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12 Attorneys for Plaintiff
 13 SPEEDTRACK, INC.

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

17 SPEEDTRACK, INC.,)

18 Plaintiff,)

19 vs.)

20 AMAZON.COM, INC.; COSTCO)
 21 WHOLESALE CORPORATION; 1-800-)
 22 FLOWERS.COM, INC.;)
 23 BARNESANDNOBLE.COM, LLC;)
 24 BARNESANDNOBLE.COM, INC.; THE)
 25 HOME DEPOT, INC.; NIKE, INC.;)
 26 NORTHERN TOOL & EQUIPMENT)
 27 CATALOG CO., INC.; J & R ELECTRONICS,)
 28 INC.; DELL, INC.; BEST BUY CO.; BEST)
 BUY.COM, LLC; SYSTEMAX, INC.;)
 OFFICEMAX, INC.; MACY'S, INC.;)
 MACYS.COM, INC.; OVERSTOCK.COM,)
 INC.; RECREATIONAL EQUIPMENT, INC.;)
 VALUE VISION INTERNATIONAL, INC.,)
 DBA SHOPNBC.COM; B &H FOTO &)
 ELECTRONICS CORP.; HEWLETT-)
 PACKARD COMPANY; REDCATS USA,)
 INC.; RETAIL CONVERGENCE, INC., DBA)
 SMARTBARGAINS.COM,)

Defendants.)

Case No. 09-CV-04479-JSW)

**STIPULATED REQUEST FOR)
 ORDER EXTENDING TIME FOR)
 DEFENDANT HEWLETT-)
 PACKARD COMPANY TO)
 ANSWER OR OTHERWISE)
 RESPOND TO THE COMPLAINT)**

[CIVIL LOCAL RULE 6-2]

1 WHEREAS, Plaintiff SpeedTrack, Inc. ("SpeedTrack") filed this action for infringement of
2 SpeedTrack's U.S. Patent No. 5,544,360 ("the '360 patent") on September 23, 2009;

3 WHEREAS, SpeedTrack has served its Complaint on Defendant Hewlett-Packard Company
4 ("HP") on October 1, 2009;

5 WHEREAS, SpeedTrack and HP previously filed a stipulation under Local Rule 6-1(A) on
6 October 21, 2009 (Docket No. 30) agreeing to extend the time for HP to answer or otherwise
7 respond to SpeedTrack's Complaint by 30 days to November 20, 2009;

8 WHEREAS, SpeedTrack previously filed the case of *SpeedTrack, Inc. v. Wal-Mart Stores,*
9 *Inc., et. al.*, Case No. 06-CV-07336-PJH ("the Wal-Mart Action") for infringement of the '360
10 patent on November 29, 2006;

11 WHEREAS, SpeedTrack previously filed another action, *SpeedTrack, Inc. v. Office Depot,*
12 *Inc., et. al.*, Case No. 07-CV-03602-PJH ("the Office Depot Action"), also for infringement of the
13 '360 patent, on July 12, 2007;

14 WHEREAS, on October 10, 2007, the Court stayed the Office Depot Action pending the
15 resolution of the Wal-Mart Action and, whereas, the Office Depot Action is currently stayed;

16 WHEREAS, on January 12, 2009, the United States Patent and Trademark Office granted the
17 Request for Reexamination of the '360 patent filed by Endeca Technologies, Inc.;

18 WHEREAS, on February 5, 2009, the Court stayed the Wal-Mart Action pending the
19 resolution of the reexamination of the '360 patent and, whereas the Wal-Mart Action is currently
20 stayed;

21 WHEREAS, the resolution of both the reexamination of the '360 patent and Wal-Mart
22 Action may substantially narrow the issues involved in this action;

23 WHEREAS, in view of the above-recited circumstances, SpeedTrack has proposed to each
24 named Defendant in this action a stipulation to stay this litigation until such time as both (i) the
25 reexamination of the '360 patent is resolved and (ii) judgment in the Wal-Mart Action or an order
26 dismissing the Wal-Mart Action is entered;

27 WHEREAS, HP is agreeable to a stipulation to stay this litigation pending both the
28 resolution of the reexamination of the '360 patent-in-suit and the entry of a judgment or an order

1 dismissing the Wal-Mart Action;

2 WHEREAS, SpeedTrack represents that it will file a motion to stay this action until such
3 time as both (i) the reexamination of the '360 patent is resolved and (ii) judgment in the Wal-Mart
4 Action or an order dismissing the Wal-Mart Action is entered if such a stipulation to stay cannot be
5 reached with each named Defendant in this action, and HP represents that it will not oppose such a
6 motion;

7 WHEREAS, HP has requested an extension of time to respond to SpeedTrack's Complaint
8 until at least 21 days after the date of the Court's Order lifting any stay that may be granted in this
9 action, without prejudice to HP seeking further extensions as appropriate;

10 WHEREAS, HP's request for an extension is not made for the purpose of delay;

11 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties through
12 their respective counsel of record, THAT:

13 The date by which HP must answer or otherwise respond to SpeedTrack's Complaint shall
14 be extended as follows: If the Court grants a stay of this litigation, then HP shall have 21 days to
15 answer or otherwise respond to SpeedTrack's Complaint from the date of the Court's order lifting
16 the stay, without prejudice to HP seeking further extensions as appropriate. If the Court denies the
17 request to stay or denies a motion for a stay, then HP shall have 21 days to answer or otherwise
18 respond from the date of the Court's order, without prejudice to HP seeking further extensions as
19 appropriate.

20 SO STIPULATED.

21
22 DATED: 11/2/09

HENNIGAN, BENNETT & DORMAN LLP

23
24 By 

Roderick G. Dorman
Alan P. Block
Marc Morris

25
26 Attorneys for Plaintiff
SpeedTrack, Inc.

1 DATED:

MORGAN, LEWIS & BOCKIUS LLP

2
3 By 

Michael J. Lyons

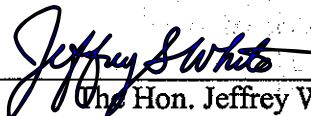
4 Attorneys for Defendant
5 Hewlett-Packard Company

6 **ORDER**

7 The date by which HP must answer or otherwise respond to SpeedTrack's Complaint shall
8 be extended as follows: If the Court grants a stay of this litigation, then HP shall have 21 days to
9 answer or otherwise respond to SpeedTrack's Complaint from the date of the Court's order lifting
10 the stay, without prejudice to HP seeking further extensions as appropriate. If the Court denies the
11 request to stay or denies a motion for a stay, then HP shall have 21 days to answer or otherwise
12 respond from the date of the Court's order, without prejudice to HP seeking further extensions as
13 appropriate.

14 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

15
16 DATED: November 2, 2009


17 The Hon. Jeffrey White
18 United States District Judge

1 **PROOF OF SERVICE**

2
3 STATE OF CALIFORNIA,)
4 COUNTY OF LOS ANGELES) SS.
5)

6 I am employed in the County of Los Angeles, State of California. I am over the age of 18
7 years and not a party to the within action; my business address is 865 South Figueroa Street, Suite
8 2900, Los Angeles, California 90017.

9 On November 2, 2009, I served the foregoing document described as **STIPULATED**
10 **REQUEST FOR ORDER EXTENDING TIME FOR DEFENDANT HEWLETT-PACKARD**
11 **COMPANY TO ANSWER OR OTHERWISE RESPOND TO THE COMPLAINT** on the
12 interested parties in this action by placing the true copy(ies) thereof enclosed in sealed envelopes
13 addressed as follows:

14 **PLEASE SEE ATTACHED SERVICE LIST**

15 I caused such envelope(s) with postage thereon fully prepaid to be placed in the United
16 States mail at Los Angeles, California. I am readily familiar with the firm's practice of collection
17 and processing correspondence for mailing. Under that practice it would be deposited with U.S.
18 postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the
19 ordinary course of business. I am aware that on motion of the party served, service is presumed
20 invalid if postal cancellation date or postage meter date is more than one day after date of deposit for
21 mailing in affidavit.

22 I caused said document to be transmitted electronically to the interested party at the email
23 address stated on the attached service list.

24 Executed on November 2, 2009 at Los Angeles, California.

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

27 /S/ Carol Yuson
28 Carol Yuson

HENNIGAN, BENNETT & DORMAN LLP
LAWYERS
LOS ANGELES, CALIFORNIA

SERVICE LIST

<p>Stewart Kovar, Esq. J&R ELECTRONICS, INC. 23 Park Row New York, NY 10038 Email: sk@jr.com</p> <p><i>On behalf of Defendant, J&R Electronics Inc.</i></p>	<p>Pat Shriver, Esq. FAFINSKI MARK & JOHNSON, P.A. Flagship Corporate Center 775 Prairie Center Drive, Suite 400 Eden Prairie, MN 55344 Tel: (952) 224-7285 Fax: (952) 995-9577 Email: pat.shriver@fmjlaw.com</p> <p><i>On behalf of Defendant, Northern Tool & Equipment Catalog Company, Inc.</i></p>
<p>Thomas E. Bejin, Esq. RADER, FISHMAN & GRAUER, PLLC 39533 Woodward Avenue Bloomfield Hills, MI 48304 Tel: (248) 594-0608 Fax: (248) 594-0610 Email: teb@raderfishman.com</p> <p><i>On behalf of Defendant, ValueVision Media, Inc. dba ShopNBC.com</i></p>	<p>Michael J. Lyons MORGAN, LEWIS & BOCKIUS LLP 2 Palo Alto Square 3000 El Camino Real, Ste 700 Palo Alto, CA 94306 Tel (650) 843-4000 Fax (650) 843-4001 Email: mlyons@morganlewis.com</p> <p><i>On behalf of Defendant, Hewlett-Packard Company</i></p>
<p>Aaron Stiefel, Esq. KAYE SCHOLER LLP 425 Park Avenue New York, NY 10022 Tel: (212) 836-8000 Fax: (212) 836-8689 Email: astiefel@kayescholer.com</p> <p><i>On behalf of Defendant, B & H Foto Electronics Corp.</i></p>	<p>Tom Plastaras 1-800-Flowers.com, Inc. Corporate Headquarters One Old Country Road, Suite 500 Carle Place, NY 11514 Phone: 1-800-356-9377 Email: tplastaras@1800flowers.com</p>
<p>Lennie A. Bersh, Esq. Greenberg Traurig 200 Park Avenue P.O. Box 677 Florham Park, NJ 07932 T 973.360.7900 F 973.301.8410 Email: bershL@gtlaw.com</p> <p><i>On behalf of Defendant, Systemax, Inc</i></p>	<p>Peter K. Johnson, Esq. Associate General Counsel Overstock.com, Inc. 6350 South 3000 East Salt Lake City, UT 84121 Tel: (801) 947-3780 Fax: (801) 947-3144 Email: pjohnson@overstock.com</p> <p><i>On behalf of Defendant Overstock.com, Inc.</i></p>

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 LAWYERS
 LOS ANGELES, CALIFORNIA

1 2 3 4 5 6 7	<p>Karen Polyakov, Esq. Counsel - Litigation HOME DEPOT USA, INC. 3800 West Chapman Avenue Orange, CA 92868 Tel: (714) 940-3622 Fax: (714) 940-5815 Email: Karen_Polyakov@homedepot.com</p> <p><i>On behalf of Defendant, The Home Depot, Inc.</i></p>	<p>Bridget Boyle Executive Assistant to Bradley A. Feuer 122 5th Avenue New York, NY 10011 Phone: (212) 633-4010; Email: bboyle@bn.com</p> <p><i>On behalf of Defendant Barnesandnoble.com, Inc. and Barnesandnoble.com, LLC</i></p>
8 9 10 11 12 13	<p>Anthony F. Lo Cicero AMSTER ROTHSTEIN & EBENSTEIN LLP 90 Park Avenue New York, NY 10016 Email: alocicer@ARELAW.com</p> <p><i>On behalf of Defendants Macy's Inc. and Macys.com</i></p>	<p>Ramsey M. Al-Salam, Esq. PERKINS COIE LLP 1201 Third Avenue, Suite 4800 Seattle, WA 98101-3099 Tel: (206) 359-6385 Fax: (206) 359-7385 Email: ral salam@perskincoie.com</p> <p><i>On behalf of Defendant, Costco Wholesale Corporation</i></p>
14 15 16 17 18 19	<p>Eugene Y. Mar, Esq. FARELLA BRAUN & MARTEL LLP 235 Montgomery Street, 17th Floor San Francisco, CA 94104 Email: EMar@fbm.com</p> <p><i>On behalf of Defendant, Dell, Inc.</i></p>	<p>John Letchinger, Esq. WILDMAN HARROLD 225 West Wacker Drive Suite 3000 Chicago, Illinois 60606 Tel: (312) 201-2698 Fax: (312) 416-4646 Email: letchinger@wildman.com</p> <p><i>On behalf of Defendant, OfficeMax</i></p>
20 21 22 23 24	<p>Kathryn Sheehan Amazon.com, Inc. 1200 12th Avenue, South Suite 1200 Seattle, WA 98144 Email: ksheehan@amazon.com</p> <p><i>On behalf of Defendant, Amazon.com, Inc.</i></p>	<p>Julianne Davis, Esq. Nike, Inc. One Bowerman Drive Beaverton, Oregon 97005-6453 Email: julianne.davis@nike.com</p> <p><i>On behalf of Defendant, Nike, Inc.</i></p>

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