

1 HENNIGAN, BENNETT & DORMAN LLP  
 Roderick G. Dorman (SBN 96908)  
 2 [dormanr@hbdlawyers.com](mailto:dormanr@hbdlawyers.com)  
 Alan P. Block (SBN 143783)  
 3 [blocka@hbdlawyers.com](mailto:blocka@hbdlawyers.com)  
 Marc Morris (SBN 183728)  
 4 [morrism@hbdlawyers.com](mailto:morrism@hbdlawyers.com)  
 865 South Figueroa Street, Suite 2900  
 5 Los Angeles, California 90017  
 Telephone: (213) 694-1200  
 6 Fax: (213) 694-1234

7 Attorneys for Plaintiff,  
 SPEEDTRACK, INC.,  
 8

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

12 SPEEDTRACK, INC., )

13 Plaintiff, )

14 vs. )

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,  
 25

26 Defendants. )

Case No.09-CV-04479-JSW

STIPULATED REQUEST FOR ORDER  
 EXTENDING TIME FOR DEFENDANT  
 OVERSTOCK.COM, INC. TO ANSWER  
 OR OTHERWISE RESPOND TO THE  
 COMPLAINT

[CIVIL LOCAL RULE 6-2]

JUDGE: Hon. Jeffrey S. White

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 Overstock.com, Inc.  
4 ("Overstock") on October 2, 2009;

5 WHEREAS, SpeedTrack and Overstock previously filed a stipulation under Local Rule 6-  
6 1(A) on October 16, 2009 (Docket No. 17) agreeing to extend the time for Overstock to answer or  
7 otherwise respond to SpeedTrack's Complaint by 30 days to November 23, 2009;

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

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

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

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

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

19 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties THAT:

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

27 SO STIPULATED.

1 DATED: November 20, 2009

HENNIGAN, BENNETT & DORMAN LLP

2  
3 By /s/

Roderick G. Dorman  
Alan P. Block  
Marc Morris  
Omer Salik

4  
5 Attorneys for Plaintiff,  
SPEEDTRACK, INC.,

6  
7 DATED: November 20<sup>th</sup>, 2009

OVERSTOCK.COM, INC.

8  
9 By

Mark Griffin

10  
11 ~~[Proposed]~~ Order

12 PURSUANT TO STIPULATION, IT IS SO ORDERED:

13 The date by which Overstock must answer or otherwise respond to SpeedTrack's Complaint  
14 shall be extended as follows: If the Court grants a stay of this litigation pursuant to the parties' Joint  
15 Stipulation or otherwise, then Overstock shall have 21 days to answer or otherwise respond to  
16 SpeedTrack's Complaint from the date of the Court's order lifting the stay, without prejudice to  
17 Overstock seeking further extensions as appropriate. If the Court denies the parties' request to stay,  
18 then Overstock shall have 21 days to answer or otherwise respond from the date of the Court's  
19 order, without prejudice to Overstock seeking further extensions as appropriate.  
20

21 DATED: November 30, 2009

22 By

Hon. Jeffrey S. White  
United States District Judge