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 13 CLOAKWORKS, INC.

14
 15 UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

17
 18 CLOAKWORKS, INC.

19 Plaintiff,

20 v.

21 CLOAKWARE, INC.,

22 Defendant.
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Case No. CV 08-02044 WHA

**STIPULATED MOTION FOR LEAVE
 TO FILE (1) PLAINTIFF'S AMENDED
 COMPLAINT AND (2) DEFENDANT'S
 AMENDED ANSWER, AND
 [PROPOSED] ORDER**

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 28 STIPULATED MOTION FOR (1) LEAVE TO FILE
 AMENDED COMPLAINT AND (2) LEAVE TO FILE
 AMENDED ANSWER AND [PROPOSED] ORDER

Case No. CV-08-02044 WHA

1 Pursuant to Rules 15 of the Federal Rules of Civil Procedure and Civil Local Rule 7-12,
2 Plaintiff Cloakworks, Inc. ("Plaintiff") and Defendant Cloakware Inc. ("Defendant") hereby
3 stipulate through their respective counsel of record as follows:

4 WHEREAS, under the Case Management Conference Order entered on October 16,
5 2008, "[l]eave to add any new parties or pleading amendment must be sought by October 30,
6 2008";

7 WHEREAS, Plaintiff seeks leave to amend its complaint solely to add a party defendant;

8 WHEREAS, Defendant seeks leave to amend its answer solely to add an affirmative
9 defense;

10 NOW THEREFORE the parties through their undersigned counsel hereby stipulate and
11 request that:

- 12 (1) The Court grant leave to plaintiff to file its First Amended Complaint, a copy
13 of which is attached hereto as Exhibit A; and
14 (2) The Court grant leave to defendant to file its First Amended Answer, a copy
15 of which is attached hereto as Exhibit B.

16 **IT IS SO STIPULATED**

17
18 Dated: October 30, 2008

WILMER CUTLER PICKERING HALE
AND DORR

19
20 By: /s/ Mark D. Selwyn
Mark D. Selwyn

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22 *Attorneys for Defendant Cloakware, Inc.*

23 Dated: October 30, 2008

HOSIE RICE LLP

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26 By: /s/George F. Bishop
George F. Bishop

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28 *Attorneys for Plaintiff Cloakworks, Inc.*

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[PROPOSED] ORDER

Pursuant to the stipulation of the parties, it is hereby ORDERED that (1) plaintiff is granted leave to file its First Amended Complaint; and (2) defendant is granted leave to file its First Amended Answer, and the First Amended Complaint and First Amended Answer attached as Exhibits A and B, respectively, to the parties' stipulation are hereby deemed filed as of October 30, 2008.

PURSUANT TO STIPULATION IT IS SO ORDERED

October 30
~~November~~, 2008

Honorable W
United States Di

