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

12 JOSHUA BANKO,
 13 Plaintiff,
 14 v.
 15 APPLE INC., and DOES 1-50,
 16 Defendants.
 17

Case No. CV13-02977 RS
 ORDER
**JOINT STIPULATION REQUESTING
 ORDER CHANGING TIME FOR
 BRIEFING SCHEDULE ON APPLE INC.'S
 MOTION TO DISMISS**

Date: September 26, 2013
 Time: 1:30 p.m.
 Judge: Hon. Richard G. Seeborg
 Courtroom: 3 (17th Floor)

Trial Date: Not Set

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 JOINT STIPULATION FOR CHANGING
 BRIEFING SCHEDULE ON APPLE'S
 MOTION TO DISMISS

(No. CV13-02977 RS)

1 **I. INTRODUCTION**

2 Pursuant to FRCP 6 and Local Rule 6-2(a), Defendant Apple Inc. (“Apple”) and
3 Plaintiff Joshua Banko (“Banko”) hereby stipulate to an adjustment of the briefing schedule on
4 Apple’s Motion to Dismiss (Docket No. 11). Apple and Banko respectfully request the Court enter
5 the requested Order confirming the parties’ stipulation.

6 **II. STIPULATION**

7 Plaintiff Banko, by and through his counsel of record David J. Miclean and
8 Defendant Apple by and through its counsel of record Todd K. Boyer, hereby stipulate and agree to
9 the following:

- 10 1. On June 27, 2013, Banko filed a Complaint against Apple (Docket No. 1).
- 11 2. On July 10, 2013, the parties stipulated to an extension of time to allow Apple
12 to file a responsive pleading to Banko’s Complaint. (Docket No. 4.)
- 13 3. On August 5, 2013, Apple filed a Motion to Dismiss Banko’s Complaint
14 (“Motion”). (Docket No. 11).
- 15 4. Apple’s Motion is currently set for hearing on September 26, 2013.
- 16 5. Banko’s opposition to Apple’s Motion was originally due on August 19, 2013,
17 and Apple’s reply was originally due on August 26, 2013.
- 18 6. On August 8, 2013, the parties stipulated to changing the briefing schedule on
19 Apple’s Motion to allow Banko’s counsel additional time to prepare their
20 opposition and additional time for Apple’s counsel to file their reply brief
21 (“Stipulation”). (Docket No. 16.)
- 22 7. Pursuant to the Stipulation, Banko’s opposition to Apple’s Motion would be
23 due August 26, 2013, and Apple’s reply would be due September 5, 2013.
24 (*Id.*)
- 25 8. The Court granted the parties Stipulation on August 8, 2013. (*Id.*)
- 26 9. Banko filed and served his opposition on August 26, 2013. (Docket No. 18.)
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10. The parties have agreed to another short extension of time for Apple to file its reply to Banko’s opposition. This extension will not affect the hearing date. The reason for this request is that Apple’s counsel will need sufficient time to review the extensive authority Banko cited in his opposition and respond accordingly. This extension is also requested because Apple’s counsel, Todd K. Boyer, was out of the office and on active duty with the United States Air Force on August 26 and 27, 2013, and was therefore unable to begin preparing Apple’s response to Banko’s opposition. This extension is also requested because of the Labor Day holiday on September 2, 2013.

11. Given the foregoing, the parties have stipulated and agreed to, and seek the Court’s approval of, a revised briefing schedule under which Apple’s reply will be due on September 9, 2013.

12. The parties propose no change in the currently scheduled date and time for the hearing on Apple’s motion (September 26, 2013). A proposed order is attached.

WHEREFORE, pursuant to Northern District of California L.R. 6-2(a), the parties hereby stipulate that Apple’s reply to Banko’s opposition to Apple’s Motion will be due no later than September 9, 2013. The hearing on Apple’s Motion will remain set as previously scheduled by the Court on September 26, 2013, at 1:30 p.m.

1 We hereby attest that we have on file all holographic signatures corresponding to any signatures
2 indicated by a conformed signature (/s/) within this e-filed document.

3 Dated: August 30, 2013

4 /s/
5 DAVID J. MICLEAN
6 GARY R. GLEASON
7 ANNE-MARIE D. DAO
8 MICLEAN GLEASON LLP
9 Attorneys for Plaintiff
10 JOSHUA BANKO

11 Dated: August 30, 2013

12 /s/
13 TODD K. BOYER
14 LITTLER MENDELSON, P.C.
15 Attorneys for Defendant
16 APPLE INC.

17 ~~[PROPOSED]~~ ORDER

18 PURSUANT TO THE PARTIES STIPULATION, IT IS SO ORDERED.

19 Dated: August 30, 2013

20 
21 THE HON. RICHARD G. SEEBORG
22 UNITED STATES DISTRICT JUDGE

23 Firmwide:122808769.1 043907.1171