UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:12-cv-02640-REB

WYERS PRODUCTS GROUP, INC.,

Plaintiff,

v.

CEQUENT PERFORMANCE PRODUCTS, INC.,

Defendant.

STIPULATED MOTION FOR EXTENSION OF TIME
TO FILE JOINT CLAIM CONSTRUCTION STATEMENT

Cequent Performance Products, Inc. and Wyers Products Group, Inc. stipulate and jointly move the Court to extend the current deadline for filing the parties' joint claim construction statement by 45 days, until April 26, 2013. Per the Court's *Markman* order [#5], that statement is presently due on March 12, 2013.

The good cause for this request is that the parties need additional time because their resources have been occupied over the past 90 days briefing the three motions filed in this case. While Cequent has now withdrawn its Rule 12(b)(6) motion [#18], the parties are still briefing Cequent's Rule 12(b)(1) motion [#23] and Wyers Products' Motion to Amend Case Caption or, in the Alternative, to Join Philip W. Wyers as Co-Plaintiff [#27]. Granting an extension should promote judicial efficiency by allowing the parties more time to narrow their claim construction theories and to potentially reduce the number of claim construction disputes between them. Furthermore, additional time will allow the Court and parties to focus their efforts on resolving the pending motions,

which go to the Court's subject matter jurisdiction. *See Bleck v. City of Alamosa, Colo.*, No. 10-cv-03177-REB-KMT, 2011 WL 4485953, at *1 (D. Colo. Sept. 27, 2011) ("subject matter jurisdiction should be resolved as early as possible in the litigation").

The parties agree that they will not be prejudiced by the granting of this extension. For the Court's convenience, a proposed order is attached.

Dated: March 8, 2013

Respectfully submitted,

s/ Aaron P. Bradford (by consent)
Aaron P. Bradford
LATHROP & GAGE, LLP
950 Seventeenth Street
Suite 2400
Denver, Colorado 80202
abradford@lathropgage.com
t 720.931.3214
f 720.931.3201

Counsel for
Wyers Products Group, Inc.

s/ David B. Cupar
David B. Cupar
MCDONALD HOPKINS LLC
600 Superior Avenue, East, Suite 2100
Cleveland, Ohio 44114
t 216.348.5730 | f 216.348.5474
dcupar@mcdonaldhopkins.com

and

Andrew J. Petrie
FEATHERSTONE PETRIE DESISTO LLP
600 17th Street, Suite 2400 S
Denver, Colorado 80202
t 303.626.7100 | f 303.626.7101
apetrie@featherstonelaw.com

Counsel for
Cequent Performance Products, Inc

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2013, I electronically filed the foregoing with the Clerk of this Court using the CM/ECF system, which will electronically mail notice to the following:

Andrew J. Petrie
FEATHERSTONE PETRIE DESISTO LLP
600 17th Street, Suite 2400 S
Denver, Colorado 80202
apetrie@featherstonelaw.com

Counsel for
Cequent Performance Products, Inc.

Aaron P. Bradford
LATHROP & GAGE, LLP
950 Seventeenth Street
Suite 2400
Denver, Colorado 80202
abradford@lathropgage.com
t 720.931.3214
f 720.931.3201

Counsel for
Wyers Products Group, Inc.

s/ David B. Cupar
Counsel for
Cequent Performance Products, Inc.