

\*E-Filed 5/5/11\*

1 BINGHAM MCCUTCHEN LLP  
 William F. Abrams (SBN 88805)  
 2 william.abrams@bingham.com  
 Patrick T. Weston (SBN 211448)  
 3 patrick.weston@bingham.com  
 1900 University Avenue  
 4 East Palo Alto, CA 94303-2223  
 Telephone: 650.849.4400  
 5 Facsimile: 650.849.4800

6 WOMBLE CARLYLE SANDRIDGE & RICE, PLLC  
 Malcolm K. McGowan (pro hac vice)  
 7 mmcgowan@wcsr.com  
 1401 Eye Street NW, Suite 700  
 8 Washington DC 20005  
 Telephone: 202.467.6900  
 9 Facsimile: 202.467.6910

10 Attorneys for Plaintiff  
 Electra Bicycle Company, LLC

11  
 12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN FRANCISCO DIVISION

15  
 16 ELECTRA BICYCLE COMPANY, LLC,  
 a Delaware limited liability company,  
 17  
 Plaintiff,  
 18  
 v.  
 19  
 20 TREK BICYCLE CORPORATION,  
 a Wisconsin corporation  
 Defendant.  
 21

Case No. C 10-05534 RS

**STIPULATED REQUEST TO  
 EXTEND TIME TO RESPOND TO  
 COMPLAINT AND TO CONTINUE  
 INITIAL CASE MANAGEMENT  
 CONFERENCE AND RELATED  
 DATES (CIVIL L.R. 6-2)  
 AS MODIFIED BY THE COURT**

22  
 23 IT IS AGREED AND STIPULATED BY AND BETWEEN PLAINTIFF  
 24 ELECTRA BICYCLE COMPANY, LLC, (“ELECTRA”) AND DEFENDANT TREK  
 25 BICYCLE CORPORATION (“TREK”), BY AND THROUGH THEIR RESPECTIVE  
 26 COUNSEL, AS FOLLOWS:  
 27  
 28

A/74250947.7

1           1.       Electra and Trek are engaged in good-faith discussions regarding a  
2 potential resolution of this dispute, and respectfully request that the Court extend by sixty days  
3 (1) the time for Trek to answer or respond to the Complaint, and (2) the initial case management  
4 conference and related dates. Doing so will not prejudice the parties or unduly delay the  
5 efficient administration of the present action, and will facilitate settlement discussions by  
6 permitting the parties to focus on settlement efforts.

7           2.       Counsel for Trek agreed to accept service of the Complaint and Summons  
8 in this matter on behalf of Trek. Counsel for Electra served the complaint, summons, and related  
9 papers upon counsel for Trek via email and first class mail on May 2, 2011.

10          3.       Trek's answer or other response to Electra's complaint is currently due on  
11 May 26, 2011.

12          4.       The initial case management conference in this matter is currently  
13 scheduled for June 23, 2011, with the case management statement due by June 16, 2011.  
14 *See* Docket #20.

15          5.       Because settlement discussions are ongoing, the parties agree to extend the  
16 deadline for Trek to answer or otherwise respond to the Electra's Complaint by sixty days to  
17 July 25, 2011.

1                   6.       Further, to conserve judicial resources, Electra and Trek jointly stipulate  
 2 and respectfully request that the initial case management conference be continued for sixty days,  
 3 to August <sup>25</sup>~~22~~, 2011, or a date thereafter suitable for the Court; with associated dates similarly  
 4 extended as follows:

Date	Event
8/1/2011	Last day to: <ul style="list-style-type: none"> <li>• meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan</li> <li>• file ADR Certification signed by Parties and Counsel (form available at <a href="http://www.cand.uscourts.gov">http://www.cand.uscourts.gov</a>)</li> <li>• file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference (form available at <a href="http://www.cand.uscourts.gov">http://www.cand.uscourts.gov</a>)</li> </ul>
<sup>18</sup> <del>8/15/2011</del>	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per attached Standing Order re Contents of Joint Case Management Statement (also available at <a href="http://www.cand.uscourts.gov">http://www.cand.uscourts.gov</a> )

15                   7.       The Court previously granted a motion to continue the initial case  
 16 management conference in this matter until April 21, 2011 (Docket # 11), and granted a second  
 17 motion to continue the initial case management conference in this case until May 5, 2011  
 18 (Docket # 15). On April 6, 2011, the Court granted a motion extending the time limit for Electra  
 19 to serve its Complaint upon Trek until May 5, 2011, and continuing the initial case management  
 20 conference until May 26, 2011. Docket # 19. On April 18, 2011, the Clerk issued a notice  
 21 rescheduling the initial case management conference for June 23, 2011, with the case  
 22 management statement due by June 16, 2011. Docket # 20.

23                                   IT IS HEREBY STIPULATED.

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

DATED: May 5, 2011

Respectfully submitted,

Bingham McCutchen LLP

By:                   /s/ Patrick T. Weston                    
William F. Abrams  
Patrick T. Weston

Attorneys for Plaintiff  
ELECTRA BICYCLE COMPANY, LLC

Respectfully submitted,

DATED: May 5, 2011

Kilpatrick Townsend & Stockton LLP

By:                   /s/ David E. Sipiora                    
David E. Sipiora

Attorneys for Plaintiff  
TREK BICYCLE CORPORATION

PURSUANT TO STIPULATION, IT IS SO ORDERED,

DATED: 5/5/11



United States District Judge