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11 **UNITED STATE DISTRICT COURT**
EASTERN DISTRICT OF CALIFORNIA

12 DELANO FARMS COMPANY, FOUR) 13 STAR FRUIT, INC., and GERAWAN) FARMING, INC.,) 14) Plaintiffs,) 15) v.) 16) 17 THE CALIFORNIA TABLE GRAPE) COMMISSION, UNITED STATES OF) 18 AMERICA, UNITED STATES) DEPARTMENT OF AGRICULTURE,) 19 TOM VILSACK, SECRETARY OF THE) UNITED STATES DEPARTMENT OF) 20 AGRICULTURE (IN HIS) OFFICIAL CAPACITY)) 21) Defendants.) 22)	CASE NO. 1:07-CV-1610 OWW (SMS) STIPULATION AND ORDER REGARDING A SIXTY-DAY EXTENSION OF TIME FOR ALL DEFENDANTS TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFFS' SECOND AMENDED COMPLAINT
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23 WHEREAS on November 16, 2009, the Plaintiffs filed a Second Amended Complaint (SAC)
 24 asking the Court under the Administrative Procedures Act to hold unlawful and set aside the
 25 government's grant of exclusive licenses for the patented varieties to the Commission, actions that
 26 allegedly violate a provision of the Bayh-Dole Act, 35 U.S.C. § 209(a), *see* Dkt. No. 87 at ¶¶ 64 – 83;

27 WHEREAS the deadline for the government to answer or otherwise respond to the SAC is
 28 Friday, December 4, 2009, *see* Fed. R. Civ. P. 6(a) and (d);

1 WHEREAS the government requires additional time to gather the administrative record
2 culminating in the government's decisions to grant the exclusive licenses for the patented varieties to
3 the Commission, assure the completeness of such records, lodge these with the Court, and serve them
4 on all parties;

5 IT IS HEREBY STIPULATED by the parties to this case, through their respective counsel,
6 subject to approval by the Court, that all defendants time to answer or otherwise respond to the SAC be
7 extended by sixty days until Tuesday, February 2, 2010. The government will also serve all parties with
8 a copy of the administrative records described above by Tuesday, February 2, 2010.

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10 Dated: November 30, 2009

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/s/ Lawrence M. Hadley (as authorized on Nov. 30, 2009)
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/s/ Brian M. Boynton (as authorized on Nov. 30, 2009)

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IT IS SO ORDERED.

Dated: December 7, 2009 /s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE