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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.

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

**STIPULATION AND [PROPOSED]
ORDER FOR MODIFICATION OF CASE
SCHEDULE**

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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. Plaintiffs and Defendants (collectively, the “Parties”) hereby stipulate to modify the current case schedule for the above-entitled action for good cause showing 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 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 upheld this Court’s decision on February 18, 2022, and denied Defendants’ petition for rehearing on March 14, 2022. Dkt. 140-142. Thus, the only remaining issue to be decided in relation to Phase 1 is Plaintiffs’ the amount of damages incurred and Defendants unclean hands defense.

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 for Phase 2. The Court approved that schedule on August 8, 2021. *See* Dkt. No. 129.

5. On September 3, 2021, Plaintiffs filed a motion for judgment on the pleadings seeking to dismiss a number of counterclaims asserted in Defendants’ Second Amended Counterclaims and Answer to Third Amended Complaint (“Plaintiffs’ Motion”). *See* Dkt. No.

1 132. As of October 12, 2021, Plaintiffs' Motion was fully briefed and the parties agreed that the
 2 motion be submitted on the papers without oral argument. *See* Dkt. Nos. 136-138

3 6. On January 4, 2022, the Court notified the Parties that Plaintiffs' Motion would be
 4 taken under submission without oral argument. Dkt. No. 139. As of the time of this Stipulation,
 5 the Court has yet to rule on Plaintiffs' Motion.

6 7. The Parties agree that should the Court grant some or all of Plaintiffs' Motion, the
 7 scope of fact and expert discovery, the issues that can be determined on summary judgment, and
 8 the claims and defenses to be tried will be reduced. As a result, the Parties believe that in the
 9 interest of judicial economy, the current deadlines be extended by approximately ninety (90)
 10 days. This will allow the Court additional time to rule on Plaintiffs' Motion, while also
 11 conserving the resources of the parties and the Court and allowing the parties to conduct any
 12 discovery that may be necessitated by the Court's ruling on Plaintiffs' Motion.

13 8. Accordingly, the Parties have agreed that there is good cause to modify the case
 14 schedule for Phase 2 as follows:

Event	Current Deadline	Proposed Deadline
Fact Discovery Cutoff	August 26, 2022	December 1, 2022
Deadline(s) for Filing Fact Discovery Motions	September 2, 2022	December 8, 2022
Designation of Opening Experts with Reports	September 16, 2022	December 22, 2022
Designation of Rebuttal Experts with Reports	October 17, 2022	January 23, 2023
Expert Discovery Cutoff	November 18, 2022	February 23, 2023
Deadline for Filing Dispositive and <i>Daubert</i> Motions	January 13, 2023	April 20, 2023
Last Day to File Oppositions to <i>Daubert</i> Motions	February 10, 2023	May 18, 2023
Last Day to File Replies to <i>Daubert</i> Motions	February 27, 2023	June 5, 2023

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1	Hearing on Anticipated Dispositive and <i>Daubert</i> Motions	<i>See</i> the Court's Standing Order Section IV.A.1	<i>See</i> the Court's Standing Order Section IV.A.1
3	Joint Trial Setting Conference Statement	July 25, 2022	To be determined by the Court
5	Trial Setting Conference	August 4, 2022	To be determined by the Court

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: June 21, 2022

HOPKINS & CARLEY
A Law CorporationBy: /s/ Jeffrey M. Ratinoff

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

Dated: June 21, 2022

/s/ Adron W. Beene

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

IT IS SO ORDERED.Dated: June 22, 2022

 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: June 21, 2022

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