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11  
12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA  
14 SOUTHERN DIVISION

15 ACACIA MEDIA TECHNOLOGIES )  
16 CORPORATION, )  
17 )  
18 Plaintiff, )  
19 )  
20 vs. )  
21 )  
22 NEW DESTINY INTERNET GROUP, )  
23 INC. )  
24 )  
25 Defendants. )

Case No. SA CV-02-1040 JW (MLGx)

**Consolidated Cases:**

- SA CV 02-1048-JW (MLGx)
- SA CV 02-1050-JW (MLGx)
- SA CV 02-1063-JW (MLGx)
- SA CV 02-1165-JW (MLGx)
- SA CV 03-0216-JW (MLGx)
- SA CV 03-0217-JW (MLGx)
- SA CV 03-0218-JW (MLGx)
- SA CV 03-0219-JW (MLGx)
- SA CV 03-0253-JW (MLGx)
- SA CV 03-0259-JW (MLGx)
- SA CV 03-0271-JW (MLGx)
- SA CV 03-0308-JW (MLGx)

**Related Cases:**

- SA CV 03-1801-JW (MLGX)
- SA CV 03-1803-JW (MLGX)
- SA CV 03-1804-JW (MLGX)
- SA CV 03-1805-JW (MLGX)
- SA CV 03-1807-JW (MLGX)

**AMENDED JOINT STIPULATION  
RE BRIEFING SCHEDULE FOR  
MOTIONS**

26 AND ALL RELATED CASE ACTIONS )  
27 )  
28 )

Hearing Date: N/A  
Hearing Time: N/A  
Ctmm: Hon. James Ware

1           WHEREAS, during the telephonic Case Management Conference of August  
2 17, 2004, the Court scheduled a hearing for October 12, 2004 commencing at 1:00  
3 p.m. in the Courtroom of the Honorable James Ware located in San Jose, California to  
4 permit the parties to present oral argument on the following pending motions:

- 5           1.     Acacia's Motion for Consolidation and Case Management  
6                 Order ("Motion for Consolidation");
- 7           2.     Acacia's Motion for Certification of a Defendant Class  
8                 ("Motion for Class Certification"); and
- 9           3.     Acacia's Motion to Dismiss Defendants' Eighth and Ninth  
10                Counterclaims for Failure to State a Claim ("Motion to  
11                Dismiss").

12           WHEREAS, Defendants have not yet filed an opposition to Acacia's Motion to  
13 Dismiss and Acacia has not filed a reply.

14           WHEREAS, the Court also scheduled a hearing for December 2 and 3, 2004  
15 commencing at 9:00 a.m. each day in a courtroom in the Santa Ana courthouse to  
16 permit the parties to present oral argument on the following motions to be brought by  
17 Defendants:

- 18           1.     Defendants' Motion for Summary Judgment that the Terms  
19                 "Sequence Encoder" and "Identification Encoder" in the  
20                 '702 patent are indefinite and render all claims that use those  
21                 terms invalid;
- 22           2.     Defendants' Motion for Summary Judgment that the Term  
23                 "Identification Encoding Means" in the '992 patent is  
24                 indefinite and renders all claims that use that term invalid.  
25                 (the motions described in paragraphs 1 and 2 are hereinafter  
26                 collectively referred to as the "Indefiniteness Motions").  
27                 Defendants believe that this matter has already been  
28                 resolved. In the joint statement filed with the Court on

1 August 6, 2004, Acacia stipulated that it would “no longer  
2 contend that the ‘identification encoding means’ term is  
3 definite.” This stipulation was confirmed on the record  
4 during the hearing of August 17, 2004. Nevertheless,  
5 plaintiff has communicated to defendants that it will not  
6 stipulate to judgment of invalidity. Accordingly, defendants  
7 will proceed appropriately.

- 8 3. Defendants’ Motion for Summary Judgment that the term  
9 “identification encoder” in the ‘702 patent is not enabled  
10 (“Non-Enablement Motion”) for the definition “a structure  
11 that assigns a unique identification code.”

12 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the  
13 parties through their respective counsel of record, THAT:

14 The following briefing schedule shall apply to Acacia’s Motion to Dismiss, to  
15 Defendants’ Indefiniteness Motions, and to Defendants’ Non-Enablement Motion:

16  
17 Briefing Schedule for Acacia’s Motion to Dismiss:

- 18 • September 15, 2004 -- Defendants’ Opposition Brief due; and  
19 • September 29, 2004 – Acacia’s Reply Brief due.

20  
21 Briefing Schedule for Defendants’ Indefiniteness

22 Motions and Non-Enablement Motion:

- 23 • September 20, 2004 – Defendants’ Opening Briefs on each Motion  
24 due;  
25 • October 20, 2004 – Acacia’s Opposition Briefs to each Motion  
26 due; and  
27 • November 18, 2004 – Defendants’ Reply Briefs on each Motion  
28 due.

1 SO STIPULATED.

2  
3 DATED: August 31, 2004


HENNIGAN BENNETT & DORMAN LLP

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5 By \_\_\_\_\_ /s/  
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7 Alan P. Block  
8 Kevin I. Shenkman

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10 ACACIA MEDIA TECHNOLOGIES  
11 CORPORATION

12 DATED: August 31, 2004

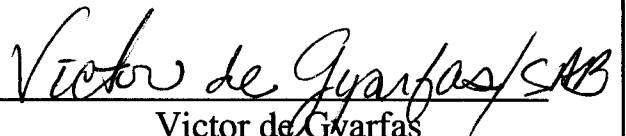
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17 L.L.C., AUDIO COMMUNICATIONS,  
18 INC., VS MEDIA, INC., ADEMIA  
19 MULTIMEDIA, LLC, CYBERHEAT,  
20 INC., AEBN, INC., LIGHTSPEED MEDIA  
21 CORPORATION, INNOVATIVE IDEAS  
22 INTERNATIONAL, LTD., GAME LINK,  
23 INC., AND CYBERTREND, INC.

24 DATED: August 31, 2004

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COMMERICAL LIMITED BV

1 DATED: August 31, 2004

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8 DATED: August 31, 2004

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14 DATED: August 31, 2004

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18 ICS, Inc. and AP Net Marketing, Inc.

1 **PROOF OF SERVICE**

2 I, Sylvia A. Berson, declare:

3 I am a citizen of the United States and employed in Los Angeles County,  
4 California. I am over the age of eighteen years and not a party to the within-entitled  
5 action. My business address is 601 South Figueroa Street, Suite 3300, Los Angeles,  
6 California 90017.

7 On **August 31, 2004**, I served a copy of the within document(s) described as  
8 **AMENDED JOINT STIPULATION RE BRIEFING SCHEDULE FOR**  
9 **MOTIONS** by transmitting via United States District Court for the Central District of  
10 California Electronic Case Filing Program the document(s) listed above by uploading  
11 the electronic files for each of the above listed document(s) on this date, addressed as  
12 set forth on the attached Service List.

13 The above-described document was also transmitted to the parties indicated  
14 below, by Federal Express only.

15 Chambers of the Honorable James Ware  
16 Attn: Regarding Acacia Litigation  
17 280 South First Street  
18 San Jose, CA 95113  
19 **3 copies**

20 I am readily familiar with Hennigan, Bennett & Dorman LLP's practice in its  
21 Los Angeles office for the collection and processing of federal express with Federal  
22 Express.

23 I declare that I am employed in the office of a member of the bar of this Court  
24 at whose direction the service was made.

25 Executed on **August 31, 2004**, at Los Angeles, California.

26   
27 Sylvia A. Berson  
28

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