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7 8	Attorneys for Defendant/Counterclaimant VMWARE, INC.	
9	UNITED STATES I	DISTRICT COURT
10	NORTHERN DISTRIC	CT OF CALIFORNIA
11	SAN FRANCIS	CO DIVISION
12		
13	PHOENIX TECHNOLOGIES LTD., a Delaware corporation	Case No. 3:15-cv-01414-HSG
14	Plaintiff,	VMWARE, INC.'S STIPULATED MOTION TO AMEND ITS ANSWER
15	VS.	TO PHOENIX TECHNOLOGIES LTD'S COMPLAINT, AND
16	VMWARE, INC., a Delaware Corporation	PROPOSED ORDER
17 18	Defendant.	DEMAND FOR JURY TRIAL Trial Date: Not Yet Set
19	VMWARE, INC., a Delaware Corporation	That Date. Not Tet Set
20	Defendant/Counterclaimant,	
21	v.	
22	PHOENIX TECHNOLOGIES LTD., a Delaware corporation	
23	Plaintiff/Counterdefendant.	
24		
25		
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27		
28	STIPULATED MOTION FOR LEAVE TO AMEND ANSWER CASE NO. 3:15-cv-01414-HSG sf-3549449	

1	STIPULATED MOTION FOR LEAVE TO AMEND ANSWER	
2		
3	Defendant VMware, Inc. ("VMware") hereby respectfully requests, pursuant to Federal	
4	Rule of Civil Procedure 15, and with the assent of Plaintiff Phoenix Technologies Ltd.	
5	("Plaintiff"), that VMware be allowed to amend its Answer. VMware's Amended Answer is	
6	attached herein as Exhibit A. As grounds for this request, VMware states as follows:	
7	1. The parties have met and conferred and agreed that VMware would add two	
8	affirmative defenses: (1) language from Paragraph 2.4 of the 2005. Amendment, and	
9	(2) 17 H S C S (1) 117	
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11 12		
13	delay of for any other improper purpose,	
14	3. Plaintiff, through its counsel, has agreed to the request for leave to amend	
15	VMware's answer based on the representation that the amendment will include only the revisions	
16	noted above.	
17	WHEREFORE, VMware requests that the Court grant its motion for leave to amend its	
18	answer.	
19	Dated: July 8, 2015 MICHAEL A. JACOBS ARTURO J. GONZÁLEZ	
20	ALEXANDRIA A. AMEZCUA MORRISON & FOERSTER LLP	
21		
22	By: <u>/s/ Arturo J. González</u>	
23	Arturo J. González	
24	Attorneys for Defendant/Counterclaimant VMWARE, INC.	
2526		
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28		

1	So stipulated.
2	COOLEY LLP
3	MICHAEL G. RHODES (116127) WHITTY SOMVICHIAN (194463)
4	DREW KONING (263082)
5	
6	By: /s/ Whitty Somvichian Whitty Somvichian
7	Attorneys for Plaintiff/Counterdefendant PHOENIX TECHNOLOGIES LTD
8	PHOENIX TECHNOLOGIES LTD
9	WE IS SO OPPEDED
10	IT IS SO ORDERED.
11	Dated: July 10, 2015
12	Haywood S. Iell
13	The Hon. Haywood S. Gilliam Jr. / District Judge, United States District Court for the Northern District of California
14	for the Northern District of California
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ATTESTATION OF E-FILED SIGNATURE I, Arturo J. González, am the ECF User whose ID and password are being used to file this Declaration. In compliance with Civil L.R. 5-1(i)(3) and General Order No. 45, § X.B., I hereby attest that Whitty Somvichian has concurred in this filing. July 8, 2015 /s/ Arturo J. González Arturo J. González Dated: