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 MARK SUHY

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

Defendants.

AND RELATED COUNTERCLAIMS.

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**

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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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 |

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

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

By: /s/ Jeffrey M. Ratinoff

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

11 Dated: August 3, 2021

/s/ Adron W. Beene

Adron W. Beene
Adron G. Beene
Attorneys for Defendants and Counter-
Claimants
PURETHINK LLC, IGOV INC., and
JOHN MARK SUHY

15 **IT IS SO ORDERED.**

18 Dated: _____

EDWARD J. DAVILA
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
A Law Corporation

By: /s/ Jeffrey M. Ratinoff

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