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10 *Attorneys for Plaintiff TRISTRATA, INC.*

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 TRISTRATA, INC., a California
14 corporation,

15 Plaintiff,

16 v.

17 MICROSOFT CORPORATION, a
 18 Washington corporation and ADOBE
 19 SYSTEMS INCORPORATED, a Delaware
 20 corporation,

21 Defendants.

Case No. CV-11-3797 JSW

**STIPULATION AND [~~PROPOSED~~] ORDER
 TO EXTEND TIME FOR PLAINTIFF TO
 RESPOND TO DEFENDANT ADOBE
 SYSTEM INC.'S NOTICE OF MOTION
 AND MOTION TO DISMISS FOR FAILURE
 TO STATE A CLAIM, OR, IN THE
 ALTERNATIVE, MOTION FOR A MORE
 DEFINITE STATEMENT**

Complaint Filed: August 1, 2011

Date: March 23, 2012

Time: 9:00 a.m.

Dept: Courtroom 11, 19th Floor

22 Plaintiff TriStrata, Inc. ("Plaintiff") and defendant Adobe Systems Incorporated
 23 ("Defendant") (collectively "the Parties"), hereby stipulate through their respective counsel of
 24 record as follows:

25 WHEREAS, on November 18, 2011, Defendant served its Notice of Motion and Motion to
 26 Dismiss for Failure to State a Claim, or, in the Alternative, Motion for a More Definite Statement;
 27 Memorandum of Points and Authorities in Support Thereof ("Motion to Dismiss"), upon
 28 Plaintiff;

1 WHEREAS, on November 21, 2011, Defendant filed a Renotice of Motion to Dismiss for
2 Failure to State a Claim, or, in the Alternative, Motion for a More Definite Statement, which
3 moved the hearing for this Motion to Dismiss to March 23, 2012;

4 WHEREAS, the hearing date for this Motion to Dismiss will not be delayed and will
5 remain set for March 23, 2012;

6 WHEREAS, no trial date has yet been set in this action;

7
8 **I. GOOD CAUSE JUSTIFIES THE REQUESTED EXTENSION**

9 Defendant's Motion to Dismiss is directed at the indirect infringement allegations of the
10 Complaint. The only other defendant in the case, Microsoft Corporation, has answered the
11 complaint. Plaintiff is investigating the possible addition of new material in amendment of the
12 complaint and discussing with counsel for Defendant Adobe System a stipulation for the filing of
13 an Amended Complaint which may moot the motion. The requested 14-day extension in the time
14 for Plaintiff to respond to the Motion to Dismiss is justified in that Plaintiff's investigation
15 requires consultation with former employees of the Plaintiff, all of whom have full time
16 employment with companies with no interest in this suit. The requested extension will not impact
17 the schedule in the case as a whole since the motion is not scheduled to be heard until March 23.

18
19 **II. CONCLUSION**

20 Good cause being shown, the Parties request that Plaintiff be permitted an additional 14
21 days, to and including December 16, 2011 to file its response to the Motion to Dismiss, and
22 Defendant's reply brief be due on or before January 6, 2012.

23
24 Dated: December 7, 2011

HAUSFELD LLP

25 By: /s/ Bruce Wecker

26 Bruce Wecker

27 *Attorneys for Plaintiff TriStrata, Inc.*

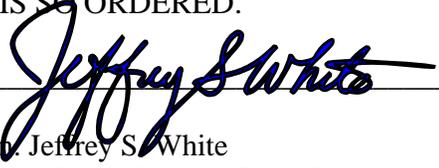
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ADOBE SYSTEMS INCORPORATED

By: /s/ Ian N. Feinberg
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Attorneys for Defendant Adobe Systems Incorporated

IT IS SO ORDERED.



Hon. Jeffrey S. White
United States District Court Judge

I, Bruce Wecker, am the ECF user whose ID and password are being used to file this

STIPULATION AND [PROPOSED] TO EXTEND TIME FOR PLAINTIFF TO RESPOND TO DEFENDANT ADOBE SYSTEM INC.'S NOTICE OF MOTION AND MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, OR, IN THE ALTERNATIVE, MOTION FOR A MORE DEFINITE STATEMENT

I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic filing of this document has been obtained from the other signatories.

DATED: December 7, 2011 /s/ Bruce Wecker
Bruce Wecker