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MARK SUHY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

NEO4J, INC., a Delaware corporation,
NEO4J SWEDEN, AB,

CASE NO. 5:18-cv-07182-EJD

**STIPULATION AND [PROPOSED]
ORDER FOR MODIFICATION OF CASE
SCHEDULE AND REQUEST FOR
SETTING OF A CASE MANAGEMENT
CONFERENCE**

Plaintiffs.

V.

PURETHINK LLC, a Delaware limited liability company, IGOV INC., a Virginia corporation, and JOHN MARK SUHY, an individual.

Defendants.

AND RELATED COUNTERCLAIMS.

STIPULATION

This Stipulation is made between Plaintiffs and Counter-Defendants Neo4j, Inc. and Neo4j Sweden AB (collectively “Plaintiffs”) and Defendants and Counterclaimants PureThink LLC, iGov Inc. and John Mark Suhy (collectively, “Defendants”) through their respective attorneys in compliance with the Court’s Order after the July 22, 2021 Case Management Conference. *See* Dkt. No. 128. Plaintiffs and Defendants (collectively, the “Parties”) hereby submit a proposed case schedule for Phase 2 of the above-entitled Action as follows:

1. On April 10, 2020, the Court granted the Parties' stipulation concerning bifurcating the case into two phases. Dkt. Nos. 66, 68. Phase 1 was to adjudicate Plaintiffs' claims pursuant to the Lanham Act and California's unfair competition law, Cal. Bus. & Prof. Code § 17200 et seq. ("UCL") and Defendants' counterclaims and related defenses (excluding their unclean hands defense). *See* Dkt. No. 68, ¶ 3.

2. The Court also permitted the parties to depart from its one summary judgment motion rule by allowing them file a motion at the conclusion of Phase 1 and a motion during Phase 2. *See* Dkt. Nos. 66 and 68, ¶ 5 and ¶ 7.

3. On the parties' respective Phase 1 summary judgment motions, the Court found in favor of Plaintiffs on all issues of liability pertaining to Plaintiffs' Lanham Act and UCL claims. Dkt. No. 118. Defendants have appealed the Court's issuance of a preliminary injunction in conjunction with the granting of partial summary judgment on Plaintiffs' Lanham Act and UCL claims. *See* Dkt. No. 121. The Ninth Circuit is hearing the appeal on an expedited basis pursuant to its rules on appeals of preliminary injunctions. The Parties agree that the pending appeal does not impact proceeding with litigating their remaining, respective, claims and defenses in Phase 2.

4. After the July 22, 2020 Case Management Conference, counsel for the Parties met and conferred regarding setting a case schedule through the close of discovery.

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1 5. Accordingly, the Parties have agreed to a case schedule for Phase 2, as follows:

Event	Deadline
Fact Discovery Cutoff	August 26, 2022
Deadline(s) for Filing Fact Discovery Motions	September 2, 2022
Designation of Opening Experts with Reports	September 16, 2022
Designation of Rebuttal Experts with Reports	October 17, 2022
Expert Discovery Cutoff	November 18, 2022
Deadline for Filing Dispositive and <i>Daubert</i> Motions	January 13, 2023
Last Day to File Oppositions to <i>Daubert</i> Motions	February 10, 2023
Last Day to File Replies to <i>Daubert</i> Motions	February 27, 2023
Hearing on Anticipated Dispositive and <i>Daubert</i> Motions	To be determined by the Court
Joint Trial Setting Conference Statement	To be determined by the Court
Trial Setting Conference	To be determined by the Court

19 6. The parties also met and conferred regarding the format and timeline for Phase 2
 20 summary judgment motions, and agreed that it is too early to determine the scope of such
 21 motions, what issues may be subject to such motions and whether such motions would be file
 22 sometime during fact discovery or at the deadline to file such motions.

23 7. Consistent with Section V.C. of the Court's Standing Order, a parties agree that a
 24 party intending to move for summary judgment will meet and confer with the other party at least
 25 60 days before they intend to file such a motion to determine if the other party will be cross-
 26 moving for summary judgment. The parties will also discuss a briefing schedule, any proposed
 27 modifications to the page limits provided therein, and a proposed hearing date.

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1 8. After meeting and conferring, the parties will file a stipulation with the Court with
2 a briefing schedule, any proposed modifications to the page limits provided therein, and a
3 proposed hearing date.

4 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

5 Dated: August 3, 2021

HOPKINS & CARLEY
A Law Corporation

6 By: /s/ Jeffrey M. Ratinoff

7 John V. Picone III
8 Jeffrey M. Ratinoff
9 Attorneys for Plaintiffs and
10 Counter-Defendants
11 NEO4J, INC. and NEO4J SWEDEN AB

12 Dated: August 3, 2021

/s/ Adron W. Beene

13 Adron W. Beene
14 Adron G. Beene
15 Attorneys for Defendants and Counter-
16 Claimants
17 PURETHINK LLC, IGOV INC., and
18 JOHN MARK SUHY

19 **IT IS SO ORDERED.**

20 Dated: _____

21 EDWARD J. DAVILA
22 United States District Court Judge

ATTESTATION OF E-FILED SIGNATURE

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

Dated: August 3, 2021

HOPKINS & CARLEY
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By: */s/ Jeffrey M. Ratinoff*

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