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 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

11 MODAVOX, INC., a Delaware
 corporation,

12 Plaintiff,

13 v.

14 YAHOO! INC., a Delaware
 Corporation,

15 Defendant.

CASE NO. C-09-5386-EDL
 (Hon. Charles R. Breyer)

**STIPULATION TO EXTEND THE
 HEARING DATE, AND ALL DATES
 ATTENDANT THERETO,
 REGARDING DEFENDANT’S
 RENEWED MOTION FOR A MORE
 DEFINITE STATEMENT**

Filed: November 16, 2009
 Trial: No date set

18 WHEREAS, Defendant Yahoo! Inc. (“Yahoo!”) filed its Renewed Motion for A
 19 More Definite Statement under Rule 12(e) on February 26, 2010 (“Motion”),
 20 setting a hearing on said Motion for April 9, 2010; and

21 WHEREAS, counsel for Plaintiff Modavox, Inc. (“Modavox”) and Yahoo! have
 22 met and conferred and the parties desire to preserve the resources of the Court and
 23 the parties;

24 WHEREAS, Plaintiff Modavox, Inc. (“Modavox”) desires to file an amended
 25 complaint in response to Yahoo!’s Motion, rather than filing an opposition thereto,
 26 and Yahoo! desires that Modavox file such an amended complaint, rather than an
 27 opposition; and
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WHEREAS, Plaintiff Modavox and Defendant Yahoo! are considering language for the amended complaint that satisfies Yahoo!’s concerns as raised in its motion, but need more time to review Plaintiff Modavox’s proposed amended complaint in response to Yahoo’s Motion.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, that:

- 1. The hearing on Yahoo!’s Motion, currently set for April 9, 2010 at 10:00 a.m., shall be extended to April 16, 2010 at 10:00 am.
- 2. The due date for Modavox’s opposition, currently due March 19, 2010, shall be extended to March 26, 2010
- 3. The due date for Yahoo!’s reply, currently due March 26, 2010, shall be extended to April 2, 2010.

Dated: March 17, 2010 MORRISON & FOERSTER LLP

By: /s/ Richard S.J. Hung
Richard S.J. Hung
Attorneys for Defendant
YAHOO!, INC.

Dated: March 17, 2010 SHAUB & WILLIAMS LLP

By: /s/ Stephen David Morgan
Stephen David Morgan
Attorneys for Plaintiff
MODAVOX, INC.

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ATTESTATION OF E-FILED SIGNATURE

I, Stephen D. Morgan, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER. In compliance with General Order 45, X.B., I hereby attest that each signatory to this document has concurred to its filing.

Dated: March 17, 2010

By: /s/ Stephen D. Morgan

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 03/19, 2010

The Honorable Charles R. Breyer
United States District Judge

