

1 Katherine K. Lutton (CA Bar No. 194971)
lutton@fr.com

2 Shelley K. Mack (CA Bar No. 209596)
mack@fr.com

3 Robert J. Kent (CA Bar No. 250905)
rjkent@fr.com

4 FISH & RICHARDSON P.C.
500 Arguello Street, Suite 500
5 Redwood City, California 94063-1526
Telephone: (650) 839-5070
6 Facsimile: (650) 839-5071

7 Attorneys for Defendants
VMWARE, INC. and RED HAT, INC.

8 Spencer Hosie (CA Bar No. 101777)
shosie@hosielaw.com

9 Bruce Wecker (CA Bar No. 078530)
bwecker@hosielaw.com

10 George F. Bishop (CA Bar No. 89205)
gbishop@hosielaw.com

11 HOSIE RICE LLP
12 188 The Embarcadero, Suite 750
San Francisco, California 94105
13 Telephone: (415) 247-6000
14 Facsimile: (415) 247-6001

15 Attorneys for Plaintiff
IMPLICIT NETWORKS, INC.

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 (SAN FRANCISCO DIVISION)

20 IMPLICIT NETWORKS, INC.

21 Plaintiff,

22 v.

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

24 Defendants.

Case No. C 10-00720 SI

**STIPULATED JOINT MOTION AND
[PROPOSED] ORDER TO EXTEND THE
TIME FOR DEFENDANT RED HAT, INC.
TO RESPOND TO PLAINTIFF'S
COMPLAINT**

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 Extend the
4 Time for Defendant Red Hat, Inc. to Respond to Plaintiff’s Complaint.¹

5 The parties to this action are continuing their efforts to informally resolve this matter and
6 anticipate that a full settlement will be reached within the next few weeks. The parties have a
7 mutual interest in the orderly and efficient conduct of this litigation, and agree that this extension
8 of time will assist them in resolving this dispute. Having thus met and conferred on the issue, the
9 parties hereby stipulate that the deadline for Red Hat to answer or otherwise respond to Plaintiff’s
10 complaint should be extended 30 days until September 29, 2010, and also move the court to order
11 that this deadline be extended to September 29, 2010.

12

13 Dated: August 25, 2010

FISH & RICHARDSON P.C.

14

15

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

16

Attorney for Defendant
RED HAT, INC.

17

18

19 Dated: August 25, 2010

HOSIE RICE LLP

20

21

By: /s/ George Bishop
George Bishop

22

Attorney for Plaintiff
IMPLICIT NETWORKS, INC.

23

24 ///

25 ///

26 ///

27 _____

28 ¹ On August 25, 2010, Implicit filed a voluntary Notice of Dismissal Without Prejudice of its claims against defendant VMWare, 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 George
4 Bishop.

5
6 Dated: August 25, 2010

FISH & RICHARDSON P.C.

7
8 By: /s/ Shelley K. Mack
9 Shelley K. Mack

10 Attorney for Defendant
11 RED HAT, INC.
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Pursuant to stipulation, IT IS SO ORDERED that Defendant Red Hat, Inc.'s answer or other response to Implicit Network's complaint shall be due on September 29, 2010.

Dated: _____, 2010.



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 DEFENDANT RED HAT,**
5 **INC. TO RESPOND TO PLAINTIFF'S COMPLAINT** via the Court's CM/ECF system per
6 Local Rule 5-4 and General Order 45. Any other counsel of record will be served by first class
7 mail.

8
9 */s/ Shelley K. Mack*
10 Shelley K. Mack

11 50731177.doc

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28