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 OPTIMAL MARKETS, INC.

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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

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13 OPTIMAL MARKETS, INC.,

14 Plaintiff,

15 v.

16 FTI CONSULTING, INC., AUCTION
 TECHNOLOGIES, LLC, AUCTION
 17 TECHNOLOGIES, INC., XONOMIC INC.,
 DAVID SALANT, HAROLD LEA, PAUL
 18 MILGROM, and DOES 1-10,

19 Defendants.

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21 DAVID SALANT, HAROLD LEA, PAUL
 MILGROM, AUCTION TECHNOLOGIES,
 22 LLC, AUCTION TECHNOLOGIES, INC.,

23 Counterclaimants,

24 v.

25 OPTIMAL MARKETS, INC.,

26 Counterdefendant.

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28 STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO RESPOND TO COUNTERCLAIMS AND EXTENDING DATE
 FOR CASE MANAGEMENT CONFERENCE
 CASE No. 08-05765-SC

sf-2652443

Case No. 08-05765-SC

**STIPULATION AND [PROPOSED]
 ORDER EXTENDING TIME TO
 RESPOND TO COUNTERCLAIMS
 AND EXTENDING DATE FOR
 CASE MANAGEMENT
 CONFERENCE**

1 Pursuant to Civil Local Rules 6-2 and 7-12, the parties, by and through their respective
2 counsel, hereby stipulate as follows:

3 WHEREAS, pursuant to a stipulation filed on January 26, 2009, the parties agreed that
4 defendants would have until February 13, 2009 to file their answer to Optimal Markets' first
5 amended complaint;

6 WHEREAS, by notice dated January 28, 2009, the Court set a Case Management
7 Conference for April 17, 2009 at 10:00 a.m.;

8 WHEREAS, pursuant to Federal Rule of Procedure Rule 12(a)(1)(B), Optimal Markets,
9 Inc.'s answer to defendants David Salant, Harold Lea, Paul Milgrom, Auction Technologies,
10 LLC, Auction Technologies, Inc.'s counterclaims is presently due on March 9, 2009;

11 WHEREAS, Optimal Markets has recently engaged new counsel and thereby needs
12 additional time for investigation to properly respond to the counterclaims;

13 WHEREAS, the parties will require a period of time following Optimal Markets' response
14 to the counterclaims to prepare for and conduct an early conference pursuant to Federal Rule of
15 Procedure Rule 26(f)(2) more than 21 days prior to the Case Management Conference;

16 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, SUBJECT TO
17 THE APPROVAL OF THE COURT:

18 1. Optimal Markets shall have until March 23, 2009 to file a response to defendants'
19 counterclaims.

20 2. The initial Case Management Conference set in this action shall be extended from April
21 17, 2009 to May 1, 2009, at 10:00 a.m.

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1 Dated: March 9, 2009

LATHAM & WATKINS LLP
Robert Steinberg
Daniel Scott Schecter

3 By: /s/ Daniel Scott Schecter
Daniel Scott Schecter

4 Attorneys for Defendants
5 FTI CONSULTING, INC., AUCTION
6 TECHNOLOGIES, LLC, AUCTION
7 TECHNOLOGIES, INC., XONOMIC INC.,
DAVID SALANT, HAROLD LEA, PAUL
MILGROM

8 Dated: March 9, 2009

MORRISON & FOERSTER LLP
Michael A. Jacobs
Shane Brun
Alexei Klestoff

10 By: /s/ Shane Brun
Shan Brun

11 Attorneys for Plaintiff
12 Optimal Markets, Inc.

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14 PURSUANT TO STIPULATION, IT IS SO ORDERED.

15 Dated: March 10, 2009



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23 E-Filing Attestation: I, Alexei Klestoff, am the ECF User whose ID and password are being used
24 to file this Stipulation and [Proposed] Order Extending Time to Respond to Counterclaims and
25 Extending Date for Case Management Conference. In compliance with General Order 45, X.B., I
26 hereby attest that Shane Brun and Daniel Scott Schecter have concurred in this filing.