

1 MICHAEL A. JACOBS (CA SBN 111664)
MJacobs@mofo.com
2 ARTURO J. GONZÁLEZ (CA SBN 121490)
AGonzalez@mofo.com
3 ALEXANDRIA A. AMEZCUA (CA SBN 247507)
AAmezcu@mofo.com
4 MORRISON & FOERSTER LLP
425 Market Street
5 San Francisco, CA 94105-2482
Telephone: 415.268.7000
6 Facsimile: 415.268.7522

7 Attorneys for Defendant/Counterclaimant
VMWARE, INC.

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 PHOENIX TECHNOLOGIES LTD., a
Delaware corporation

14 Plaintiff,

15 vs.

16 VMWARE, INC., a Delaware Corporation
17 Defendant.

18
19 VMWARE, INC., a Delaware Corporation
20 Defendant/Counterclaimant,

21 v.

22 PHOENIX TECHNOLOGIES LTD., a
Delaware corporation

23 Plaintiff/Counterdefendant.
24
25
26
27
28

Case No. 3:15-cv-01414-HSG

**VMWARE, INC.'S STIPULATED
MOTION TO AMEND ITS ANSWER
TO PHOENIX TECHNOLOGIES
LTD'S COMPLAINT, AND
PROPOSED ORDER**

DEMAND FOR JURY TRIAL

Trial Date: Not Yet Set

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

1. The parties have met and conferred and agreed that VMware would add two affirmative defenses: (1) language from Paragraph 2.4 of the 2005 Amendment, and (2) 17 U.S.C. Section 117;

3. Plaintiff, through its counsel, has agreed to the request for leave to amend VMware's answer based on the representation that the amendment will include only the revisions noted above.

Dated: July 8, 2015

By: /s/ Arturo J. González
Arturo J. González

STIPULATED MOTION FOR LEAVE TO AMEND ANSWER
CASE NO. 3:15-cv-01414-HSG
sf-3549449

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

So stipulated.


COOLEY LLP
MICHAEL G. RHODES (116127)
WHITTY SOMVICHIAN (194463)
DREW KONING (263082)

By: /s/ Whitty Somvichian
Whitty Somvichian

Attorneys for Plaintiff/Counterdefendant
PHOENIX TECHNOLOGIES LTD

IT IS SO ORDERED.

Dated: July 10, 2015


The Hon. Haywood S. Gilliam Jr.
District Judge, United States District Court
for the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

Dated: July 8, 2015 /s/ Arturo J. González
Arturo J. González