

1 Alfredo A. Bismonte (Cal. Bar. No. 136154)  
 2 Kimberly P. Zapata (Cal. Bar. No. 138291)  
 3 Jeremy M. Duggan (Cal. Bar No. 229854)  
 Beck, Bismonte & Finley, LLP  
 4 150 Almaden Blvd, 10<sup>th</sup> Floor  
 San Jose, CA 95113  
 5 Tel: (408) 938-7900  
 Fax: (408) 938-0790  
 Email: abismonte@beckllp.com  
 kzapata@beckllp.com  
 6 jduggan@beckllp.com

7 Wesley W. Whitmyer, Jr. (*pro hac vice*)  
 Benjamin J. Lehberger (*pro hac vice*)  
 8 Benjamin C. White (*pro hac vice*)  
 ST. ONGE STEWARD JOHNSTON & REENS LLC  
 9 986 Bedford Street  
 Stamford, Connecticut 06905  
 10 Tel: (203) 324-6155  
 Fax: (203) 327-1096  
 11 Email: ww Whitmyer@ssjr.com  
 blehberger@ssjr.com  
 12 bwhite@ssjr.com  
 litigation@ssjr.com  
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14 Attorneys for Plaintiff, Karl Storz  
 Endoscopy-America, Inc.

15 **IN THE UNITED STATES DISTRICT COURT FOR THE**  
 16 **NORTHERN DISTRICT OF CALIFORNIA**  
 17 **SAN FRANCISCO DIVISION**

18  
 19 KARL STORZ ENDOSCOPY-AMERICA,  
 INC.  
 20  
 Plaintiff,  
 21  
 v.  
 22 STRYKER CORPORATION, AND  
 23 STRYKER COMMUNICATIONS, INC.  
 24  
 Defendants.

**Case No. C 14-00876 RS**

**STIPULATION AND [~~PROPOSED~~]  
 ORDER FOR FIRST EXTENSION OF  
 TIME TO RESPOND TO  
 DEFENDANT'S AMENDED  
 COUNTERCLAIMS**

**Hon. Richard Seeborg**

1 Pursuant to Local Civil Rule 6-1(b) and 7-12, Plaintiff Karl Storz Endoscopy-America,  
2 Inc. (“KSEA”) and Defendants Stryker Corporation and Stryker Communications, Inc.  
3 (collectively “Stryker”), by their respective counsel, hereby stipulate to an extension of time until  
4 June 27, 2014 for KSEA to answer or otherwise respond to Stryker’s First Amended Answer and  
5 Counterclaims as follows:

6 1. On April 25, 2014, after a one-month extension of time to which KSEA had  
7 stipulated (Doc. No. 24), Stryker filed its Answer and Counterclaims. (Doc. No. 40). On May  
8 16, 2014, KSEA filed a Motion to Strike and Dismiss with Prejudice certain of Stryker’s  
9 Affirmative Defenses and Counterclaims. (Doc. Nos. 45 and 46).

10 2. On May 23, 2014, the parties filed a Stipulation and Proposed Order to extend  
11 Stryker’s time to respond to KSEA’s Motion to Strike by one week and to extend KSEA’s time  
12 to file a reply in support of the Motion to Strike by one week. (Doc. No. 51). The Court entered  
13 the Stipulation and Order on May 28, 2014. (Doc. No. 52).

14 3. On June 6, 2014, Stryker filed its First Amended Answer and Counterclaims.  
15 (Doc. No. 55). Under Federal Rule 15(a)(3), KSEA would have 14 days, or until June 20, 2014,  
16 to respond to Stryker’s First Amended Answer and Counterclaims.

17 4. Due to previously planned travel, and to allow KSEA a full and fair opportunity  
18 to respond to the additional and new allegations contained in Stryker’s First Amended Answer  
19 and Counterclaims, KSEA requests a one-week extension of time to respond to Stryker’s First  
20 Amended Answer and Counterclaims. Specifically, KSEA requests until June 27, 2014 to  
21 respond. Stryker has stipulated to this extension. This extension will not change or alter any  
22 other deadlines currently set by the Court.

23 5. Pursuant to Civil Local Rule 6-2(a)(1)-(3), this stipulated request is accompanied  
24 by the Declaration of Benjamin C. White setting forth (a) the reasons for the requested  
25 rescheduling; (b) all previous time modifications in this case; and (c) the effect of the requested  
26 rescheduling.

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Respectfully submitted,

Dated: June 17, 2014

BECK, BISMONTE & FINLEY, LLP

/s/ Alfredo A. Bismonte<sup>1</sup>  
Alfredo A. Bismonte (Cal. Bar. No. 136154)  
Attorneys for Plaintiff, Karl Storz  
Endoscopy-America, Inc.

Dated: June 17, 2014


REED SMITH LLP

/s/ William R. Overend  
William R. Overend (SBN 180209)  
Attorneys for Stryker Corporation and  
Stryker Communications, Inc.

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: June 17, \_\_\_\_\_, 2014

  
\_\_\_\_\_  
Honorable Richard G. Seeberg  
United States District Judge

<sup>1</sup> In compliance with Civil Local Rule 5-1(i), I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories hereto.