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 13 Limited and Alibaba.com, Inc.

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

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

20 Plaintiffs,

21 v.

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

25 Defendants.

26 Case No. 3:10-cv-04457 WHA

27 **JOINT STIPULATION AND**
 28 **~~PROPOSED~~ ORDER REQUESTING**
TO CONTINUE MEDIATION
DEADLINE

29 WHEREAS, Plaintiffs Alibaba.com Hong Kong Limited and Alibaba.com, Inc.
 30 (collectively, "Plaintiffs") filed this declaratory judgment action on October 1, 2010 against
 31 Defendants P.S. Products, Inc. and Billy Pennington (collectively, "Defendants");

32 WHEREAS, on October 25, 2010 this matter was assigned to the Honorable William H.
 33 Alsup;

34 WHEREAS, Defendants filed a Motion to Dismiss on October 27, 2010;

35 WHEREAS, Plaintiffs filed a First Amended Complaint on December 22, 2010;

36 WHEREAS, Defendants filed their second Motion to Dismiss on January 26, 2011;

37 WHEREAS, a Case Management Conference was held on February 3, 2011 whereby the
 38 Court stayed this case pending the outcome of a decision by the United States District Court for
 the Eastern District of Arkansas (Case No. 10-cv-1149 JMM) (Dkt. No. 35);

FENWICK & WEST LLP
 ATTORNEYS AT LAW
 SAN FRANCISCO

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WHEREAS, on March 10, 2011 the United States District Court for the Eastern District of Arkansas (Case No. 10-cv-1149 JMM) issued an Order dismissing the sole remaining Defendant for lack of personal jurisdiction (Dkt. No. 36);

WHEREAS, on March 15, 2011 the Court issued an Order lifting the stay in this action and directed the Defendants to withdraw their pending Motion to Dismiss or re-notice the motion (Dkt. No. 37);

WHEREAS, per stipulation of the parties, Defendants filed their Answer to the First Amended Complaint and Counterclaims on April 21, 2011;

WHEREAS, a Case Management Conference was held on May 5, 2011;

WHEREAS, the Court issued a Case Management Order and Reference to ADR Unit for Mediation on May 6, 2011;

WHEREAS, the current deadline for the parties to conduct mediation is August 4, 2011 pursuant to Alternative Dispute Resolution Local Rule 6-4;

WHEREAS, the parties and the mediator, Mr. Ian N. Feinberg, have agreed to conduct the said mediation on August 25, 2011;

WHEREAS, the parties seek an extension of the deadline to conduct mediation such that the parties are not in violation of this Court's Local Rules for Alternative Dispute Resolution;

NOW THEREFORE, SUBJECT TO THE COURT'S APPROVAL IT IS STIPULATED BY THE UNDERSIGNED PARTIES that the deadline to conduct mediation in this action is extended to August 25, 2011.

SO STIPULATED.

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Dated: July 28, 2011

FENWICK & WEST LLP

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

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

Dated: July 28, 2011

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 28th day of July 2011, 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: July 28, 2011

By: 
Honorable William Alsup