

1 Robert B. Hawk (Bar No. 118054)
 2 Maren J. Clouse (Bar No. 228726)
 3 Jenny Q. Shen (Bar No. 278883)
 HOGAN LOVELLS US LLP
 4 4085 Campbell Avenue, Suite 100
 Menlo Park, California 94025
 Telephone: + 1 (650) 463-4000
 Facsimile: + 1 (650) 463-4199
 5 robert.hawk@hoganlovells.com
 maren.clouse@hoganlovells.com
 6 jenny.shen@hoganlovells.com

7 Attorneys for Defendant
 8 APPLE INC., a California Corporation

9
 10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN FRANCISCO DIVISION**

14 MARC OPPERMAN, et al.,
 15 Plaintiffs,
 16 v.
 17 PATH, INC., et al.,
 18 Defendants.

Case No.: 13-cv-00453-JST

**STIPULATION AND ~~PROPOSED~~ ORDER
 RE CONDUCT OF MOTION TO DISMISS
 HEARINGS**

THE HONORABLE JON S. TIGAR

THIS DOCUMENT RELATES TO ALL CASES:

- Opperman v. Path, Inc.*, No. 13-cv-00453-JST
- Hernandez v. Path, Inc.*, No. 12-cv-1515-JST
- Pirozzi v. Apple, Inc.*, No. 12-cv-1529-JST
- Gutierrez v. Instagram, Inc.*, No. 12-cv-6550-JST

1 **STIPULATION AND ORDER**

2 Subject to the Court’s review and approval, IT IS HEREBY STIPULATED AND
3 AGREED AND ORDERED as follows:

4 WHEREAS, the Defendants’ motions to dismiss are scheduled for hearing on February
5 11, 2014;

6 WHEREAS, the Court issued on February 3, 2014 an Order re: Conduct of Motion to
7 Dismiss Hearings (“Order”);

8 WHEREAS, the Court’s Order provides Defendants, as a group, ninety minutes for oral
9 argument; and

10 WHEREAS, the Court’s Order requires Defendants to file a stipulated proposed order
11 regarding the division of their ninety minutes of time for oral argument;

12 WHEREFORE, the Defendants propose that their oral argument be conducted as follows.
13 Each Defendant or group of Defendants will advise the Court during its oral argument how much
14 time each wishes to reserve for rebuttal.

15 Joint App Defendants: 25 minutes

16 Defendant Twitter, Inc.: 9 minutes

17 Defendants Electronic Arts, Inc., Chillingo Ltd., Rovio Entertainment Ltd., and ZeptoLab
18 UK Limited: 9 minutes

19 Defendants Facebook, Inc. and Gowalla Inc.: 12 minutes

20 Apple Inc.: 35 minutes

21 IT IS SO STIPULATED AND AGREED.

22 DATED: February 7, 2014

Respectfully submitted,

23 HOGAN LOVELLS US LLP

24 By: /s/ Robert B. Hawk

25 Robert B. Hawk

26 HOGAN LOVELLS US LLP

4085 Campbell Ave., Suite 100

27 Menlo Park, CA 94025

Tel.: 650.463.4000

28 Fax: 650.463.4199

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

robert.hawk@hoganlovells.com

Clayton C. James
HOGAN LOVELLS US LLP
1200 Seventeenth Street, Suite 1500
Denver, CO 80202
Tel: 303.899.7300
Fax: 303.899.7333
clay.james@hoganlovells.com

ATTORNEYS FOR DEFENDANT APPLE INC.

HOLLAND & KNIGHT LLP

By: /s/ Judith R. Nemsick
Christopher G. Kelly
Judith R. Nemsick
HOLLAND & KNIGHT LLP
31 West 52nd Street
New York, NY 10019
Tel.: 212.513.3200
Fax: 212.385.9010
christopher.kelly@hklaw.com
judith.nemsick@hklaw.com

Shelley G. Hurwitz
HOLLAND & KNIGHT LLP
400 South Hope Street, 8th Floor
Los Angeles, CA 90071
Tel.: 213.896.2476
shelley.hurwitz@hklaw.com

**ATTORNEYS FOR DEFENDANT ROVIO
ENTERTAINMENT LTD. S/H/A ROVIO
MOBILE OY**

COOLEY LLP

By: /s/ Mazda Antia
Mazda Antia
COOLEY LLP
4401 Eastgate Mall
San Diego, CA 92121-1909
Tel: (858) 550-6000
Fax: (858) 550-6420
mantia@cooley.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**ATTORNEYS FOR DEFENDANTS
FACEBOOK, INC., INSTAGRAM, LLC AND
KIK INTERACTIVE, INC.**

MORRISON & FOERSTER LLP

By: /s/ Keith Henneke
Keith Henneke
MORRISON & FOERSTER LLP
707 Wilshire Boulevard
Los Angeles, CA 90017-3543
Tel: 213.892.5687
Fax: 213.892.5454
KHenneke@mof.com

**ATTORNEYS FOR DEFENDANT
FOURSQUARE LABS, INC.**

ZWILLGEN LAW LLP

By: /s/ Michele Floyd
Michele Floyd (SBN 163031)
ZWILLGEN LAW LLP
915 Battery Street, Second Floor, Suite 3
San Francisco, CA 94111
Tel.: 415.590.2340
Fax: 415.590.2335
michele@zwillgen.com

Marc J. Zwillinger (admitted *pro hac vice*)
Jacob A. Sommer (admitted *pro hac vice*)
ZWILLGEN PLLC
1705 N St NW
Washington, DC 20036
Tel.: 202.296.3585
Fax: 202.706.5298
marc@zwillgen.com
jake@zwillgen.com

**ATTORNEYS FOR DEFENDANTS
ELECTRONIC ARTS, INC. AND CHILLINGO
LTD.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FENWICK & WEST LLP

By: /s/ Tyler G. Newby
Tyler G. Newby (Bar No. 205790)
FENWICK & WEST LLP
555 California Street, 12th Floor
San Francisco, CA 94104
Tel.: 415.875.2300
Fax: 415.281.1350
tnewby@fenwick.com

ATTORNEYS FOR DEFENDANT PATH, INC.

DURIE TANGRI LLP

By: /s/ Michael H. Page
Michael H. Page (Bar No. 154913)
DURIE TANGRI LLP
217 Leidesdorff Street
San Francisco, CA 94111
Tel.: 415.362.6666
Fax: 415.236.6300
mpage@durietangri.com

**ATTORNEYS FOR DEFENDANTS
YELP INC. AND FOODSPOTTING, INC.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PERKINS COIE, LLP

By: /s/ Timothy L. Alger
Timothy L. Alger
PERKINS COIE, LLP
3150 Porter Drive
Palo Alto, CA 94304
Tel.: 650.838.4300
Fax: 650.838.4350
TAlger@perkinscoie.com

Amanda J. Beane
PERKINS COIE, LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Tel.: 206.359.3965
Fax: 206.359.4965
ABeane@perkinscoie.com

**ATTORNEYS FOR DEFENDANT TWITTER,
INC.**

DHILLON & SMITH LLP

By: /s/ Harmeet K. Dhillon
Harmeet K. Dhillon
DHILLON & SMITH LLP
177 Post Street, Suite 700
San Francisco, CA 94108
Tel.: 415.433.1700
harmeet@dhillonsmith.com

**ATTORNEYS FOR DEFENDANT GOWALLA
INC.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

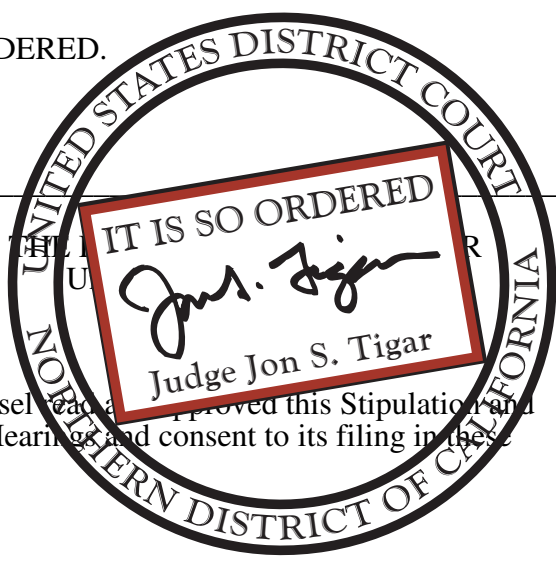
MITCHELL SILBERBERG & KNUPP LLP

By: /s/ Jeffrey M. Movit
Jeffrey M. Movit
MITCHELL SILBERBERG & KNUPP LLP
12 East 49th Street, 30th Floor
New York, NY 10017
Tel.: 917.546.7708
Fax: 917.546.7678
jmm@msk.com

**ATTORNEYS FOR DEFENDANT ZEPTOLAB
UK LIMITED**

Pursuant to the foregoing stipulation, IT IS SO ORDERED.

DATED: February 7, 2014



I, Robert B. Hawk, attest that the above-listed counsel each approved this Stipulation and Proposed Order re Conduct of Motion to Dismiss Hearings and consent to its filing in this action.