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Lead Counsel for Plaintiff

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

12 CHARLES WOZNIAK, Individually and on )  
 13 Behalf of All Others Similarly Situated, )  
 14 Plaintiff, )  
 15 vs. )  
 16 ALIGN TECHNOLOGY INC., et al., )  
 17 Defendants. )

No. 3:09-cv-03671-MMC  
CLASS ACTION  
 STIPULATION AND ~~PROPOSED~~ ORDER  
 EXTENDING TIME FOR FILING LEAD  
 PLAINTIFF'S AMENDED COMPLAINT  
 AND BRIEFING SCHEDULE ON MOTION  
 TO DISMISS

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1           WHEREAS, on November 24, 2009, the parties filed a stipulation (Docket No. 20) setting  
2 forth proposed dates for the filing of lead plaintiff's amended complaint and the briefing schedule on  
3 motion to dismiss, as follows:

- 4           1.     Lead plaintiff shall file an amended complaint no later than January 15, 2010;
- 5           2.     Defendants shall file their response to the amended complaint or motion to dismiss no  
6 later than March 12, 2010;
- 7           3.     Lead plaintiff shall file its opposition to the motion to dismiss no later than May 7,  
8 2010;
- 9           4.     Defendants shall file their reply in support of the motion to dismiss no later than June  
10 7, 2010; and
- 11          5.     The case management conference shall be continued until September 10, 2010.

12           WHEREAS, on December 2, 2009, this Court issued an order approving the above briefing  
13 schedule and continuing the case management conference to September 10, 2010 (Docket No. 21).

14           WHEREAS, due to a scheduling conflict, lead plaintiff has requested and defendants have  
15 agreed, subject to the approval of the Court, to extend the time for lead plaintiff to file its amended  
16 complaint and adjust the briefing schedule on the motion to dismiss by two weeks, as follows:

- 17          1.     Lead plaintiff shall file an amended complaint no later than January 29, 2010;
- 18          2.     Defendants shall file their motion to dismiss no later than March 26, 2010;
- 19          3.     Lead plaintiff shall file its opposition to the motion to dismiss no later than May 21,  
20 2010; and
- 21          4.     Defendants shall file their reply in support of the motion to dismiss no later than June  
22 21, 2010.

23           WHEREAS, the proposed schedule will not cause undue delay and will not change the  
24 September 10, 2010 case management conference date already established by the Court.

25           NOW THEREFORE, it is stipulated and agreed:

- 26          1.     Lead plaintiff shall file an amended complaint no later than January 29, 2010;
- 27          2.     Defendants shall file their motion to dismiss no later than March 26, 2010;

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3. Lead plaintiff shall file its opposition to the motion to dismiss no later than May 21,  
2010; and

4. Defendants shall file their reply in support of the motion to dismiss no later than June  
21, 2010.

DATED: January 07, 2010

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DATED: January 07, 2010

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Attorneys for Defendants Align Technology, Inc.  
and Thomas M. Prescott

1 I, Willow E. Radcliffe, am the ECF User whose ID and password are being used to file this  
2 Stipulation and [Proposed] Order Extending Time For Filing Lead Plaintiff's Amended Complaint  
3 and Briefing Schedule on Motion to Dismiss. In compliance with General Order 45, X.B., I hereby  
4 attest that Katherine L. Henderson has concurred in this filing.

5 \* \* \*

6 **ORDER**

7 PURSUANT TO STIPULATION, IT IS SO ORDERED.

8 DATED: January 8, 2010

  
9 THE HONORABLE MAXINE M. CHENEY  
10 UNITED STATES DISTRICT JUDGE

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