

1 ROCHELLE D. ALPERT, State Bar No. 065037  
 LEIGHA E. WEINBERG, State Bar No. 251795  
 2 MORGAN, LEWIS & BOCKIUS LLP  
 One Market, Spear Street Tower  
 3 San Francisco, CA 94105-1126  
 Tel: 415.442.1326  
 4 Fax: 415.442.1001  
 E-mail: ralpert@morganlewis.com  
 5 lweinberg@morganlewis.com

6 Attorneys for Plaintiff  
 XOOM CORPORATION  
 7

8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10 XOOM CORPORATION, a California  
 Corporation,  
 11

12 Plaintiff,

13 vs.

14 MOTOROLA TRADEMARK  
 HOLDINGS, LLC, a Delaware limited  
 liability company, MOTOROLA  
 15 MOBILITY, INC., a Delaware corporation,  
 and MOTOROLA MOBILITY  
 16 HOLDINGS, INC., a Delaware  
 corporation, and DOES 1 through 10  
 17 inclusive

18 Defendants.  
 19

Case No. 11-CV-00848 (CRB)

**FOURTH CONSENTED MOTION FOR AN  
 EXTENSION OF SERVICE DEADLINE,  
 CASE MANAGEMENT CONFERENCE  
 DATE, AND RELATED DEADLINES AND  
 [PROPOSED] ORDER**

20 Plaintiff Xoom Corporation (“Xoom”) filed the complaint in this action on February 23,  
 21 2011. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Xoom had 120 days, or  
 22 until June 23, 2011, to serve the summons and complaint. The parties have filed several  
 23 consented motions to move out the service deadline and the deadline for the Case Management  
 24 Conference, all of which have been granted by the Court. Most recently, on August 3, 2011, the  
 25 Court granted the parties’ Third Consented Motion for an Extension of Service Deadline, which  
 26 extended the service deadline for September 5, 2011. On August 5, 2011, the Court granted the  
 27 parties’ Consented Motion for an Extension of Case Management Conference and Related  
 28 Deadlines, which continued the Case Management Conference until September 16, 2011.

1 The parties hereby request another extension of the service deadline, the Case  
2 Management Conference date, and all related deadlines. The parties request an extension of the  
3 service deadline to October 31, 2011, a continuance of the Case Management Conference until  
4 November 11, 2011, and a related extension of all dates calculated from the Case Management  
5 Conference date.

6 The parties continue to discuss the dispute. Counsel for Xoom and counsel for  
7 Defendants, Kristin J. Achterhof of Katten Muchin Rosenman LLP, have mutually agreed to file  
8 this motion to extend the service deadline, Case Management Conference date and all related  
9 dates. *See* FRCP 6(b)(1)(A) (“When an act may or must be done within a specified time, the  
10 court may, for good cause, extend the time: (A) with or without motion or notice if the court acts,  
11 or if a request is made, before the original time or its extension expires.”); *Henderson v. U.S.*, 517  
12 U.S. 654 (1996) (120 day period for service provided by FRCP 4(m) is extendable). This request  
13 has been served by email on Defendants’ counsel.

14 Given that the parties are in discussions to resolve this matter and that both parties agree  
15 to the extension, there is good cause for the Court to extend the service deadline to October 31,  
16 2011, to continue the Case Management Conference until November 11, 2011, and to extend all  
17 dates calculated from the Case Management Conference date accordingly. Thus, the parties  
18 respectfully request that the dates be extended.

19  
20 Dated: September 1, 2011

**MORGAN, LEWIS & BOCKIUS LLP**  
ROCHELLE D. ALPERT  
LEIGHA E. WEINBERG

21  
22  
23 By /s/Rochelle D. Alpert  
Rochelle D. Alpert

24  
25 Attorneys for Plaintiff  
XOOM CORPORATION