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FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ALIBABA.COM HONG KONG LIMITED, a
Hong Kong corporation, and ALIBABA.COM,
INC., a Delaware corporation,

 Plaintiffs,

 v.

P.S. PRODUCTS, INC., an Arkansas
corporation, and BILLY PENNINGTON, an
individual,

 Defendants.

Case No. 3:10-cv-04457 WHA

**STIPULATION AND ~~(PROPOSED)~~
ORDER RE FIRST AMENDED
COMPLAINT**

WHEREAS, Plaintiffs Alibaba.com Hong Kong Limited and Alibaba.com, Inc.
(collectively, Alibaba) filed this declaratory judgment action on October 1, 2010;

WHEREAS, Defendants P.S. Products, Inc. and Billy Pennington (collectively,
Defendants) filed their Motion to Dismiss for Lack of Jurisdiction or, in the Alternative, Motion
to Transfer (“Motion”) on October 27, 2010;

WHEREAS, the Motion is currently scheduled for hearing on January 13, 2011;

WHEREAS, Alibaba intends to file their First Amended Complaint, attached as Exhibit
A;

WHEREAS, Defendants consent to the filing of the First Amended Complaint pursuant to

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Federal Rule 15(a)(2);

WHEREAS, in light of the First Amended Complaint, Defendants' Motion is moot and, therefore, Defendants agree to withdraw that Motion;

WHEREAS, the parties have conferred and agreed that Defendants' deadline to respond to the First Amended Complaint shall be January 26, 2011;

NOW THEREFORE, IT IS STIPULATED BY THE UNDERSIGNED PARTIES that:

1. Subject to the Court's approval, the First Amended Complaint is deemed filed;
2. Defendants' Motion is moot and hereby withdrawn;
3. Defendants' deadline to respond to the First Amended Complaint is now January 26, 2011.

SO STIPULATED.

Dated: December 22, 2010

FENWICK & WEST LLP

By: /s/ Ryan J. Marton

Ryan J. Marton

Attorneys for Plaintiffs Alibaba.com Hong Kong Limited and Alibaba.com, Inc.

Dated: December 22, 2010

STEWART LAW FIRM

By: /s/ Chris H. Stewart

Chris H. Stewart

Attorneys for Defendants
P.S. Products, Inc. and Billy Pennington

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ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Ryan J. Marton, attest that concurrence in the filing of this document has been obtained from any signatories indicated by a “conformed” signature (/s/) within this e-filed document.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 22nd day of December 2010, at San Francisco, California.

FENWICK & WEST LLP

By: /s/ Ryan J. Marton
Ryan J. Marton

Attorneys for Plaintiffs Alibaba.com Hong Kong Limited and Alibaba.com, Inc.

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 22, 2010

By: 
Honorable William H. Alsup