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 FAB.COM, INC.

Attorneys for Defendant  
 WHITEHAWK VENTURES, INC.

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

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FAB.COM, INC.

) Case No.: 3:12-cv-04191-JSC EMC  
 )

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Plaintiff,

) **STIPULATION AND [PROPOSED]**  
 ) **ORDER CONTINUING THE**  
 ) **HEARING DATE ON**  
 ) **DEFENDANT’S MOTION TO**  
 ) **DISMISS**  
 )

16

v.

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WHITEHAWK VENTURES, INC.,

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Defendant.

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STIPULATION AND [PROPOSED] ORDER CONTINUING THE  
 HEARING DATE ON DEFENDANT’S MOTION TO DISMISS  
 CASE No.: 3:12-cv-04191-JSC

1 WHEREAS, on November 5, 2012, Plaintiff filed a First Amended Complaint against  
2 Defendant Whitehawk Ventures, Inc., purporting to allege claims for copyright infringement,  
3 trademark and trade dress infringement, unfair competition, breach of contract, unjust  
4 enrichment, breach of the implied covenant of good faith and fair dealing, an accounting and  
5 constructive trust and injunction;

6 WHEREAS, on November 19, 2012, Defendant filed a Motion to Dismiss the First  
7 Amended Complaint;

8 WHEREAS, a hearing on Defendant's Motion to Dismiss is currently scheduled for  
9 January 17, 2013, at 1:30 p.m.;

10 WHEREAS, the parties are actively engaged in settlement discussions;

11 WHEREAS, the parties have agreed to request a continuation of the hearing until  
12 February 28, 2013;

13 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED that:

- 14 1. The hearing on Defendant's Motion to Dismiss currently set for January 17, 2013  
15 shall be continued until February 28, 2013, or as soon thereafter as the matter may be heard.  
16 2. This stipulation is without prejudice to the rights, claims, or defenses of any party.  
17 3. This is the second modification in the case (the first one being an extension by  
18 stipulation for Defendant's time to answer Plaintiff's original complaint), and the change will not  
19 alter the date of any event or any deadline already affixed by Court order.

20 Dated: January 16, 2013

21 /s/ Colleen Bal  
22 Colleen Bal  
23 WILSON SONSINI GOODRICH & ROSATI  
24 Attorneys for Defendant  
25 Whitehawk Ventures, Inc.

26 /s/ Holly Pranger  
27 Holly Pranger  
28 PRANGER LAW GROUP  
Attorneys for Plaintiff  
Fab.com, Inc.

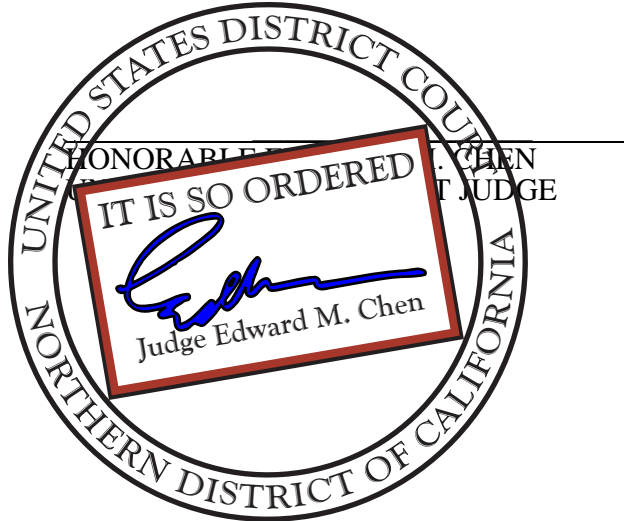
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**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that Defendant Whitehawk Ventures, Inc.'s Motion to Dismiss is hereby postponed to February 28, 2013 at 1:30pm.

1/16/13

DATED \_\_\_\_\_



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ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Colleen Bal, hereby attest that concurrences in the filing of this document have been obtained from each of the signatories.

/s/ Colleen Bal  
Colleen Bal