follows:

1. The deadline to complete Court-appointed mediation is amended to extend the deadline to complete mediation to November 11, 2013.

2. All other deadlines contained in the Court's May 29, 2013 Scheduling Order remain unchanged.

McDermott Will & Emery LLP
Attorneys At Law
Menlo Park

Dated: October 23, 2013

RESPECTFULLY SUBMITTED,

By: */s/ Terry W. Ahearn*

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Dated: October 23, 2013

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VIEW, INC.

SIGNATURE ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I hereby attest that I have obtained the concurrence in the filing of this document from all the signatories for whom a signature is indicated by a "conformed" signature (/s/) within this e-filed document and I have on file records to support this concurrence for subsequent production for the court if so ordered or for inspection upon request.

Date: October 23, 2013

/s/ Terry W. Ahearn
Terry W. Ahearn

McDermott Will & Emery LLP
Attorneys At Law
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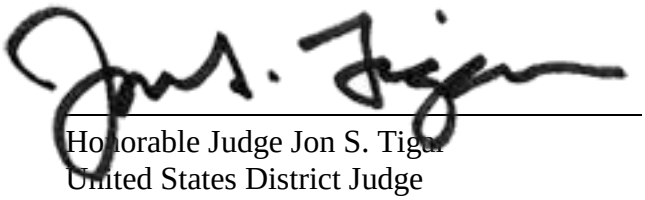
~~[PROPOSED]~~ ORDER

Based upon the above Stipulation and on the grounds set forth therein, it is hereby ORDERED, ADJUDGED, AND DECREED:

1. The deadline to complete Court-appointed mediation is amended to extend the deadline to complete mediation to November 11, 2013.

2. All other deadlines contained in the Court's May 29, 2013 Scheduling Order remain unchanged.

Date: October 23, 2013



Honorable Judge Jon S. Tigar
United States District Judge