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7 Attorneys for Plaintiff,  
 SPEEDTRACK, INC.,  
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9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

12 SPEEDTRACK, INC., )

Case No.09-CV-04479-JSW

13 Plaintiff, )

14 vs. )

**STIPULATED REQUEST FOR ORDER  
 EXTENDING TIME FOR DEFENDANTS  
 MACY'S INC. AND MACYS.COM, INC.  
 TO ANSWER OR OTHERWISE  
 RESPOND TO THE COMPLAINT**

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

JUDGE: Hon. Jeffrey S. White

25 )  
 26 Defendants. )  
 27 )  
 28 )

Hennigan, Bennett & Dorman LLP  
 Attorneys  
 Los Angeles, California

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 Defendants Macy's, Inc. and  
4 Macys.com, Inc. ("Macys Defendants") on October 2, 2009;

5 WHEREAS, SpeedTrack and Macys Defendants previously filed a stipulation under Local  
6 Rule 6-1(A) on October 16, 2009 (Docket No. 18) agreeing to extend the time for Macys Defendants  
7 to answer or otherwise respond to SpeedTrack's Complaint by 30 days to November 23, 2009;

8 WHEREAS SpeedTrack and each Defendant to this action including Macys Defendants have  
9 filed a Joint Stipulation on November 16, 2009 asking the Court to stay this litigation until such time  
10 as both (i) the reexamination of the '360 patent is resolved and (ii) judgment in the Wal-Mart Action  
11 or an order dismissing the Wal-Mart Action is entered (Docket No. 48);

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

14 WHEREAS, the Court has not yet acted on the parties' Joint Stipulation to stay;

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

19 WHEREAS, Macys Defendants' request for an extension is not made for the purpose of  
20 delay;

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

23 The date by which Macys Defendants must answer or otherwise respond to SpeedTrack's  
24 Complaint shall be extended as follows: If the Court grants a stay of this litigation pursuant to the  
25 parties' Joint Stipulation or otherwise, then Macys Defendants shall have 21 days to answer or  
26 otherwise respond to SpeedTrack's Complaint from the date of the Court's order lifting the stay,  
27 without prejudice to Macys Defendants seeking further extensions as appropriate. If the Court  
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lawyers  
los angeles, california

1 denies the parties' request to stay, then Macys Defendants shall have 21 days to answer or otherwise  
2 respond from the date of the Court's order, without prejudice to Macys Defendants seeking further  
3 extensions as appropriate.

4 SO STIPULATED.

5 DATED: November 20, 2009

HENNIGAN, BENNETT & DORMAN LLP


6 By /s/ 

7 Roderick G. Dorman  
8 Alan P. Block  
9 Marc Morris  
10 Omer Salik

11 Attorneys for Plaintiff,  
12 SPEEDTRACK, INC.,

13 DATED: November 20, 2009

AMSTER ROTHSTEIN & EBENSTEIN LLP

14 By 

15 David A. Boag

16 Attorneys for Defendants,  
17 MACY'S, INC. AND MACYS.COM, INC.

18 ~~Proposed~~ Order


19 PURSUANT TO STIPULATION, IT IS SO ORDERED:

20 The date by which the Macys Defendants must answer or otherwise respond to SpeedTrack's  
21 Complaint shall be extended as follows: If the Court grants a stay of this litigation pursuant to the  
22 parties' Joint Stipulation or otherwise, then the Macys Defendants shall have 21 days to answer or  
23 otherwise respond to SpeedTrack's Complaint from the date of the Court's order lifting the stay,  
24 without prejudice to the Macys Defendants seeking further extensions as appropriate. If the Court  
25 denies the parties' request to stay, then the Macys Defendants shall have 21 days to answer or  
26 otherwise respond from the date of the Court's order, without prejudice to the Macys Defendants  
27 seeking further extensions as appropriate.

Hennigan, Bennett & Dorman LLP  
Lawyers  
Los Angeles, California

1 DATED: November 30, 2009

2 By

  
For Jeffrey S. White  
United States District Judge

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