

1 JEDEDIAH WAKEFIELD (CSB No. 178058) jwakefield@fenwick.com
 2 TODD R. GREGORIAN (CSB No. 236096) tgregorian@fenwick.com
 3 CLIFFORD C. WEBB (CSB No. 260885) cwebb@fenwick.com
 4 FENWICK & WEST LLP
 5 555 California Street, 12th Floor
 6 San Francisco, California 94104
 Telephone: (415) 875-2300
 Facsimile: (415) 281-1350

JACK RUSSO (CSB No. 96068) jrusso@computerlaw.com
 CHRISTOPHER SARGENT (CSB No. 246285) csargent@computerlaw.com
 COMPUTERLAW GROUP LLC
 401 Florence Street
 Palo Alto, CA 94301
 Telephone: 650.327.9800
 Facsimile: 650.618.1863

7 Attorneys for Defendant and Counterclaimant
 GROUPON, INC.

Attorneys for Plaintiff and Counterclaim
 Defendant GROUPION, LLC and Specially
 Appearing for PETER-CHRISTOPH HAIDER

8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

FENWICK & WEST LLP
 ATTORNEYS AT LAW
 SAN FRANCISCO

13 GROUPION, LLC, a California limited
 14 liability company,
 15 Plaintiff,
 16 v.
 17 GROUPON, INC., a Delaware corporation,
 18 THE POINT, INC., a Delaware corporation,
 and GOOGLE, INC., a Delaware corporation,
 19 Defendants.

Case No.: 3:11-cv-00870-JSW (MEJ)

**JOINT STIPULATION AND
 [PROPOSED] ORDER TO VACATE
 TRIAL DATE**

20 GROUPON, INC., a Delaware corporation,
 21 Counterclaimant,
 22 v.
 23 GROUPION, LLC, a California limited
 24 liability company, and PETER-CHRISTOPH
 HAIDER, an individual
 25 Counterclaim Defendants.
 26

1 WHEREAS, on August 20, 2012, this Court ordered that the parties appear at a settlement
2 conference before one of the district’s Magistrate Judges (Dkt. 192), and said settlement conference
3 took place on September 24, 2012 before Magistrate Judge Cousins;

4 WHEREAS, the parties were subsequently able to reach an agreement in principle settling
5 all claims in the litigation;

6 WHEREAS, the parties have worked diligently to finalize settlement documentation and
7 related documents, but do not expect to have that documentation completed before the December 4,
8 2012 pretrial conference; and

9 WHEREAS, the parties do not wish to expend resources on or burden the Court with further
10 trial preparation work in light of the impending settlement;

11 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
12 parties, subject to the approval of the Court, that all currently pending case deadlines be vacated,
13 and that counsel for the parties shall either file dismissals of the action or report to Magistrate Judge
14 Cousins for a further settlement conference on or before December 14, 2012.

15 **IT IS SO STIPULATED.**

16 Dated: November 30, 2012

FENWICK & WEST LLP

17 By: /s/Jedediah Wakefield

18 Jedediah Wakefield
19 Attorneys for Counterclaimant
Groupon, Inc.

20 Dated: November 30, 2012

COMPUTERLAW GROUP LLP

21 By: /s/Jack Russo

22 Jack Russo
23 Attorneys for Counterclaim Defendants
24 Groupon, LLC and Peter Christoph Haider

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

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

[PROPOSED] ORDER

PURSUANT TO STIPULATION, and good cause appearing, all currently pending case deadlines are **VACATED**. Counsel for the parties shall either file dismissals of the action or report to Magistrate Judge Cousins for a further settlement conference on or before December 14, 2012.

IT IS SO ORDERED.

December 3
Dated: ~~November~~ ____, 2012



The Honorable Jeffrey S. White

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO