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Attorneys for Defendant,
ACTIFIO, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

19 DELPHIX CORP.,

20 Plaintiff,

21 v.

22 ACTIFIO, INC.,

23 Defendant.

Case No.: 3:13-cv-04613-RS

**JOINT STIPULATION AND
[PROPOSED] ORDER EXTENDING
BRIEFING SCHEDULE ON
DEFENDANT ACTIFIO'S MOTION
TO DISMISS DELPHIX'S INDIRECT
AND WILLFUL INFRINGEMENT
CLAIMS AND RESCHEDULING CASE
MANAGEMENT CONFERENCE**

Date Action Filed: October 4, 2013
Trial Date: None set

27 Pursuant to Local Rule 6-2 and Local Rule 7-12, Plaintiff Delphix Corp. ("Delphix") and
28

1 Defendant Actifio, Inc. (“Actifio”) (collectively, the “Parties”), stipulate and jointly request that
2 the Court extend the briefing schedule for Actifio’s Motion to Dismiss Delphix’s Indirect and
3 Willful Infringement Claims [Dkt. No. 21] as set forth below.

4 WHEREAS, Actifio, on December 12, 2013, filed its Motion to Dismiss Delphix’s
5 Indirect and Willful Infringement Claims [Dkt. No. 21];

6 WHEREAS, pursuant to Local Rule 7-3, the last day for Delphix to file an opposition to
7 Actifio’s motion to dismiss was December 26, 2013, and the last day for Actifio to file a reply in
8 support of its motion was January 2, 2014, but the parties filed a joint stipulation [Dkt. No. 23]
9 extending those dates to December 30, 2013 and January 6, 2014, respectively;

10 WHEREAS, pursuant to the Clerk’s Notice Continuing Motion to Dismiss Hearing [Dkt.
11 No. 22], the hearing on Actifio’s motion to dismiss has been scheduled for March 6, 2014;

12 WHEREAS, the parties have agreed that a three week extension of the time for Delphix to
13 file its opposition, and a three week extension of the time for Actifio to file its reply, are
14 appropriate to accommodate both parties’ attorneys’ schedules and the date of the hearing;

15 WHEREAS, a Case Management Conference is currently set for February 13, 2014 [Dkt.
16 No. 20] in this case;

17 WHEREAS, Actifio’s lead counsel, Maximilian Grant, is scheduled to be at trial on
18 another matter in Washington D.C. on February 13, 2014, and therefore cannot attend the Case
19 Management Conference on that date;

20 WHEREAS, the parties have agreed that the Case Management Conference be
21 rescheduled to March 13, 2014, so that Actifio’s lead counsel can attend;

22 THE PARTIES HEREBY STIPULATE and jointly request that, in view of the foregoing,
23 the Case Management Conference and the briefing schedule for Actifio’s Motion to Dismiss
24 Delphix’s Indirect and Willful Infringement Claims shall be modified as set forth below:

25

Event	Current Date	Proposed Date
Last Day for Delphix to file opposition to Actifio’s Motion to Dismiss Delphix’s Indirect and Willful Infringement Claims	12/26/2013	1/16/2014

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27
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Event	Current Date	Proposed Date
Last Day for Actifio to file reply in support of its Motion to Dismiss Delphix's Indirect and Willful Infringement Claims	1/2/2014	2/13/2014
Case Management Conference	2/13/2014	3/13/2014 ¹

Dated: December 30, 2013

FENWICK & WEST LLP

By: /s/ Phillip J. Haack

Phillip J. Haack
Attorneys for Plaintiff
Delphix Corp.

Dated: December 30, 2013

LATHAM & WATKINS LLP

By: /s/ Chi Cheung

Chi Cheung
Attorneys for Defendant
Actifio, Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 12/30/13



The Honorable Richard G. Seeborg
United States District Judge

¹ Actifio reserves its rights to request a further extension to this date should Delphix file a second amended complaint
JOINT STIP. AND [PROPOSED] ORDER
FOR EXT. OF BRIEFING SCHEDULE