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Attorneys for Plaintiff

IMPLICIT NETWORKS, INC.

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16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18 (SAN FRANCISCO DIVISION)

19

20 IMPLICIT NETWORKS, INC.

Case No. C 10-00720 SI

21 Plaintiff,

**STIPULATED JOINT MOTION AND  
[PROPOSED] ORDER TO RESET  
INITIAL CASE MANAGEMENT  
CONFERENCE**

22 v.

23 VMWARE, INC. and RED HAT, INC.,

24 Defendants.

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1 **TO THE COURT AND ALL PARTIES OF RECORD:**

2 PLEASE TAKE NOTICE that Plaintiff Implicit Networks, Inc. (“Plaintiff”) and Defendant  
3 Red Hat, Inc. (“Red Hat”) file this Stipulated Joint Motion and Proposed Order to Reset the Initial  
4 Case Management Conference.

5 The Initial Case Management Conference in this matter is currently set to occur on Friday,  
6 August 27, 2010. Implicit and Red Hat are far along in settlement discussions, and anticipate that  
7 a final settlement will be executed in the near future. The parties have a mutual interest in the  
8 orderly and efficient conduct of this litigation, and agree that this extension of time will assist  
9 them in resolving this dispute. On August 25, 2010, Implicit filed a voluntary Notice of Dismissal  
10 Without Prejudice of its claims against defendant VMWare, Inc., so that VMWare is no longer a  
11 party to this case. There have been two prior continuances of the date for the Initial Case  
12 Management Conference. Having thus met and conferred on the issue, the parties hereby  
13 stipulate, and move for entry of an order, that the deadline for Red Hat to answer or otherwise  
14 respond to Plaintiff’s complaint should be extended 14 days until September 10, 2010, or as soon  
15 thereafter as may be convenient for the Court.

16  
17 Dated: August 25, 2010

FISH & RICHARDSON P.C.

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19 By: /s/ Shelley K. Mack  
20 Shelley K. Mack

21 Attorney for Defendant  
22 RED HAT, INC.

23 Dated: August 25, 2010

HOSIE RICE LLP

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25 By: /s/ George F. Bishop  
26 George F. Bishop

27 Attorney for Plaintiff  
28 IMPLICIT NETWORKS, INC.

1 **DECLARATION**

2 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under  
3 penalty of perjury that concurrence in the filing of this document has been obtained from Shelley  
4 Mack.

5  
6 Dated: August 25, 2010

HOSIE RICE LLP

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8 By: /s/ George F. Bishop  
9 George F. Bishop

10 Attorney for Plaintiff  
11 IMPLICIT NETWORKS, INC..  
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**ORDER**

Pursuant to stipulation, IT IS SO ORDERED that the date of the Initial Case Management Conference in this action is reset, to occur on Sept. 10, 2010.

Dated: \_\_\_\_\_, 2010.



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Honorable Susan Illston  
United States District Court Judge

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that on August 25, 2010, all counsel of record who are  
3 deemed to have consented to electronic service are being served with a copy of the  
4 **STIPULATED JOINT MOTION TO EXTEND THE TIME FOR DEFENDANTS**  
5 **VMWARE, INC. AND RED HAD, INC. TO RESPOND TO PLAINTIFF'S COMPLAINT**  
6 via the Court's CM/ECF system per Local Rule 5-4 and General Order 45. Any other counsel of  
7 record will be served by first class mail.

8  
9 /s/ George F. Bishop  
10 George F. Bishop