

1 Daniel M. Cislo, Esq., No. 125,378
 dan@cislo.com
 2 Mark D. Nielsen, Esq., No. 210,023
 mnielsen@cislo.com
 3 CISLO & THOMAS LLP
 1333 2nd Street, Suite 500
 4 Santa Monica, California 90401-4110
 Telephone: (310) 451-0647
 5 Telefax: (310) 394-4477

6 Attorneys for Defendant/Counterclaimant,
 7 AVIATOR BREWING COMPANY, INC.

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

11 TABLE BLUFF BREWING, INC. d/b/a)
 LOST COAST BREWERY & CAFE, a)
 12 California corporation,)

13 Plaintiff,)

14 vs.)

16 AVIATOR BREWING COMPANY, INC., a)
 North Carolina Corporation,)

17 Defendant.)
 18)
 19)
 20)
 21)

CASE NO. 3:14-cv-3433-CRB
 [Hon. Charles R. Breyer]

**JOINT STIPULATION TO CONTINUE
 HEARING DATE ON DEFENDANTS'
 MOTION TO DISMISS, TO ALTER
 BRIEFING SCHEDULE ON DEFENDANTS'
 MOTION TO DISMISS, AND TO
 CONTINUE CASE MANAGEMENT
 CONFERENCE; ORDER APPENDED
 HERETO**

CISLO & THOMAS LLP
 Attorneys at Law
 SUITE 500
 1333 2nd Street
 SANTA MONICA, CALIFORNIA 90401
 Telephone: (310) 451-0647 Facsimile: (310)

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CISLO & THOMAS LLP
Attorneys at Law
SUITE 500
1333 2nd Street
SANTA MONICA, CALIFORNIA 90401
Telephone: (310) 451-0647
Facsimile: (310)

JOINT STIPULATION

Pursuant to Civ.L.R. 6-2, Table Bluff Brewing, Inc. dba Lost Coast Brewery & Café (“Table Bluff”) and Aviator Brewing Company, Inc. (“Aviator”) hereby submit the following stipulation:

WHEREAS, Aviator filed a motion to dismiss originally scheduled for hearing on October 3, 2014, and upon reassignment of this matter to this Court, Aviator filed an Amended Notice of Motion having the same hearing date as the original notice (see, Docket Nos. 11, 16);

WHEREAS, upon learning of the Court’s unavailability for hearing on October 3, 2014, Aviator filed a Second Amended Notice of Motion moving the hearing date to October 10, 2014 (see, Docket No. 18);

WHEREAS, the Court, sua sponte, moved the hearing date for Aviator’s motion to dismiss to October 17, 2014 (see, Docket No. 19);

WHEREAS, primary counsel for Aviator is located in North Carolina and will be involved in a protracted “Markman Trial” presently scheduled for 2 weeks and commencing on October 14, 2014;

WHEREAS, primary counsel for Aviator, based on the current hearing date of October 17, 2014 for the motion to dismiss, has a schedule conflict;

WHEREAS, the Court has also set a Case Management Conference for October 31, 2014;

WHEREAS, counsel for the parties have met and conferred concerning the foregoing, and have agreed to request a change in the foregoing dates to accommodate Aviator’s primary counsel’s scheduling conflict;

WHEREAS, counsel for the parties have agreed as follows:

- The hearing date for Aviator’s motion to dismiss shall be re-scheduled for November 7, 2014;
- The briefing schedule for Aviator’s motion to dismiss shall have Table Bluff’s opposition papers due on September 29, 2014 and Aviator’s reply papers due on October 10, 2014;

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SANTA MONICA, CALIFORNIA 90401
Telephone: (310) 451-0647 Facsimile: (310)

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- The Case Management Conference shall be re-scheduled for November 7, 2014, with the deadline for counsel to meet and confer extended to October 8, 2014, and the deadline to submit the Joint Case Management Statement extended to October 31, 2014;

WHEREAS, this stipulation is not submitted for purposes of delaying these proceedings, but as an accommodation to Aviator’s primary counsel’s schedule.

NOW THEREFORE, the parties, by and through their respective counsel, jointly stipulate and agree that:

- The hearing date for Aviator’s motion to dismiss shall be re-scheduled for November 7, 2014;
- The briefing schedule for Aviator’s motion to dismiss shall have Table Bluff’s opposition papers due on September 29, 2014 and Aviator’s reply papers due on October 10, 2014;

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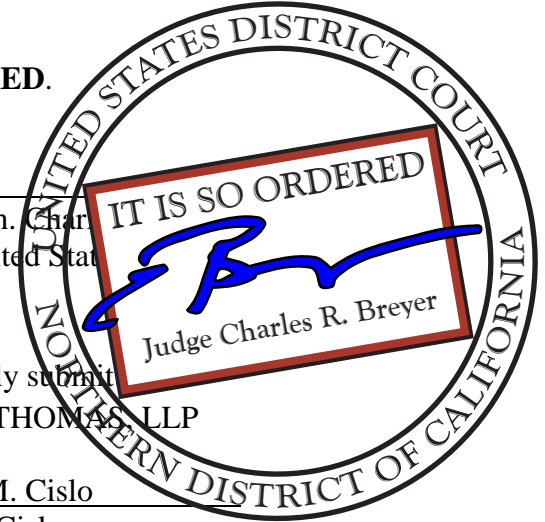
- The Case Management Conference shall be re-scheduled for November 7, 2014, with the deadline for counsel to meet and confer extended to October 8, 2014, and the deadline to submit the Joint Case Management Statement extended to October 31, 2014;

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: September 17, 2014

By: _____

Hon. Charles R. Breyer
United States District Court



Dated: September 8, 2014

Respectfully submitted
CISLO & THOMAS LLP

By: /s/Daniel M. Cislo
Daniel M. Cislo
Mark D. Nielsen

Of Counsel:
Coats & Bennett PLLC
Emily M. Haas (N.C. Bar No. 39,716)
David E. Bennett (N.C. Bar No. 12,864)
1400 Crescent Green, Suite 300
Cary, North Carolina 27518
E-mail: ehaas@coatsandbennett.com
dbennett@coatsandbennett.com
Attorneys for Defendant,
AVIATOR BREWING COMPANY, INC.

Dated: September 8, 2014

CALDARELLI HEJMANOWSKI & PAGE LLP

By: s/Ben West (with permission)
Jack R. Leer
Ben West

Attorneys for Plaintiff,
TABLE BLUFF BREWING, INC. dba LOST
COAST BREWERY & CAFE

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CISLO & THOMAS LLP
Attorneys at Law
SUITE 500
1333 2nd Street
SANTA MONICA, CALIFORNIA 90401
Telephone: (310) 451-0647 Facsimile: (310)