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Attorney for Plaintiff,
 Gregory Bender

Attorneys for Defendant,
 Sony Corporation of America

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

15 GREGORY BENDER)
 16)
 17 Plaintiff,)
 18 v.)
 19 SONY CORPORATION OF AMERICA, a New)
 20 York corporation,)
 21 Defendant.)

Case No. 09-CV-01246-CRB

**STIPULATION AND ~~PROPOSED~~
 ORDER TO EXTEND TIME TO
 RESPOND TO AMENDED
 COMPLAINT**

RECITALS

22 WHEREAS, the Complaint of Plaintiff Gregory Bender (“Plaintiff”) in this action was
 23 filed on or about March 23, 2009;

24 WHEREAS, the Amended Complaint of Plaintiff in this action was filed on or about May
 25 20, 2009;

1 WHEREAS, Plaintiff filed a Stipulation to File a Second Amended Complaint on
2 September 15, 2009 which amends the party names and the accused products;

3 WHEREAS, Defendant Sony Corporation of America's ("Sony's") response to Plaintiff's
4 Amended Complaint is due on October 14, 2009;

5 WHEREAS, the Parties are waiting for the Court's decision regarding the Stipulation to
6 File a Second Amended Complaint;

7 WHEREAS, this extension will provide time for the Court to determine whether to accept
8 the Parties' stipulation regarding Plaintiff's Second Amended Complaint; and

9 WHEREAS, this additional time will not interfere with any other deadlines set by the
10 Court in this matter.

11
12 **STIPULATION**

13 Pursuant to Local Rule 6-1(a), IT IS HEREBY STIPULATED AND AGREED by the
14 parties, through their counsel, that the time within which Sony shall be required to file its answer,
15 motion, counterclaim, cross-claim and/or other responses to Plaintiff's Amended Complaint in this
16 action shall be extended to and including November 4, 2009 or such other time as may be required
17 to respond to a Second Amended Complaint if allowed by the Court.

18
19 APPROVED AS TO FORM AND CONTENT

20
21 DATED: October 14, 2009

STEVEN M. BAUER
MICHAEL A. FIRESTEIN
JACOB K. BARON
PROSKAUER ROSE LLP

22
23
24 /s/ Jacob K. Baron
Jacob K. Baron

25 Attorneys for Defendant,
26 Sony Corporation of America

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DATED: October 14, 2009

DAVID N. KUHN

/s/ David N. Kuhn
David N. Kuhn

Attorney for Plaintiff,
Gregory Bender

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DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, Jacob K. Baron, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence on the filing of this document from the all the signatories listed above.

I declare under penalty of perjury that the foregoing declaration is true and correct.

DATED: October 14, 2009

/s/ Jacob K. Baron
Jacob K. Baron

~~PROPOSED~~ ORDER

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Having considered the foregoing Stipulation, and good cause appearing,

(1) The time within which Sony shall be required to file its answer, motion, counterclaim, cross-claim and/or other response to Plaintiff's Amended Complaint in this action shall be extended to and including November 4, 2009 or such other time as may be required to respond to a Second Amended Complaint if allowed by the Court.

IT IS SO ORDERED

DATED: October 15, 2009

