

1 Tharan Gregory Lanier (SBN 138784)  
 2 Gregory L. Lippetz (SBN 154228)  
 3 Jane L. Froyd (SBN 220776)  
 4 JONES DAY  
 5 Silicon Valley Office  
 6 1755 Embarcadero Road  
 7 Palo Alto, CA 94303  
 8 Telephone: 650-739-3939  
 9 Facsimile: 650-739-3900  
 10 tglanier@jonesday.com  
 11 glippetz@jonesday.com  
 12 jfroyd@jonesday.com

13 Attorneys for Defendants  
 14 DIEBOLD INC. and PREMIER ELECTION  
 15 SOLUTIONS, INC.

Darin W. Snyder (SBN 136003)  
 Luann L. Simmons (SBN 203526)  
 O'MELVENY & MYERS LLP  
 Two Embarcadero Center, 28<sup>th</sup> Floor  
 San Francisco, CA 94111-3823  
 Telephone: (415) 984-8700  
 Facsimile: (415) 984-8701  
 dsnyder@omm.com  
 lsimmons@omm.com

Attorneys for Plaintiff  
 ARTIFEX SOFTWARE, INC.

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

13 ARTIFEX SOFTWARE INC.,  
 14 Plaintiff,  
 15 v.  
 16 DIEBOLD INC., an Ohio corporation,  
 17 PREMIER ELECTION SOLUTIONS, INC.,  
 18 a Delaware corporation,  
 19 Defendants.

Case No. C 08-04837 ~~EMC~~ SC

**SECOND STIPULATION  
 EXTENDING TIME TO RESPOND  
 TO COMPLAINT**

20 IT IS HEREBY STIPULATED AND AGREED between Plaintiff Artifex Software Inc.  
 21 (“Plaintiff”) and Defendants Diebold, Inc. and Premier Election Solutions, Inc. (together  
 22 “Defendants”), by and through their undersigned counsel, that pursuant to Northern District Civil  
 23 Local Rule 6-1(a), Defendants shall have until January 9, 2009 to file their answer or otherwise  
 24 respond to Plaintiff’s Complaint in this matter.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**IT IS SO AGREED AND STIPULATED.**

Dated: December 11, 2008

JONES DAY

By:           /s/ Gregory L. Lippetz            
Gregory L. Lippetz

Attorneys for Defendant  
DIEBOLD INC. and PREMIER ELECTION  
SOLUTIONS, INC.

In accordance with General Order No. 45, Rule X, the above signatory attests that  
concurrence in the filing of this document has been obtained from the signatory below.

Dated: December 11, 2008

O'MELVENY & MYERS LLP

By:           /s/ Darin W. Snyder            
Darin W. Snyder

Attorneys for Plaintiff  
ARTIFEX SOFTWARE INC.

