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14
 15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**

17 FINISAR CORPORATION, a Delaware
 18 corporation,
 19 Plaintiff,
 20 v.
 21 JDS UNIPHASE CORPORATION, a Delaware
 corporation,

Civil Action No. C 08-03388 MMC

**JOINT MOTION TO MODIFY
 BRIEFING SCHEDULE AND TO
 CHANGE HEARING DATE AND
 [PROPOSED] ORDER**

22
 23 On February 17, 2009, this Court issued an “Order Affording Parties Opportunity to File
 24 Supplemental Briefs Re: Subject Matter Jurisdiction; Continuing Hearing on Defendant’s Motion
 25 For Summary Judgment,” which established a briefing schedule for supplemental briefing on the
 26 issue of subject matter jurisdiction and continued the hearing on JDSU’s summary judgment
 27 motion to April 3, 2009. By this motion, Plaintiff Finisar Corporation (“Finisar”) and defendant
 28

1 JDS Uniphase Corporation ("JDSU"), jointly move the Court for an order modifying the briefing
2 schedule and the hearing date as follows:

<u>Action</u>	<u>Original Deadline</u>	<u>Proposed New Deadline</u>
3 Finisar's Supplemental Submission	March 6, 2009	March 3, 2009
4 JDSU's Supplemental Reply	March 20, 2009	March 13, 2009
5 Hearing	April 3, 2009	March 27, 2009

6
7 As with the original schedule, the proposed new schedule provides the Court with two full weeks
8 between the receipt of JDSU's Supplemental Reply prior and the hearing on JDSU's motion.

9 This motion is made at the request of Finisar's lead counsel who has a conflict due to an
10 appellate argument in another case on April 3, 2009.

11 Respectfully submitted,


12 February 19, 2009

WORKMAN NYDEGGER

13
14 By: /s/ Charles L. Roberts
15 Charles L. Roberts
16 Attorneys for Plaintiff
FINISAR CORPORATION

17 February 19, 2009

SWEENEY, MASON, WILSON &
BOSOMWORTH, PC

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19 By: 
20 Kurt E. Wilson
21 Attorney for Defendant
JDS UNIPHASE CORP.

22
23 ~~proposed~~ **ORDER**

24 PURSUANT TO JOINT MOTION, IT IS SO ORDERED.

25 Dated: February 20, 2009

26
27 
28 Hon. Maxine M. Chesney
U.S. District Judge