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Attorneys for Plaintiff and Counter-Respondent
 11 ARIBA, INC.

12
 13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN FRANCISCO**
 16

17 ARIBA, INC.,
 18 Plaintiff,
 19 v.
 20 REARDEN COMMERCE, INC.;
 KETERA TECHNOLOGIES, INC.;
 21 et al.,
 22 Defendants.
 23
 24 AND RELATED CROSS ACTION.
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Case No. 11-cv-01619 EDL
**STIPULATION AND ~~PROPOSED~~
 ORDER SETTING SCHEDULE FOR
 FILING OF AMENDED COMPLAINT,
 DEFENDANTS' ANSWER AND
 PLAINTIFF'S ANSWER**
 Judge: Hon. Elizabeth D. Laporte
 Comp. Filed: April 4, 2011
 Trial Date: To be determined

STIPULATION

1
2 WHEREAS the Court issued an order on September 8, 2011, denying Plaintiff Ariba, Inc.’s
3 (“Ariba”) motion to dismiss Defendant Rearden Commerce, Inc. and Ketera Technologies, Inc.’s
4 (together, “Defendants”) second, third, and fourth counterclaims and denying without prejudice
5 Ariba’s motion to strike portions of Defendants’ counterclaims (Docket No. 40);

6 WHEREAS the Court, in its September 8, 2011 order, permits Ariba to amend its complaint
7 to include additional allegations regarding other settlement offers made in this case;

8 WHEREAS the Court instructed the parties to meet and confer regarding the extent of the
9 allegations in both the amended complaint and counterclaim in order to remain within the
10 parameters of Fed. R. Evid. 408;

11 WHEREAS, pursuant to Fed. R. Civ. P. 12(a)(4)(A), Ariba’s answer to Defendants’
12 counterclaims is due on September 22, 2011;

13 WHEREAS the parties have met and conferred to discuss the Court’s order and scheduling
14 going forward:

15 Ariba, by and through counsel Matthew J. Jacobs, and Defendants, by and through counsel
16 Stuart L. Gasner, hereby stipulate and agree to the following schedule. Ariba’s amended complaint
17 will be filed on October 10, 2011. Defendants’ answer and counterclaims to Ariba’s amended
18 complaint will be filed on October 24, 2011. Ariba’s answer to Defendants’ counterclaims will be
19 filed on November 7, 2011.

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Dated: September 16, 2011

VINSON & ELKINS LLP

By: /s/ Matthew J. Jacobs
Matthew J. Jacobs

Attorneys for Plaintiff and Counter-Defendant ARIBA, INC.

Dated: September 16, 2011

KEKER & VAN NEST LLP

By: /s/ Stuart L. Gasner
Stuart L. Gasner


Attorneys for Defendants and Counter-Plaintiffs REARDEN COMMERCE, INC. and KETERA TECHNOLOGIES, INC.

1 ~~PROPOSED~~ ORDER

2 PURSUANT to the agreement and stipulation of the parties and for good cause shown,
3 Ariba's amended complaint will be filed on October 10, 2011; Defendants' answer and
4 counterclaims to Ariba's amended complaint will be filed on October 24, 2011; and Ariba's answer
5 to Defendants' counterclaims will be filed on November 7, 2011. SEE BELOW

6 **IT IS SO ORDERED.**

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8 Dated: September 19, 2011 _____


Honorable Elizabeth D. Laporte
United States Magistrate Judge

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11 A case management conference is scheduled for November 29, 2011 at 10:00 a.m. A joint case
12 management statement shall be filed no later than November 22, 2011.
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