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7 Lead Counsel for Plaintiff

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

12 CHARLES WOZNIAK, Individually and on)
 Behalf of All Others Similarly Situated,)

13 Plaintiff,)

14 vs.)

15 ALIGN TECHNOLOGY, INC., et al.,)
 16 Defendants.)

No. 3:09-cv-03671-MMC

CLASS ACTION

17 STIPULATION AND [~~PROPOSED~~] ORDER
 EXTENDING LEAD PLAINTIFFS TIME TO
 FILE THIRD AMENDED COMPLAINT
 AND SETTING BRIEFING SCHEDULE

1 WHEREAS, on August 11, 2009, plaintiff Charles Wozniak filed a complaint against
2 defendants Align Technology, Inc. and Thomas M. Prescott (collectively, the“Defendants”);

3 WHEREAS, on November 13, 2009, Plumbers and Pipefitters National Pension Fund was
4 appointed as lead plaintiff;

5 WHEREAS, on January 29, 2010, lead plaintiff filed an Amended Complaint for Violations
6 of Federal Securities Laws (the“Amended Complaint”) against Defendants;

7 WHEREAS, on March 26, 2010, Defendants moved to dismiss the Amended Complaint;

8 WHEREAS, on May 21, 2010, lead plaintiff opposed Defendants’ motion to dismiss;

9 WHEREAS, on June 21, 2010, Defendants filed a reply brief in support of their motion to
10 dismiss;

11 WHEREAS, on July 7, 2010, the Court took Defendants’ motion to dismiss under submission;

12 WHEREAS, on June 8, 2011, the Court entered an Order granting Defendants’ motion to
13 dismiss with leave to amend and setting the filing deadline for the Second Amended Complaint for
14 July 22, 2011;

15 WHEREAS, on July 22, 2011, lead plaintiff filed a Second Amended Complaint against
16 Defendants;

17 WHEREAS, on July 27, 2011, the Court entered an Order extending Defendants’ time to
18 respond to the Second Amended Complaint to September 7, 2011; lead plaintiff’s opposition to any
19 motion to dismiss to October 21, 2011; and Defendants’ reply thereto to November 21, 2011;

20 WHEREAS, on September 7, 2011, Defendants filed a motion to dismiss the Second
21 Amended Complaint;

22 WHEREAS, on October 14, 2011, the Court entered an Order extending lead plaintiff’s time
23 to oppose Defendants’ motion to dismiss the Second Amended Complaint to November 9, 2011 and
24 Defendants’ reply brief to December 21, 2011;

25 WHEREAS, on November 9, 2011, lead plaintiff opposed Defendants’ motion to dismiss the
26 Second Amended Complaint;

27 WHEREAS, on December 21, 2011, Defendants filed a reply brief in support of their motion
28 to dismiss the Second Amended Complaint;

1 WHEREAS, on February 3, 2012, the Court entered an Order granting Defendants' motion to
2 dismiss the Second Amended Complaint with leave to amend, setting the filing deadline for the
3 Third Amended Complaint for March 2, 2012 and continuing the Case Management Conference
4 from April 13, 2012 to July 20, 2012; and

5 WHEREAS, due to scheduling conflicts, lead plaintiff requests an extension from March 2,
6 2012 to March 15, 2012 to file the Third Amended Complaint, and Defendants do not oppose this
7 request. The parties also agree, subject to the Court's approval, to the following briefing schedule for
8 Defendants' motion to dismiss the Third Amended Complaint: Defendants' motion to dismiss shall be
9 filed on or before May 1, 2012; lead plaintiff's opposition to Defendants' motion to dismiss shall be
10 filed on or before June 15, 2012; and Defendants' reply shall be filed on or before July 9, 2012.

11 NOW, THEREFORE, with good cause showing, the parties, by and through their
12 undersigned counsel of record, hereby agree and stipulate, and the Court hereby orders, as follows:

- 13 1. Lead plaintiff's Third Amended Complaint shall be filed on or before March 15, 2012;
- 14 2. Defendants' motion to dismiss the Third Amended Complaint shall be filed on or
15 before May 1, 2012;
- 16 3. Lead plaintiff's opposition to Defendants' motion to dismiss shall be filed on or before
17 June 15, 2012;
- 18 4. Defendants' reply brief shall be filed on or before July 9, 2012; and
- 19 5. The Case Management Conference currently scheduled for July 20, 2012 shall be
20 continued until after the motion to dismiss has been heard on a date that is convenient to the Court.

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25 The parties respectfully request that the Court enter an Order approving this Stipulation.

26 IT IS SO STIPULATED.
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1 DATED: February 15, 2012

ROBBINS GELLER RUDMAN
& DOWD LLP
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SARAH R. HOLLOWAY

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/s/ Sarah R. Holloway

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Additional Counsel for Plaintiff

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DATED: February 15, 2012

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P.C.
KATHERINE L. HENDERSON

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/s/ Katherine L. Henderson

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

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1 I, Sarah R. Holloway, am the ECF User whose ID and password are being used to file this
2 Stipulation and [Proposed] Order Extending Lead Plaintiff's Time to File Third Amended Complaint
3 and Setting Briefing Schedule. In compliance with General Order No. 45, X.B., I hereby attest that
4 Katherine L. Henderson has concurred in this filing.

5 /s/ Sarah R. Holloway
6 SARAH R. HOLLOWAY

7 * * *

8 **ORDER**

9 PURSUANT TO STIPULATION, IT IS SO ORDERED, with the exception that the Case
10 Management Conference, currently scheduled for July 20, 2012, is hereby CONTINUED to October
11 26, 2012.

12 DATED: February 16, 2012

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14 THE HONORABLE MAXINE M. CHESNEY
15 UNITED STATES DISTRICT JUDGE
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