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10 Attorneys for Plaintiff
 BE IN, INC., a New York corporation

DAVIS WRIGHT TREMAINE LLP

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

16 BE IN, INC., 17 Plaintiff, 18 v. 19 GOOGLE, INC., a California corporation, RICHARD ROBINSON, and DOES 1 through 20 3, inclusive, 21 Defendants.) Case No. CV12-03373-LHK)) STIPULATION AND [PROPOSED]) ORDER RESCHEDULING HEARING) ON DEFENDANT'S MOTION TO) DISMISS BE IN'S THIRD AND FOURTH) CAUSES OF ACTION AND INITIAL) CASE MANAGEMENT CONFERENCE) AND RELATED DEADLINES)) [Civ. L.R. 6-2 and 7-7(b)])) Hearing Date: January 3, 2013) Hearing Time: 1:30pm) Courtroom: 8, 4th Floor) Judge: Hon. Lucy H. Koh) Trial Date: None set
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1 WHEREAS, on September 4, 2012, Defendant Google Inc. filed a Motion to Dismiss
2 Plaintiff Be In, Inc.'s third and fourth causes of action pursuant to Rule 12(b)(6) of the Federal
3 Rules of Civil Procedure. The motion is scheduled for hearing on January 3, 2012.

4 WHEREAS, the Initial Case Management Conference in this matter also is set for January
5 3, 2013.

6 WHEREAS, Plaintiff's counsel has encountered an unforeseen and unavoidable scheduling
7 conflict on January 3, 2013.

8 WHEREAS, in light of this conflict, the parties have agreed to continue the motion
9 hearing and Case Management Conference to February 28, 2013 at 1:30 p.m..

10 WHEREAS, the parties have reviewed the Court's Calendar and determined the February
11 28, 2013 date is available.

12 NOW THEREFORE, IT IS HEREBY STIPULATED THAT:

13 1. The January 3, 2013 hearing on Defendant Google's Motion to Dismiss and the
14 Initial Case Management Conference are continued to February 28, 2013 at 1:30 p.m. in
15 Courtroom 8 of the above captioned Court.

16 2. All dates relating to the parties' obligations to engage in a Meet and Confer,
17 provide Initial Disclosures, to commence discovery, and to prepare a Case Management
18 Statement under Federal Rules of Civil Procedure Rule 26 and the Northern District of California
19 Civil Local Rules shall be continued and flow from the February 28, 2013 motion hearing date.

20 3. This stipulation is without prejudice to the rights, claims, or defenses of any party.

21 4. Pursuant to Civil Local Rules 6-2 and 7-7, this is the first stipulation between the
22 parties relative to continue the hearing date on Google's Motion and the Initial Case
23 Management Conference. No trial date has been set in this case.

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IT IS SO STIPULATED.

DATED this 13th day of December, 2012.

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

By: /s/ Joseph E. Addiego III
Joseph E. Addiego III

Attorneys for Plaintiff
BE IN, INC.

DATED this 13th day of December, 2012.

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

By: /s/ Colleen Bal
Colleen Bal
Charles Tait Graves

Attorneys for Defendants
GOOGLE INC. and RICHARD ROBINSON

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Joseph E. Addiego, hereby attest that concurrences in the filing of this document have been obtained from each of the signatories.

/s/ Joseph E. Addiego III
Joseph E. Addiego III

ORDER

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

DATED: December ____, 2012.

THE HONORABLE LUCY H. KOH
UNITED STATES DISTRICT COURT JUDGE

DAVIS WRIGHT TREMAINE LLP

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