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 BE IN, INC., a New York corporation

DAVIS WRIGHT TREMAINE LLP

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 12 IN THE UNITED STATES DISTRICT COURT  
 13 THE NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN JOSE DIVISION

15 BE IN, INC., 16 17 Plaintiff, 18 v. 19 GOOGLE, INC., a California corporation, RICHARD ROBINSON, and DOES 1 through 20 3, inclusive, 21 Defendants.	) Case No. 5:12-cv-03373 LHK ) ) <b>STIPULATION AND [PROPOSED]</b> ) <b>ORDER FOR EXTENSION OF TIME</b> ) <b>FOR BE IN, INC. TO FILE OPPOSITION</b> ) <b>TO GOOGLE’S MOTION TO DISMISS</b> ) <b>THE THIRD AND FOURTH CAUSES OF</b> ) <b>ACTION OF THE FIRST AMENDED</b> ) <b>COMPLAINT</b> ) ) <b>[Civ. L.R. 6-1, 6-2, and 7-3]</b> ) ) Date: January 3, 2012 ) Time: 1:30 p.m. ) Dept.: 8, 4 <sup>th</sup> Floor ) Trial Date: None ) ) Assigned to the Hon. Lucy H. Koh
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WHEREAS, Defendant Google, Inc. filed its Motion to Dismiss Plaintiff's Third and Fourth Causes of Action on September 4, 2012;

WHEREAS, pursuant to Civil Local Rule 7-3(a), Plaintiff Be In, Inc.'s Opposition to said Motion must be filed on or before September 18, 2012;

WHEREAS, the parties have agreed to an extension of time for Be In, Inc. to file said Opposition by September 25, 2012;

WHEREAS, Civil Local Rule 6-1(b) requires that the parties file a Stipulation to extend the time for the filing of said Opposition;

NOW THEREFORE, IT IS HEREBY STIPULATED THAT:

1. Plaintiff Be In, Inc. shall have until on or before September 25, 2012 to file its Opposition to Defendant Google's Motion to Dismiss the Third and Fourth Causes of Action of the First Amended Complaint.

2. This is the first stipulation between the parties relative to the deadlines on Google's Motion to Dismiss, and this stipulation will not affect the hearing date on said Motion.

IT IS SO STIPULATED

DATED this 12th day of September, 2012.

Respectfully submitted,  
DAVIS WRIGHT TREMAINE LLP

By: \_\_\_\_\_  
Joseph E. Addiego III

Attorneys for Plaintiff  
BE IN, INC.

DATED this 12th day of September, 2012

Respectfully submitted,  
WILSON SONSINI GOODRICH & ROSATI

By: \_\_\_\_\_  
Coleen Bal  
Charles Tait Graves

Attorneys for Defendants  
GOOGLE INC. and RICHARD ROBINSON

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**ORDER**

Pursuant to stipulation, the foregoing is approved and IT IS SO ORDERED.

DATED: September \_\_\_\_, 2012.

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THE HONORABLE LUCY H. KO  
UNITED STATES DISTRICT COURT JUDGE

DAVIS WRIGHT TREMAINE LLP