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6  
 7 UNITED STATES DISTRICT COURT  
 8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 9 SAN FRANCISCO DIVISION

10 ACCLARENT, INC.,

Case No.: CV10-03311-EMC

11 Plaintiff(s),

12 v.

13 ENTELLUS MEDICAL, INC.,

14 Defendant(s).

)  
 )  
 ) **STIPULATION AND (PROPOSED)**  
 ) **ORDER EXTENDING TIME FOR**  
 ) **DEFENDANT ENTELLUS TO**  
 ) **RESPOND TO COMPLAINT AND**  
 ) **CHANGING DATES SET FORTH IN**  
 ) **DECEMBER 22, 2010 SCHEDULING**  
 ) **ORDER PURSUANT TO CIV. L.R. 6-2(a)**  
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1           WHEREAS, Plaintiff Acclarent, Inc. (“Acclarent”) filed its Complaint against Defendant  
2 Entellus Medical, Inc. (“Entellus”) in the above-captioned action on July 28, 2010;

3           WHEREAS, Entellus was served with the Complaint on November 19, 2010;

4           WHEREAS, Acclarent has requested two previous extensions of the dates set forth in the  
5 Court’s July 28, 2010 Order Setting Initial Case Management Conference and ADR Deadlines  
6 (“Order”), and the parties stipulated to one further previous extension, the last extension having  
7 been granted on December 22, 2010 (“December 22, 2010 Order”);

8           WHEREAS, the December 22, 2010 order provided for an enlargement of time for Entellus  
9 to respond to the Complaint to January 17, 2011;

10           THEREFORE, in light of the parties’ ongoing settlement efforts and pursuant to L.R. 6-  
11 2(a), the parties through their counsel hereby stipulate and agree that the dates set forth in the  
12 December 22, 2010 order be continued by 10 days to allow the parties to continue their settlement  
13 discussions as follows:

14           1.       The parties shall meet and confer re: initial disclosures, early settlement, ADR  
15 process selection, and discovery plan; file an ADR Certification signed by parties and counsel; and  
16 file either a Stipulation to ADR Process or Notice of Need for ADR Phone Conference on or before  
17 February 3, 2011;

18           2.       The parties shall file a Rule 26(f) Report, complete initial disclosures or state  
19 objection in the Rule 26(f) Report and file a Case Management Statement on or before February 28,  
20 2011;

21           3.       The Initial Case Management Conference shall be continued to March 7, 2011 at  
22 1:30 p.m.; and

23           4.       Entellus shall file a response to the Complaint on or before January 27, 2011.  
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Dated: January 14, 2010

Respectfully Submitted,

ATTORNEYS FOR DEFENDANT ENTELLUS  
MEDICAL, INC.

By: /s/ Michael R. Petrocelli  
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I hereby attest that I have on file written permission to sign this stipulation from all parties  
whose signatures are indicated by a "conformed" signature (/s/) within this e-filed document.

/s/ Michael R. Petrocelli  
Michael R. Petrocelli

~~(PROPOSED ORDER)~~

It is hereby ORDERED that all dates are continued 30 days:

1. The parties shall meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; file an ADR Certification signed by parties and counsel; and file either a Stipulation to ADR Process or Notice of Need for ADR Phone Conference on or before February 3, 2011;

2. The parties shall file a Rule 26(f) Report, complete initial disclosures or ~~state~~ <sup>March 2,</sup> objection in the Rule 26(f) Report and file a Case Management Statement on or before ~~February 28,~~ 2011;

3. The Initial Case Management Conference shall be continued to March ~~7,~~ <sup>9</sup> 2011 at 1:30 p.m.; and

4. Entellus shall file a response to the Complaint on or before January 27, 2011.

IT IS SO ORDERED.

DATED: 1/18/11

