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NEO4J, INC. and NEO4J SWEDEN AB

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 FURTHER MODIFICATION OF CASE MANAGEMENT SCHEDULE**
AND RELATED COUNTERCLAIMS.	
NEO4J, INC., a Delaware corporation, Plaintiff, v. GRAPH FOUNDATION, INC., an Ohio corporation, Defendant.	CASE NO. 5:19-cv-06226-EJD

STIPULATION

Plaintiff and Counter-Defendants Neo4j, Inc. and Neo4j Sweden AB (collectively "Plaintiffs") and Defendants and Counterclaimants PureThink LLC and iGov, Inc. and Defendant John Mark Suhy (collectively the "PureThink Defendants") in the action entitled *Neo4j, Inc. et al v. PureThink LLC et al*. Case No. 5:18-cv-07182-EJD ("PureThink Action") and Neo4j, Inc. and Defendant Graph Foundation, Inc. ("GFI") in the related action entitled *Neo4j, Inc. v. Graph Foundation, Inc.*, Case No. 3:19-cv-06226-EJD ("GFI Action"), by and through the parties' respective attorneys, hereby submit this stipulation regarding the case schedule as follows:

1. On April 10, 2020, the Court granted the parties' stipulation concerning the claims, counterclaims and affirmative defenses ("Phase 1 Issues") that would be subject to the first motions for summary judgment/adjudication filed by each party. *See* CASE NO. 5:18-cv-07182-EJD, Dkt. No. 58; CASE NO. 5:19-cv-06226-EJD, Dkt. No. 45.

2. Despite their prior meet and confer efforts, however, the parties were in disagreement as to where the unclean hands affirmative defenses asserted by the PureThink Defendants and GFI in their respective operative answers, which are based on similar factual allegations, directly pertain to Lanham Act and UCL claims asserted by Neo4j USA against them.

3. After further meet and confer, the parties have reached an agreement that the unclean hands defenses asserted by PureThink Defendants and GFI in their respective operative answers will not be addressed by the parties in the Phase 1 motions for summary judgment and/or adjudication. Instead, the unclean hands defenses asserted by PureThink Defendants and GFI will be addressed by the parties in Phase 2. The parties reserve all rights in litigating their respective positions concerning the scope and merits of Defendants' unclean hands defenses to the claims asserted by Plaintiffs.

4. The parties further agree that because Neo4j USA's pending motion to dismiss challenging the viability of PureThink Defendants' trademark abandonment counterclaim and affirmative defense based on the theory of naked licensing is not being be heard until August 8, 2020, the case management schedule for Phase 1 should be modestly extended to allow the Court time to rule that motion and for the parties to settle the pleadings, if necessary, thereafter.

5. In light of the foregoing, the Parties respectfully request that the Court enter the following case schedule in both the PureThink Action and GFI Action:

Event	Current Deadline	Proposed Deadline
Fact Discovery Cutoff for Phase 1 Issues	August 14, 2020	September 14, 2020
Last Day to File Fact Discovery Motions for Phase 1 Issues	August 21, 2020	September 21, 2020
Last Day for Neo4j USA to file its combined motion for summary judgment, partial summary judgment and/or summary adjudication for Phase 1 Issues in the PureThink and GFI Actions	September 25, 2020	October 26, 2020
Last Day for Defendants to file their combined opening motion for summary judgment, partial summary judgment and/or summary adjudication and opposition for Phase 1 Issues in the PureThink and GFI Actions	October 23, 2010	November 23, 2010
Last Day for Neo4j USA to file its combined opposition/reply in the PureThink and GFI Actions Text	November 16, 2020	December 23, 2020
Last Day for Defendants to file their combined reply brief in the PureThink and GFI Actions	December 2, 2020	January 15, 2020
Hearing on motions for summary judgment, partial summary judgment and/or summary adjudication and a further Case Management Conference to set the schedule for Phase 2 in the PureThink and the GFI Actions	December 17, 2020, or the earliest available date thereafter	January 28, 2021, ~~or the earliest available date thereafter~~ at 9:00 A.M.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: July 15, 2020

HOPKINS & CARLEY
A Law Corporation

By: */s/ Jeffrey M. Ratinoff*
Jeffrey M. Ratinoff
Attorneys for Plaintiffs and
Counter-Defendants
NEO4J, INC. and NEO4J SWEDEN AB

Dated: July 15, 2020

/s/ Adron W. Beene
Adron W. Beene
Attorneys for Defendants PURETHINK LLC, IGOV INC., and JOHN MARK SUHY

Dated: July 15, 2020

BERGESON, LLP

By: */s/ John D. Pernick*
John D. Pernick
Attorneys for Defendant
GRAPH FOUNDATION, INC.

IT IS SO ORDERED.

Dated: July 16, 2020

EDWARD J. DAVILA
United States District Court Judge