**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF DELAWARE**

| | | |
|---|---|---|
| AIP ACQUISITION LLC, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | |
| v. | ) | C.A. No 12-617-GMS |
| | ) | |
| LEVEL 3 COMMUNICATIONS, LLC, | ) | |
| | ) | |
| Defendant. | ) | |
| | ) | |

**STIPULATION AND PROPOSED ORDER**

WHEREAS, the Court entered a Scheduling Order, D.I. 14, paragraph 5 of which set deadlines of November 8, 2013 for opening claim construction briefs and December 6, 2013 for answering claim construction briefs;

WHEREAS, the parties continued to meet and confer following submission of the Joint Claim Chart to further narrowing the claim terms in dispute, and have made significant progress to date;

WHEREAS, the parties believe that a one week extension to file the opening claim construction briefs will materially aid the parties in further narrowing the claim terms in dispute; and

WHEREAS, the CM/ECF system will be off-line beginning at 7 p.m. on November 8, 2013, which may hamper filing of the opening claim construction briefs on the originally scheduled date;

NOW THEREFORE, the parties hereby stipulate and agree, subject to approval of the Court, as follows:

1. Paragraph 5 of the Scheduling Order, D.I. 14, is to be amended to change (a) the deadline to submit opening claim construction briefs to November 15, 2013, and (b) the deadline to submit answering claim construction briefs to December 11, 2013.

2. The parties shall file a revised Joint Claim Chart on or before November 15, 2013, that reflects only the claim terms then in dispute.

3. All other deadlines shall remain the same.

Dated: November 6, 2013

*/s/ Kenneth L. Dorsney*
Richard K. Herrman (No. 405)
Mary B. Matterer (No. 2696)
Kenneth L. Dorsney (No. 3726)
MORRIS JAMES LLP
500 Delaware Avenue, Suite 1500
Wilmington, DE 19801
(302) 888-6800
rherrmann@morrisjames.com
mmatterer@morrisjames.com
kdorsney@morrisjames.com

*Attorneys for Plaintiff AIP Acquisition LLC*

*/s/ John W. Shaw*
John W. Shaw (No. 3362)
Andrew E. Russell (No. 5382)
David M. Fry (No. 5486)
SHAW KELLER LLP
300 Delaware Avenue, Suite 1120
Wilmington, DE 19801
(302) 298-0700
jshaw@shawkeller.com
arussell@shawkeller.com
dfry@shawkeller.com

*Attorneys for Defendant Level 3 Communications, LLC*

**IT IS SO ORDERED** this 6th day of Nov., 2013.

United States District Judge