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 16 HOLDINGS, LLC

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19

20 INNOVATION VENTURES, LLC, LIVING
 ESSENTIALS, LLC, and INTERNATIONAL IP
 21 HOLDINGS, LLC,

22 Plaintiff,

23 v.

24 PITTSBURG WHOLESALE GROCERS, INC.,
 25 d/b/a PITCO FOODS, ET AL.,

26 Defendants
 27 _____
 28 _____

Case No.: C-12-5523-WHA

**STIPULATION AND [PROPOSED]
 ORDER PERMITTING UNITED CUSTOM
 DISTRIBUTION, LLC TO AMEND
 ANSWER IN LIEU OF RESPONDING TO
 PLAINTIFFS' PROPOSED MOTION TO
 STRIKE**

1 RELATED ACTIONS.
2

3 WHEREAS, Plaintiffs Innovation Ventures, LLC, Living Essentials, LLC, and International IP
4 Holdings, LLC (collectively, "Living Essentials") filed and served its Second Amended Complaint on
5 December 5, 2012;

6 WHEREAS, defendant United Custom Distribution, LLC ("UCD") filed and served its Answer
7 to the Second Amended Complaint on February 5, 2013;

8 WHEREAS, Living Essentials filed a motion to strike certain of the affirmative defenses raised
9 by UCD in its Answer on March 1, 2013;

10 WHEREAS, UCD is required to file a response to Living Essentials' motion to strike no later
11 than March 15, 2013; and

12 WHEREAS, Federal Rule of Civil Procedure 15(a)(2) permits UCD to amend its Answer
13 upon Living Essentials' written consent; and

14 WHEREAS, the parties agree that the interests of judicial economy are best served by avoiding
15 unnecessary motion practice;

16 WHEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the
17 undersigned, that:

- 18
- 19 1) UCD need not respond to Living Essentials' motion to strike and that UCD will instead file
20 and serve an Amended Answer to the Second Amended Complaint no later than March 25,
21 2013.
 - 22 2) Living Essentials' motion to strike certain of the affirmative defenses raised in UCD's
23 Answer is withdrawn without prejudice.
 - 24 3) Living Essentials reserves all rights under the Federal Rules of Civil Procedure to respond
25 to UCD's Amended Answer.
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