

1 Since that time, the Parties have reached a resolution but require additional time to
2 finalize the resolution. As such, the Parties have agreed to a further thirty-day extension of
3 time as to both Defendant's time to respond to the Complaint and the associated Case
4 Management and ADR deadlines.

5 **I. DEFENDANT'S TIME TO ANSWER**

6 The Parties stipulate and respectfully request that the time within which Defendant may
7 respond to the Complaint filed by Plaintiff be extended by this Court from September 25, 2009
8 to October 25, 2009 or such date as this Court may order.

9 The Parties believe good cause exists for the Court to grant an extension of time for
10 Sunware Computer, Inc. to respond to Plaintiff's Complaint because the Parties are in the final
11 stages of formalizing a resolution.

12 **II. CASE MANAGEMENT AND ALTERNATIVE DISPUTE RESOLUTION**
13 **DEADLINES**

14 The Parties further stipulate and respectfully request that this Court also extend by thirty
15 (30) days, or as soon thereafter as the Court deems convenient, the initial case management and
16 alternative dispute resolution deadlines as set forth in this Court's Order dated August 20, 2009
17 [Docket No. 7] as follows:

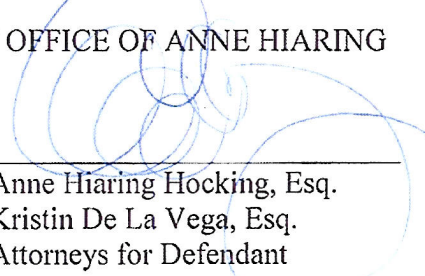
18 1. Last day to meet and confer re: initial disclosures, early settlement, ADR process
19 selection, and discovery plan; file joint ADR Certification with Stipulation to ADR Process or
20 notice of Need for ADR Phone conference is extended to December 25, 2009;

21 2. Last day to complete initial disclosures or state objection in Rule 26(f) Report,
22 file Case Management Statement and file/serve Rule 26(f) Report is extended to January 8,
23 2010; and
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3. Case Management Conference (CMC) in Courtroom 15, 18th Floor, San Francisco at 4:00 p.m. is extended to January ²⁵ ~~15~~, 2010.

The Parties believe good cause exists for the Court to grant an extension of time of the case management and alternative dispute resolution deadlines because the Parties only require additional time to finalize resolution of this matter.

Respectfully Submitted,
LAW OFFICE OF ANNE HIARING
By: 
Anne Haring Hocking, Esq.
Kristin De La Vega, Esq.
Attorneys for Defendant

DATED: Sept 23 09

FENWICK & WEST LLP
By: 
Eric Ball, Esq.
Jedediah Wakefield, Esq.
Attorneys for Plaintiff

STIPULATED TO
DATED: 9/23/09

IT IS SO ORDERED.
DATED: 9/25/09



1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF MARIN**

3 I am employed in the County of Marin, State of California; my business address is 711
4 Grand Avenue, Suite 260, San Rafael, California 94901; I am over the age of 18 and not a party
to the within action. On this date I served the following documents:

5 **SECOND STIPULATION AND [PROPOSED] ORDER EXTENDING SUNWARE
6 COMPUTER INC.'S TIME TO ANSWER COMPLAINT AND EXTENDING INITIAL
CASE MANAGEMENT CONFERENCE AND ADR DEADLINES**

7 on the parties shown below:

8 Jedediah Wakefield, Esq.
9 Fenwick & West LLP
555 California Street, 12th Floor
10 San Francisco, CA 94104

11 Eric Ball, Esq.
12 Fenwick & West LLP
Silicon Valley Center
801 California Street
13 Mountain View, CA 94041

14 Attorneys for Plaintiff
Sun Microsystems, Inc.

15
16 (BY FAX) I am readily familiar with the firm's practice of facsimile
17 transmission; on this date the above-referenced documents were transmitted, the
transmission was reported as complete and without error and the report was
properly issued.

18 (BY MAIL) I am readily familiar with the firm's practice for the processing of
19 mail; on this date, the above-referenced documents were placed for collection and
delivery by the U.S. Postal Service following ordinary business practices.

20 (BY OVERNIGHT DELIVERY) I am readily familiar with the firm's practice for
21 the processing of documents for delivery services; on this date, the above-
22 referenced documents were placed for collection and delivery following ordinary
business practices.

23 (BY ELECTRONIC FILING) On this date I provided the documents(s) listed
24 above electronically through the Court's electronic filing service provider
pursuant to the instructions on that website.

25 (BY E-MAIL) On this date, the above-referenced documents were converted to
26 Adobe files and e-mailed to the addresses shown.

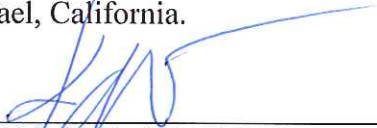
27 (BY PERSONAL SERVICE) I caused the above documents to be delivered by
hand pursuant to CCP § 1011.

28 Federal: I declare that I am employed in the office of a member of the bar of this
court at whose direction the service was made.

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____ State: I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed this 24th day of September, 2009 at San Rafael, California.



Kristin N. de la Vega