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6 Attorneys for Plaintiff
 EASTMAN KODAK COMPANY

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

10 IN RE TFT-LCD (FLAT PANEL)
 11 ANTITRUST LITIGATION

Master Docket No. 3:07-MD-1827 SI

12 THIS DOCUMENT RELATES TO:

Case No. 3:10-CV-5452 SI

13 Case No. 3:10-CV-5452 SI

14 EASTMAN KODAK COMPANY

**STIPULATION AND [~~PROPOSED~~] ORDER
 CONTINUING HEARING ON
 DEFENDANTS’ JOINT MOTION TO
 DISMISS AND EXTENDING TIME TO
 FILE FIRST AMENDED COMPLAINT
 AND RESPONSE THERETO**

15
 16 Plaintiff,

17 vs.

Date Action Filed: December 1, 2010

18 EPSON IMAGING DEVICES CORPORATION,
 19 et al.,

20 Defendants.
 21
 22

23
 24 Plaintiff and moving Defendants, through the undersigned counsel, request that the Court enter
 25 the following order to continue the hearing date and briefing dates on Defendants’ Joint Motion to
 26 Dismiss, extend Plaintiff’s time to file a first amended complaint, and extend Defendants’ time to
 27 answer or otherwise respond to that first amended complaint.

28 WHEREAS Defendants filed a joint motion to dismiss the Complaint in this action on

1 May 12, 2011 (“Motion”);

2 WHEREAS the hearing on the Motion is currently scheduled for June 17, 2011;

3 WHEREAS Plaintiff, although it opposes the Motion and believes it to be without
4 merit, intends to exercise its right under Federal Rule of Civil Procedure 15(a) to file a first amended
5 complaint in lieu of filing an opposition to the Motion;

6 WHEREAS pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), Plaintiff has until June 6,
7 2011 to file a first amended complaint, but pursuant to this Court’s Local Rules, its opposition to the
8 Motion is due prior to that date on May 27, 2011;

9 WHEREAS the parties agree that the date of the hearing on the Motion, and associated briefing
10 dates, should be continued such that Plaintiff’s opposition to the Motion is not due prior to the deadline
11 to file a first amended complaint;

12 WHEREAS the parties further agree that Plaintiff may have until June 10 to file a first
13 amended complaint, and Defendants may have 30 days to answer or otherwise respond to a first
14 amended complaint from the date it is filed;

15 THEREFORE, Plaintiff, by its counsel, and Defendants, by the undersigned counsel, who are
16 authorized to execute this stipulation on behalf of all moving Defendants, stipulate and agree as
17 follows:

- 18 1. Plaintiff’s deadline to file a first amended complaint is extended to June 10, 2011.
- 19 2. Plaintiff’s deadline to file opposition to the Motion is extended to June 10, 2011.
- 20 3. Defendants’ deadline to file any reply in support of the Motion is extended to June 24,
21 2011.
- 22 4. The hearing date for the Motion is to be set for July 8, 2011.
- 23 5. If Plaintiff files a first amended complaint on or before June 10, 2011, then the Motion
24 shall be withdrawn as moot and the hearing vacated.

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1 6. Defendants shall have 30 days from the filing of a first amended complaint to answer or
2 otherwise respond to the first amended complaint.

3 DATED: May 20, 2011

/s/ John R. Foote

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9 *Counsel for Plaintiff Eastman Kodak Company*

10
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16 *Counsel for Defendants AU Optronics Corporation
17 and AU Optronics Corporation America*

18
19 **Pursuant to General Order 45, Part X-B, the filer attests that concurrence in the filing of
20 this document has been obtained from the signatories to this document.**

21 Having considered the foregoing stipulation, and good cause appearing therefor,

22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23
24 Date: 6/7/11



25 By: _____

26 Judge of the U.S. District Court, N.D. California

1 **PROOF OF SERVICE**

2 **CASE NAME: Eastman Kodak Company**
3 **COURT: United States District Court Northern District of California**
4 **CASE NO.: 3:10-CV-5452**
5 **NP FILE: 000013-000552**

6 I, the undersigned, certify that I am employed in the City and County of San Francisco, California; that I am over the age of eighteen years and not a party to the within action; and that my business address is One Embarcadero Center, 18th Floor, San Francisco, California 94111-3600. On this date, I served the following document(s):

7 **STIPULATION AND [PROPOSED] ORDER CONTINUING HEARING ON**
8 **DEFENDANTS' JOINT MOTION TO DISMISS AND EXTENDING TIME TO FILE FIRST**
9 **AMENDED COMPLAINT AND RESPONSE THERETO**

10 By USDC Electronic Case Filing System: on all interested parties registered for e-filing.

11 I declare under penalty of perjury that the foregoing is true and correct. Executed on May 24,
12 2011, at San Francisco, California.

13 

14 Martha C. Rendon