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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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11 SMITHFIELD FOODS, INC.

12 UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 ORACLE USA, INC., a corporation,  
16 Plaintiff,

17 v.

18 SMITHFIELD FOODS, INC., a  
19 corporation, and DOES 1-10, inclusive,  
20 Defendants.

Case No. C 05-03044 JSW

Assigned To Hon. Jeffrey S. White

**STIPULATION RE EXTENSION OF  
TIME FOR DEFENDANT TO  
RESPOND TO COMPLAINT**

ORDER

21 Pursuant to Local Rule 6-1(a), Smithfield Foods, Inc. ("Defendant"), on one  
22 hand, and plaintiff Oracle USA, Inc. ("Plaintiff"), on the other hand, enter into this  
23 Stipulation with reference to the following facts:

24 WHEREAS, the due date for Defendant's response to Plaintiff's complaint  
25 (the "Complaint") is August 1, 2005;

26 WHEREAS, Defendant obtained new counsel on or about July 25, 2005;

27 STIPULATION RE EXTENSION OF TIME FOR  
28 DEFENDANT TO RESPOND TO COMPLAINT

1 WHEREAS, Defendant's counsel requires additional time to review and  
2 evaluate the allegations set forth in the Complaint in order to properly respond  
3 to the Complaint;


4 NOW THEREFORE, subject to the Court's approval, the Parties stipulate  
5 and agree that Defendant may file and serve on Plaintiff's counsel its Answer to  
6 the Complaint no later than August 22, 2005.

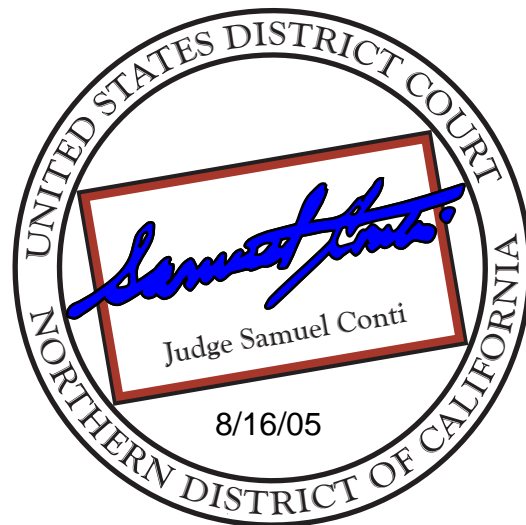
7 IT IS SO STIPULATED.

8  
9 Dated: August 1, 2005 TOWNSEND AND TOWNSEND AND CREW LLP

10  
11 By:   
12 James G. Gilliland, Jr.  
13 Attorneys for Plaintiff Oracle USA, Inc.

14 Dated: August 1, 2005 HOGAN & HARTSON, LLP

15  
16 By:   
17 Gary L. Urwin  
18 Attorneys for Defendant  
19 Smithfield Foods, Inc.



**PROOF OF SERVICE**

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF LOS ANGELES )

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen and not a party to the within action; my business address is: HOGAN & HARTSON, LLP, 2049 Century Park East, Suite 700, Los Angeles, CA 90067

On August 3, 2005, I caused the foregoing documents described as: **STIPULATION RE EXTENSION OF TIME FOR DEFENDANTS TO RESPOND TO COMPLAINT** to be served on the interested parties in this action by placing \_\_\_ the original X a true copy thereof enclosed in sealed envelopes addressed as follows:

James G. Gilliland, Jr. Mehrnaz Boroumand TOWNSEND AND TOWNSEND AND CREW LLP Two Embarcadero Center, 8 <sup>th</sup> Floor San Francisco, California 94111 Tel: 415-576-0200 Fax: 415-576-0300	Dorian Daley John V. Wadsworth ORACLE USA, INC. 500 Oracle Parkway, MS 50P7 Redwood City, California 94065 Tel: 650-506-5200 Fax: 650-506-7114
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**BY MAIL.** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepared at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**BY E-MAIL.** I caused such document to be delivered through our E-mail system to the offices of the addressee(s) following ordinary business practices.

**BY HAND DELIVERY.** I caused such envelope to be delivered by hand to the offices of the addressee(s) following ordinary business practices.

**BY FACSIMILE.** I caused such document to be delivered by facsimile to the offices of the addressee(s) following ordinary business practices from the following facsimile machine. (310)-789-5400 Upon completion of the said facsimile machine transmission, the transmitting machine issued a transmission report showing the transmission was complete and without error. A copy of said transmission report is attached hereto.

**BY UNITED PARCEL SERVICE.** I caused such document to be delivered by overnight mail to the offices of the addressee(s) by placing it for collection by United Parcel Service following ordinary business practices by my firm, to wit, that packages will either be picked up from my firm by United Parcel Service and/or delivered by my firm to the United Parcel Service office.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on August 3, 2005, at Los Angeles, CA.

Mae F. Chester  
Print Name

  
Signature

**PROOF OF SERVICE**