

1 Robert D. Fram (Bar No. 126750)
 Email: rfram@cov.com
 2 Sonya D. Winner (Bar No. 200348)
 Email: swinner@cov.com
 3 COVINGTON & BURLING LLP
 One Front Street
 San Francisco, CA 94111
 4 Telephone: (415) 591-6000
 Facsimile: (415) 591-6091

5
 6 Andrew C. Byrnes (Bar No. 191516)
 Email: abyernes@cov.com
 COVINGTON & BURLING LLP
 7 333 Twin Dolphin Drive, Suite 700
 Redwood Shores, CA 94065
 8 Telephone: (650) 678-1800
 Facsimile: (650) 678-1600

9
 10 Attorneys for Defendants
 TREND MICRO INCORPORATED;
 TREND MICRO INCORPORATED; and
 11 TREND MICRO INCORPORATED

Michael A. Ladra (Bar No. 64307)
 Email: mladra@wsgr.com
 Stefani E. Shanberg (Bar No. 206717)
 Email: sshanberg@wsgr.com
 Robin L. Brewer (Bar No. 253686)
 Email: rbrewer@wsgr.com
 WILSON SONSINI GOODRICH & ROSATI
 Professional Corporation
 650 Page Mill Road
 Palo Alto, California 94304
 Telephone: (650) 493-9300
 Facsimile: (650) 493-6811

Attorneys for Plaintiff
 FORTINET, INC.

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 13 **UNITED STATES DISTRICT COURT**
 14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN FRANCISCO DIVISION**

16
 17 FORTINET, INC., a Delaware corporation,
 Plaintiff,
 18
 v.
 19
 20 TREND MICRO INCORPORATED, et al.,
 Defendants.

CASE NO.: CV 10-0048 MMC
**STIPULATED MOTION FOR
 ORDER (1) VACATING AND
 RESETTING CASE
 MANAGEMENT CONFERENCE
 AND ADR DEADLINES, AND (2)
 CONTINUING LOCAL PATENT
 RULE DISCLOSURES; AND
 [PROPOSED] ORDER**
 CONTINUING CASE MANAGEMENT
 CONFERENCE TO MAY 28, 2010

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 25 IT IS HEREBY STIPULATED by and between plaintiff Fortinet, Inc. (“Fortinet”) and
 26 defendants Trend Micro Incorporated, a California corporation, Trend Micro Incorporated, a

1 Japanese Corporation, and Trend Micro Incorporated, a Taiwanese corporation (collectively,
2 “Trend Micro”), by and through their counsel of record, as follows:

3 WHEREAS, on January 6, 2010, Fortinet filed a Complaint for Declaratory Judgment
4 (“Complaint”) against Trend Micro;

5 WHEREAS, on January 22, 2010, Fortinet and Trend Micro filed a Joint Stipulation
6 extending until March 2, 2010, Trend Micro’s time to respond to the Complaint;

7 WHEREAS, on March 2, 2010, Trend Micro filed a Motion to Dismiss the Complaint
8 pursuant to Rule 12 of the Federal Rules of Civil Procedure (“Motion to Dismiss”);

9 WHEREAS, the Motion to Dismiss is set for hearing on April 9, 2010;

10 WHEREAS, on January 6, 2010, an Order Setting Initial Case Management Conference
11 and ADR Deadlines was issued by Magistrate Judge LaPorte in this case;

12 WHEREAS, on February 9, 2010, the case was reassigned to this Court. In its February
13 9, 2010 Related Case Order, this Court vacated the previously scheduled Initial Case
14 Management Conference, but stated that any deadlines set by the ADR Local Rules remain in
15 effect;

16 WHEREAS, on February 22, 2010, this Court issued a Case Management Conference
17 Order, setting the initial Case Management Conference in this action for April 16, 2010.

18 WHEREAS, pursuant to this Court’s February 9, 2010 Related Case Order stating that
19 any deadlines set by the ADR Local Rules remain in effect, March 23, 2010 is the last day for
20 the parties to meet and confer regarding the ADR process selection, to file an ADR Certification,
21 and to file either a Stipulation to the ADR Process or a Notice of Need for an ADR Phone
22 Conference;

23 WHEREAS, the holding of the initial Case Management Conference will trigger
24 deadlines under the Local Patent Rules for the parties to begin making their respective Patent
25 Disclosures;

1 WHEREAS, the Parties have met and conferred and jointly believe that the deadlines in
2 this case should be modified to allow a ruling on Trend Micro’s Motion to Dismiss prior to
3 proceeding and, therefore, request the Court:

4 (1) vacate the initial Case Management Conference currently scheduled for April 16,
5 2010, and reset the initial Case Management Conference after the Court rules on Trend Micro’s
6 Motion to Dismiss;

7 (2) vacate the March 23, 2010 ADR deadlines and reset them, along with the Rule
8 26-related deadlines, in an Order Resetting the Initial Case Management Conference issued after
9 the Court rules on Trend Micro’s Motion to Dismiss; and

10 (3) order that the parties’ obligations to begin making their respective Patent
11 Disclosures under the Local Patent Rules are continued until after the Court holds the Initial
12 Case Management Conference, as contemplated above and in the Patent Local Rules.

13 WHEREAS, there is no schedule set in this case beyond the dates set for the ADR
14 deadlines, the initial Case Management Conference, and the hearing on Trend Micro’s Motion to
15 Dismiss, therefore, this Stipulated Motion will not impact the schedule in this case after those
16 dates;

17 NOW THEREFORE, the Parties, by and through their undersigned counsel and pursuant
18 to the above stipulations, hereby jointly move the Court for an Order:

19 (1) vacating the ADR deadlines currently scheduled for March 23, 2010, and the
20 initial Case Management Conference currently scheduled for April 16, 2010;

21 (2) resetting the ADR deadlines, the initial Case Management Conference, and the
22 deadlines for the parties to meet and confer regarding initial disclosures and discovery plan, to
23 file a Rule 26(f) Report, to complete initial disclosures, and to file a Joint Case Management
24 Statement, in an Order that the Court will issue if the Court denies Trend Micro’s Motion to
25 Dismiss; and


1 (3) providing that the parties' obligations to begin making their respective Patent
2 Disclosures under the Local Patent Rules shall begin after the Court holds the Initial Case
3 Management Conference, as contemplated above and in the Patent Local Rules.

4 Dated: March 15, 2010 WILSON SONSINI GOODRICH & ROSATI
5 Professional Corporation
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7 By: /s/ Stefani E. Shanberg
8 Stefani E. Shanberg
9 Attorneys for Plaintiff
10 FORTINET, INC.

11 Dated: March 15, 2010 COVINGTON & BURLING LLP
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13 By: /s/ Andrew C. Byrnes
14 Andrew C. Byrnes
15 Attorneys for Defendants
16 TREND MICRO INCORPORATED;
17 TREND MICRO INCORPORATED;
18 and TREND MICRO INCORPORATED

19 PURSUANT TO THE PARTIES' STIPULATED MOTION, IT IS SO ORDERED, with
20 the exception that the Case Management Conference is CONTINUED to May 28, 2010.

21 Dated: ~~March 15, 2010~~
22 March 18, 2010

23 
24 The Honorable Maxine M. Chesney
25 UNITED STATES DISTRICT COURT JUDGE