

Wilmer Cutler Pickering Hale and Dorr LLP
1117 California Avenue
Palo Alto, CA 94304

WILMER CUTLER PICKERING
HALE AND DORR LLP
Jonathan A. Shapiro (SBN: 257199)
jonathan.shapiro@wilmerhale.com
Michael A. Mugmon (SBN: 251958)
michael.mugmon@wilmerhale.com
1117 S. California Avenue
Palo Alto, CA 94304
Tel. (650) 858-6000
Fax. (650) 858-6100

Attorneys for Defendant
GOMEZ, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BROWSECAM, INC.,
Plaintiff,

vs.

GOMEZ, INC.,
Defendant.

) Case No. C-08-2959-WHA

) **STIPULATION AND [PROPOSED]**
) **ORDER TO CONTINUE THE INITIAL**
) **CASE MANAGEMENT CONFERENCE**
) **AND ASSOCIATED DEADLINES**

The Parties to this action stipulate and agree, by and through their undersigned counsel of record, as follows:

WHEREAS, Plaintiff's complaint was filed Friday, June 13, 2008, and Defendant Gomez, Inc. was served with the complaint on Tuesday, June 17, 2008;

WHEREAS, Defendant filed its Motion to Dismiss or Transfer on Tuesday, July 22, 2008;

WHEREAS, the hearing before the Court on Defendant's Motion to Dismiss or Transfer is currently scheduled for Thursday, September 25, 2008 at 8:00 a.m.;

WHEREAS, the Initial Case Management Conference ("CMC") for this action is currently scheduled for Thursday, September 18, 2008 at 11:00;

WHEREAS, for reasons of judicial economy and efficiency, the Parties believe that the CMC currently scheduled for September 18, 2008, as well as the items associated with that CMC, should be deferred pending a ruling on Defendant's Motion to Dismiss or Transfer;

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE AND RESPECTFULLY REQUEST THAT THE COURT ENTER AN ORDER as follows:

1. The CMC currently scheduled for September 18, 2008, and other deadlines set forth in the Court's Order Setting Initial Case Management Conference and ADR Deadlines, shall be vacated;

2. The CMC shall be rescheduled, if necessary, to 30 days after the Court's order on Defendant's Motion to Dismiss or Transfer or such other date ordered by the Court, and all other associated deadlines shall be rescheduled in accordance with the new date for the CMC (i.e., each event shall precede the rescheduled CMC by the same period as the original deadlines preceded the original CMC date).

IT IS SO STIPULATED.

Respectfully submitted,

DATED: August 27, 2008

WILMER CUTLER PICKERING
HALE AND DORR LLP

/S/ Michael A. Mugmon

Michael A. Mugmon

Attorney for Defendant GOMEZ, INC.

1 DATED: August 27, 2008

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS

3 /S/ Stephen S. Walters (with permission)

4

Stephen S. Walters
5 Three Embarcadero Center, 12th Floor
6 San Francisco, CA 94111-4074
7 Tel: (415) 837-1515
8 Fax: (415) 837-1516
9 swalters@allenmatkins.com

Attorney for Plaintiff BROWSECAM, INC.

9 **SIGNATURE ATTESTATION**

10 I hereby attest that concurrence in the filing of this document has been obtained from each of
11 the other signatories. I declare under penalty of perjury of the laws of the United States that the
12 foregoing is true and correct. Executed this 27 day of August, 2008, at Palo Alto, California.

13 /S/

14

Michael A. Mugmon, Esq.

~~[PROPOSED]~~ ORDER

The Court hereby GRANTS the Parties' stipulated request and VACATES the deadlines – including the CMC currently scheduled for September 18, 2008 – set forth in the Court's Order Setting Initial Case Management Conference and ADR Deadlines pending a ruling on Defendant's Motion to Dismiss or Transfer; the CMC shall be rescheduled, if necessary, to 30 days after the Court's order on Defendant's Motion to Dismiss or Transfer or such other date ordered by the Court, and all other associated deadlines shall be rescheduled in accordance with the new date for the CMC (i.e., each event shall precede the rescheduled CMC by the same period as the original deadlines preceded the original CMC date).

The CMC is hereby rescheduled to October 2, 2008, at 11:00AM.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: September 5, 2008.

William H. Alsop
United States District Court Judge

