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15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

17 BENCHMARK CAPITAL HOLDINGS CO.,  
 18 LLC,  
 Plaintiff,  
 19 vs.  
 20 THE BENCHMARK COMPANY, LLC  
 21 Defendant.

CASE NO. 3:11-cv-04883-RS

**STIPULATION AND [PROPOSED]  
 ORDER FOR EXTENDING MOTION TO  
 DISMISS BRIEFING SCHEDULE**

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2 Plaintiff Benchmark Capital Holdings Co., LLC, and Defendant The Benchmark  
3 Company, LLC jointly stipulate, through their counsel of record and subject to court approval, as  
4 follows:

5 WHEREAS,

- 6 1. Defendant on November 17, 2011, filed a Motion to Dismiss the First Amended  
7 Complaint, with the hearing on that motion scheduled for January 5, 2012;
- 8 2. Along with the Motion to Dismiss, Defendant also filed an accompanying Request for  
9 Judicial Notice and Declaration of Jillian A. Lazar (Lazar Declaration) on November  
10 17, 2011;
- 11 3. Plaintiff's opposition to the Motion to Dismiss, and any objections or other responses to  
12 the Request for Judicial Notice and the Lazar Declaration, are due on December 1,  
13 2011;
- 14 4. Defendant's reply to Plaintiff's opposition to the Motion to Dismiss is due on December  
15 8, 2011;
- 16 5. Defendant agrees to extend the time for Plaintiff to respond to the Motion to Dismiss,  
17 the Request for Judicial Notice and the Lazar Declaration until December 5, 2011;
- 18 6. Plaintiff accordingly agrees to extend the time for Defendant to reply to Plaintiff's  
19 opposition until December 12, 2011;

20  
21 NOW, THEREFORE, the parties stipulate, through their undersigned counsel, that:

- 22 1. The deadline for Plaintiff to respond to the Motion to Dismiss, the Request for Judicial  
23 Notice and the Lazar Declaration is December 5, 2011.
- 24 2. The deadline for Defendant to file its reply papers to Plaintiff's responsive papers is  
25 December 12, 2011.



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3 UNITED STATES DISTRICT COURT  
4 NORTHERN DISTRICT OF CALIFORNIA

5 BENCHMARK CAPITAL HOLDINGS CO.,  
6 LLC,

7 Plaintiff,

8 vs.

9 THE BENCHMARK COMPANY, LLC

10 Defendant.

CASE NO. 3:11-cv-04883-RS

11 **[PROPOSED] ORDER GRANTING STIPULATION FOR EXTENDING MOTION TO**  
12 **DISMISS BRIEFING SCHEDULE**

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15 CAME FOR CONSIDERATION the Joint Stipulation For Extending Motion to Dismiss  
16 Briefing Schedule. After consideration, the Court orders the Stipulation to be GRANTED.

17 1. The deadline for Plaintiff to respond to Defendant's Motion to Dismiss, Request  
18 for Judicial Notice and Declaration of Jillian A. Lazar is December 5, 2011.

19 2. The deadline for Defendant to file its reply papers to Plaintiff's responsive papers  
20 is December 12, 2011.

21 IT IS SO ORDERED.

22 DATED: 11/29, 2011

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25 Hon. Richard Seeborg  
26 United State District Judge  
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