

1 Christopher D. Banys (State Bar No. 230038)
 2 Daniel M. Shafer (State Bar No. 244839)
 3 cdb@lanierlawfirm.com
 4 dms@lanierlawfirm.com
 5 THE LANIER LAW FIRM, P.C.
 6 2200 Geng Road, Suite 200
 7 Palo Alto, California 94303
 8 Telephone: (650) 322-9100
 9 Facsimile: (650) 322-9103

10 Edward C. Flynn (PRO HAC VICE)
 11 Mark A. Grace (PRO HAC VICE)
 12 Thomas C. Wettach (PA State Bar No. 1414)
 13 eflynn@cohengrace.com
 14 mgrace@cohengrace.com
 15 twettach@cohengrace.com
 16 COHEN & GRACE, LLC
 17 105 Braunlich Dr., Suite 300
 18 Pittsburgh, PA 15237
 19 Telephone: (412) 847-0300

20 Attorneys for Plaintiff,
 21 SMART MEMORY SOLUTIONS, LLC

22
 23 IN THE UNITED STATES DISTRICT COURT
 24 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 25
 26 SAN FRANCISCO DIVISION

27 SMART MEMORY SOLUTIONS, LLC

28 Plaintiff,

29 v.

30 TOSHIBA AMERICA ELECTRONIC
 31 COMPONENTS, INC.,

32 Defendants.

Case No. 3:12-cv-01549-EMC

**STIPULATION TO CONTINUE CASE
 MANAGEMENT CONFERENCE**

ORDER

DEMAND FOR JURY TRIAL

33 Pursuant to Rule 6(b)(1) of the Federal Rules of Civil Procedure and Civil L.R. 6-2, the
 34 parties hereto stipulate to this joint request for a continuance of the Case Management
 35 Conference currently set for February 28, 2013 (with the deadline for filing a Case Management
 36

1 Report set for February 21, 2013). The parties request that the CMC be continued one month, to
2 March 28, 2013, or such date thereafter as may be convenient for the Court.

3 In support of this stipulated request, the parties state as follows:

- 4 1. On January 4, 2013, Plaintiff Smart Memory Solutions, LLC, and Defendant Toshiba
5 America Electronic Components, Inc. (collectively, the "Parties") reached an
6 agreement in principle to settle all claims in this action. (*See* Dkt. No. 103.)
- 7 2. On January 9, 2013, pending finalization of the settlement agreement and expected
8 subsequent dismissal, the Court ordered a stay of all deadlines and scheduled events
9 in the case, except that a Further CMC was set for February 28, 2013, to be vacated
10 once a stipulation for dismissal was filed. (*See* Dkt. No. 105.)
- 11 3. The Parties have made substantial progress toward finalizing the settlement, but
12 would request additional time to complete the process before a Further CMC is held.
- 13 4. As there is a general stay in place, the requested one-month continuance will have no
14 effect on any other scheduled dates.

15 WHEREFORE, the Parties respectfully request that the Further Case Management
16 Conference currently set for February 28, 2013, be reset for March 28, 2013, with a joint CMC
17 statement to be filed by March 21, 2013.

18
19 Agreed to by:

20
21 Dated: February 19, 2013

/s/ Daniel M. Shafer

Daniel M. Shafer
THE LANIER LAW FIRM, P.C.
Christopher D. Banys SBN: 230038 (CA)
Daniel M. Shafer SBN: 244839 (CA)
The Lanier Law Firm, P.C.
2200 Geng Road, Suite 200
Palo Alto, CA 94303
Tel: (650) 332-9100
Fax: (650) 322-9103
cdb@lanierlawfirm.com
dms@lanierlawfirm.com

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

Counsel for Plaintiff,
SMART MEMORY SOLUTIONS, LLC

Dated: February 19, 2013

/s/ Mark Fowler

Mark Fowler
DLA Piper US LLP
2000 University Avenue
East Palo Alto, CA 94303
Tel: (650) 833-2048
Fax: (650) 833-2001
Email: mark.fowler@dlapiper.com

Counsel for Defendant,
TOSHIBA AMERICA ELECTRONIC
COMPONENTS, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.



