1	TOWNSEND AND TOWNSEND AND CREW	LLP	
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9	Ninth Floor, East Tower Washington, D.C. 20005 Talanhara: (202) 481,0000		
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11	Email: gsmorris@townsend.com		
12	Attorneys for Defendant ADOBE SYSTEMS INCORPORATED		
13			
14	IN THE UNITED STATES DISTRICT COURT		
15	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
16	TEXTSCAPE LLC, a New Jersey	Case No. 3:09-CV-04550 BZ	
17	Corporation,,	STIPULATION AND ORDER FOR	
18	Plaintiff,	ENLARGEMENT OF TIME PURSUANT TO LOCAL RULES 6-1 and 6-2	
19	V.	TO LOCAL ROLLS 0-1 and 0-2	
20	ADOBE SYSTEMS INCORPORATED, a Delaware Corporation,		
21	Defendant.		
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23			
24		<u>LATION</u>	
25		2, the parties hereto, by and through their counsel,	
26	stipulate to an enlargement of time to respond to		
27		g 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.		
nd	STIPULATION & ORDER FOR ENLARGEMENT OF	TIME PURSUANT TO L.R. 6-1 AND 6-2 - 1 -	

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1. I am a partner in the law firm of Townsend and Townsend and Crew LLP

2. On September 25, 2009, Plaintiff Textscape LLC ("Textscape") filed its Complaint

("Townsend"), appearing for Defendant Adobe Systems Incorporated ("Adobe") in this matter.

in the above-captioned matter.

I, Theodore T. Herhold, declare as follows:

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

- 4. On December 14, 2009, Adobe was served with the Summons and Complaint. Accordingly, absent an extension of time, Adobe must answer or otherwise respond to the Complaint on or before January 4, 2010.
- 5. On December 15, 2009, before Adobe retained counsel in this matter, Textscape filed a Motion for Enlargement of Time Pursuant to Civil Local Rules 6-3 and 16-2(d) [D.I. No. 9], in which it asked the Court to extend the various deadlines set forth in the Court's September 25, 2009 Order, including the date for the CMC.
- 6. On December 16, 2009, the Court granted Textscape's motion and issued its Order Enlarging Time Pursuant to Civil Local Rules 6-3 and 16-2(d) [D.I. No. 10]. In its Order, the Court set the following deadlines in the case:

CURRENT DEADLINES

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

1 2	Deadline to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file		
3	Case Management Statement Initial Case Management Conference (CMC) February 1, 2010 at 4:00 p.m.		
4	7. On December 23, 2009, Adobe retained Townsend to represent it in this matter.		
5			
6	8. On December 23, 2009, I called counsel for Textscape, Edward Goldstein, and		
	requested a 3-week extension of time in which to answer or otherwise respond to the Complaint,		
7	or up to and including January 25, 2009. I also requested that the various deadlines set forth in the		
8	Court's December 16, 2009 Order, including the date for the CMC, be extended accordingly. Mr.		
9	Goldstein agreed to the requests.		
10	9. Accordingly, in order to give the parties sufficient time to meet and confer and		
11	otherwise meet the deadlines imposed by the Court, the parties agree to a further extension of the		
12	deadlines as follows:		
13	REQUESTED DEADLINES		
14	Deadline for Adobe to respond to Complaint January 25, 2010		
15	Deadline to meet and confer re initial disclosures, early settlement, ADR process selection, and discovery plan		
16 17	Deadline to file either a Stipulation to ADR Process or Notice of Need for ADR Phone Conference February 1, 2010		
18	Deadline to file Rule 26(f) Report, complete initial February 15, 2010 disclosures or state objection in Rule 26(f) Report and file		
19	Case Management Statement Initial Case Management Conference (CMC) February 22, 2010 at 4:00 p.m.		
20	·		
21	I declare under penalty of perjury under the laws of the United States that the foregoing is		
22	true and correct and that this Declaration was executed on December 23, 2009 in Palo Alto,		
23	California.		
24	/ /m! 1 m 11 11		
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1	DATED: December 23, 2009	Respectfully submitted,
2		TOWNSEND AND TOWNSEND AND CREW LLP
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4		By: /s/ Theodore T. Herhold Theodore T. Herhold
5		Attorneys for Defendant
6		ADOBÉ SYSTEMS INCORPORATED, A CALIFORNIA CORPORATION
7	DATED: December 23, 2009	Respectfully submitted,
8		GOLDSTEIN, FAUCETT & PREBEG, LLP DERGOSITS & NOAH, LLP
9		DEROOSITS & NOAH, LEF
10		By: /s/ Edward W. Goldstein by Permission TTH
11		Edward W. Goldstein
12		Attorneys for Plaintiff TEXTSCAPE LLC
13		
14	ATTESTATION CLAUSE REGARDING SIGNATURES	
15		
15 16	Pursuant to General Order	No. 45, Section X(B) regarding signatures, I attest under
	Pursuant to General Order penalty of perjury that I have on fi	No. 45, Section X(B) regarding signatures, I attest under le permission to sign for co-counsel indicated by a "conformed"
16	Pursuant to General Order	No. 45, Section X(B) regarding signatures, I attest under le permission to sign for co-counsel indicated by a "conformed"
16 17	Pursuant to General Order penalty of perjury that I have on fi	No. 45, Section X(B) regarding signatures, I attest under le permission to sign for co-counsel indicated by a "conformed" ocument. /s/ Theodore T. Herhold
16 17 18	Pursuant to General Order penalty of perjury that I have on fi	No. 45, Section X(B) regarding signatures, I attest under le permission to sign for co-counsel indicated by a "conformed" ocument.
16 17 18 19	Pursuant to General Order penalty of perjury that I have on fi	No. 45, Section X(B) regarding signatures, I attest under le permission to sign for co-counsel indicated by a "conformed" ocument. /s/ Theodore T. Herhold
16 17 18 19 20	Pursuant to General Order penalty of perjury that I have on fi signature (/s/) within this e-filed do	No. 45, Section X(B) regarding signatures, I attest under le permission to sign for co-counsel indicated by a "conformed" ocument. /s/ Theodore T. Herhold
16 17 18 19 20 21	Pursuant to General Order penalty of perjury that I have on fi signature (/s/) within this e-filed do	No. 45, Section X(B) regarding signatures, I attest under le permission to sign for co-counsel indicated by a "conformed" ocument. /s/ Theodore T. Herhold
16 17 18 19 20 21 22	Pursuant to General Order penalty of perjury that I have on fi signature (/s/) within this e-filed do	No. 45, Section X(B) regarding signatures, I attest under le permission to sign for co-counsel indicated by a "conformed" ocument. /s/ Theodore T. Herhold
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16 17 18 19 20 21 22 23 24	Pursuant to General Order penalty of perjury that I have on fi signature (/s/) within this e-filed do	No. 45, Section X(B) regarding signatures, I attest under le permission to sign for co-counsel indicated by a "conformed" ocument. /s/ Theodore T. Herhold
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16 17 18 19 20 21 22 23 24 25 26	Pursuant to General Order penalty of perjury that I have on fi signature (/s/) within this e-filed do	No. 45, Section X(B) regarding signatures, I attest under le permission to sign for co-counsel indicated by a "conformed" ocument. /s/ Theodore T. Herhold

1 **ORDER** PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that the following 2 deadlines shall apply in this case: 3 4 Deadline for Adobe to respond to Complaint January 25, 2009 5 Deadline to meet and confer re initial disclosures, early February 1, 2010 settlement, ADR process selection, and discovery plan 6 Deadline to file either a Stipulation to ADR Process or February 1, 2010 Notice of Need for ADR Phone Conference 7 Deadline to file Rule 26(f) Report, complete initial February 15, 2010 8 disclosures or state objection in Rule 26(f) Report and file Case Management Statement 9 Initial Case Management Conference (CMC) February 22, 2010 at 4:00 p.m. 10 11 Dated: December 29, 2009 12 Bernard Zimmerman 13 United States District Judge 14 15 62374892 v1 16 17 18 19 20 21 22 23 24 25 26 27

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