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Attorneys for Defendant
 WHITEHAWK VENTURES, INC.

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 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13 FAB.COM, INC.)

14 Plaintiff,)

15 v.)

16 WHITEHAWK VENTURES, INC.,)

17 Defendant.)
 18)
 19)

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

**STIPULATION AND [PROPOSED]
 ORDER CONTINUING THE
 HEARING DATE ON
 DEFENDANT'S MOTION TO
 DISMISS AND RESETTING FURTHER
 CMC TO 4/18/13 AT 1:30 P.
 M.**

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 February 28, 2013, at 1:30 p.m.;

10 WHEREAS, the parties are in the process of concluding the litigation through a
11 negotiated settlement, which may moot the need for resolution of Defendant's Motion to
12 Dismiss;

13 WHEREAS, the parties have agreed to request a continuation of the hearing until April
14 11, 2013;

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

- 16 1. The hearing on Defendant's Motion to Dismiss currently set for February 28,
17 2013 shall be continued until April 11, 2013, or as soon thereafter as the matter may be heard.
- 18 2. This stipulation is without prejudice to the rights, claims, or defenses of any party.
- 19 3. This is the third modification in the case, after an extension by stipulation for
20 Defendant's time to answer Plaintiff's original complaint and a continuation by stipulation of the
21 hearing date on Defendant's Motion to Dismiss. This change will not alter the date of any event
22 or any deadline already affixed by Court order.

23 Dated: February 25, 2013

24 /s/ Colleen Bal
Colleen Bal
WILSON SONSINI GOODRICH & ROSATI

25 Attorneys for Defendant
26 Whitehawk Ventures, Inc.

27 /s/ Holly Pranger
Holly Pranger
28 PRANGER LAW GROUP

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Attorneys for Plaintiff
Fab.com, Inc.

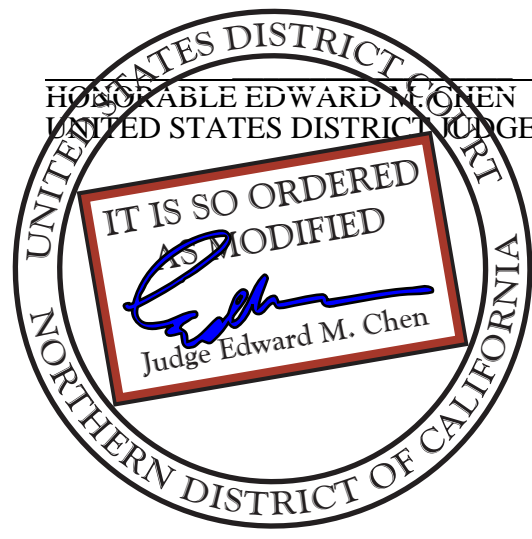
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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that Defendant Whitehawk Ventures, Inc.'s Motion to Dismiss is hereby postponed to April 11, 2013 at 1:30pm. The further CMC is reset from 4/18/13 to 4/11/13 at 1:30 p.m. An updated joint CMC statement shall be filed by 4/4/13.

2/26/13
DATED

HONORABLE EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE



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ATTESTATION PURSUANT TO L.R. 5-1(i)(3)

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