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5 Attorneys for Plaintiff
 6 NETFLIX, INC.

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

10 NETFLIX, INC., a Delaware corporation,
 11 Plaintiff,

12 v.

13 BLOCKBUSTER, INC., a Delaware
 14 corporation, DOES 1-50,
 15 Defendant.

Case No. C 06 2361 WHA

**STIPULATION CONTINUING HEARING
 & ~~[PROPOSED]~~ ORDER**

Complaint filed: April 4, 2006
 Date: TBD
 Time: TBD
 Dept: Courtroom 9, 19th Floor
 Judge: Hon. William H. Alsup

16 AND RELATED COUNTERCLAIMS
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1 WHEREAS, on October 11, 2006, proposed intervenor Dennis Dilbeck ("Dilbeck") filed
2 a motion requesting to intervene in this case, with a hearing date set for November 16, 2006;

3 WHEREAS, Plaintiff and counterclaim defendant Netflix, Inc. ("Netflix") and defendant
4 and counterclaimant Blockbuster Inc. ("Blockbuster") were not aware of Dilbeck's request to
5 intervene until they received his motion through the Court's Electronic Case Filing system;

6 WHEREAS, the parties therefore have been permitted only two weeks to consider their
7 position on the proposed intervention and submit briefing on their position, and additional time
8 to consider and brief the issues presented by Dilbeck's request for intervention would be helpful
9 to the parties and will enhance their ability to assist the Court in reaching a decision on the
10 motion through their briefing;

11 WHEREAS, counsel for Dilbeck Scott Kamber has stated to Netflix's counsel Ashok
12 Ramani and Blockbuster's counsel William O'Brien today that he does not oppose this request
13 for continuance of the hearing;

14 WHEREAS, no changes in the schedule of this case would be necessitated by continuing
15 this hearing;

16 WHEREAS, the only previous modifications of time in this case were to allow
17 Blockbuster additional time to respond to Netflix's complaint;

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1 THEREFORE, Netflix and Blockbuster respectfully request that this Court enter an order
2 continuing the date for the hearing on Dilbeck's motion until November 30, 2006 at 8 a.m., and
3 with the briefing schedule being adjusted accordingly under the Local Rules.

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5 Dated: October 19, 2006

Respectfully submitted,
KEKER & VAN NEST, LLP

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8 By: /s/ Ashok Ramani
Attorneys For Plaintiff and Counterclaim
9 Defendant NETFLIX, INC.

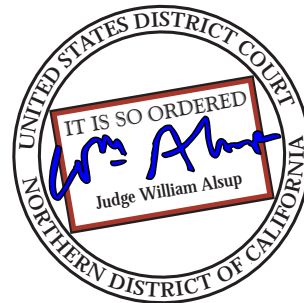
10 Dated: October 19, 2006

Respectfully submitted,
ALSCHULER GROSSMAN STEIN & KAHAN
11 LLP

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13 By: William O'Brien/by [Signature]
14 Attorneys For Defendant and
Counterclaimant BLOCKBUSTER INC.

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16 Pursuant to stipulation, IT IS SO ORDERED.

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18 Dated: October 23, 2006



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20 By: THE HON. WILLIAM H. ALSUP
21 UNITED STATES DISTRICT JUDGE