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11 Attorneys for Defendant  
 12 ADOBE SYSTEMS INCORPORATED

13  
 14 IN THE UNITED STATES DISTRICT COURT  
 15 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 TEXTSCAPE LLC, a New Jersey  
 17 Corporation,,

18 Plaintiff,

19 v.

20 ADOBE SYSTEMS INCORPORATED, a  
 Delaware Corporation,

21 Defendant.  
 22

Case No. 3:09-CV-04550 BZ

**STIPULATION AND ORDER FOR  
 ENLARGEMENT OF TIME PURSUANT  
 TO LOCAL RULES 6-1 and 6-2**

23  
 24 **STIPULATION**

25 Pursuant to Civil Local Rules 6-1 and 6-2, the parties hereto, by and through their counsel,  
 26 stipulate to an enlargement of time to respond to the Complaint, and to change the deadlines  
 27 imposed by the Court’s previous Order Enlarging Time Pursuant to Civil Local Rules 6-3 and 16-  
 28 2(d) [Docket Index (“D.I.”) No. 10] as more fully set forth below.

1 **DECLARATION OF THEODORE T. HERHOLD**

2 I, Theodore T. Herhold, declare as follows:

3 1. I am a partner in the law firm of Townsend and Townsend and Crew LLP  
4 (“Townsend”), appearing for Defendant Adobe Systems Incorporated (“Adobe”) in this matter.

5 2. On September 25, 2009, Plaintiff Textscape LLC (“Textscape”) filed its Complaint  
6 in the above-captioned matter.

7 3. On September 25, 2009, this Court issued its Order Setting Initial Case  
8 Management Conference [D.I. No. 3]. In the September 25, 2009 Order, the Court set the  
9 deadline to meet and confer, and to file either a Stipulation to ADR Process or Notice of Need for  
10 ADR Phone Conference as December 14, 2009. The Court also set December 28, 2009 as the  
11 deadline to file a Rule 26(f) Report, to complete initial disclosures, and to file a Case Management  
12 Statement. The Court scheduled the Initial Case Management Conference (“CMC”) for January 4,  
13 2010.

14 4. On December 14, 2009, Adobe was served with the Summons and Complaint.  
15 Accordingly, absent an extension of time, Adobe must answer or otherwise respond to the  
16 Complaint on or before January 4, 2010.

17 5. On December 15, 2009, before Adobe retained counsel in this matter, Textscape  
18 filed a Motion for Enlargement of Time Pursuant to Civil Local Rules 6-3 and 16-2(d) [D.I. No.  
19 9], in which it asked the Court to extend the various deadlines set forth in the Court’s September  
20 25, 2009 Order, including the date for the CMC.

21 6. On December 16, 2009, the Court granted Textscape’s motion and issued its Order  
22 Enlarging Time Pursuant to Civil Local Rules 6-3 and 16-2(d) [D.I. No. 10]. In its Order, the  
23 Court set the following deadlines in the case:

24 **CURRENT DEADLINES**

25 Deadline for Adobe to respond to Complaint	January 4, 2010
26 Deadline to meet and confer re initial disclosures, early 27 settlement, ADR process selection, and discovery plan	January 11, 2010
28 Deadline to file either a Stipulation to ADR Process or Notice of Need for ADR Phone Conference	January 11, 2010



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DATED: December 23, 2009

Respectfully submitted,  
TOWNSEND AND TOWNSEND AND CREW LLP

By: /s/ Theodore T. Herhold  
Theodore T. Herhold  
Attorneys for Defendant  
ADOBE SYSTEMS INCORPORATED, A  
CALIFORNIA CORPORATION

DATED: December 23, 2009

Respectfully submitted,  
GOLDSTEIN, FAUCETT & PREBEG, LLP  
DERGOSITS & NOAH, LLP

By: /s/ Edward W. Goldstein by Permission TTH  
Edward W. Goldstein  
Attorneys for Plaintiff  
TEXTSCAPE LLC

**ATTESTATION CLAUSE REGARDING SIGNATURES**

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that I have on file permission to sign for co-counsel indicated by a “conformed” signature (/s/) within this e-filed document.

/s/ Theodore T. Herhold  
Theodore T. Herhold

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**ORDER**

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that the following deadlines shall apply in this case:

- Deadline for Adobe to respond to Complaint January 25, 2009
- Deadline to meet and confer re initial disclosures, early settlement, ADR process selection, and discovery plan February 1, 2010
- Deadline to file either a Stipulation to ADR Process or Notice of Need for ADR Phone Conference February 1, 2010
- Deadline to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement February 15, 2010
- Initial Case Management Conference (CMC) February 22, 2010 at 4:00 p.m.

Dated: \_ December 29, 2009 \_\_\_\_\_



Magistrate Judge Bernard Zimmerman  
United States District Judge

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