

1 COOLEY LLP  
 2 MICHAEL G. RHODES (116127)  
 3 (rhodesmg@cooley.com)  
 4 WHITTY SOMVICHIAN (194463)  
 5 (wsomvichian@cooley.com)  
 6 DREW KONING (263082)  
 7 (dkoning@cooley.com)  
 8 101 California Street, 5th Floor  
 9 San Francisco, CA 94111-5800  
 10 Telephone: (415) 693-2000  
 11 Facsimile: (415) 693-2222

12 COOLEY LLP  
 13 AMANDA A. MAIN (260814)  
 14 (amain@cooley.com)  
 15 3175 Hanover Street  
 16 Palo Alto, CA 94304-1130  
 17 Telephone: (650) 843-5000  
 18 Facsimile: (650) 849-7400

19 Attorneys for Plaintiff and Counterdefendant  
 20 PHOENIX TECHNOLOGIES LTD.

21 UNITED STATES DISTRICT COURT  
 22 NORTHERN DISTRICT OF CALIFORNIA  
 23 SAN FRANCISCO DIVISION

24 PHOENIX TECHNOLOGIES LTD. a  
 25 Delaware Corporation,

26 Plaintiff,

27 v.

28 VMWARE, INC., a Delaware Corporation,

29 Defendant.

30 VMWARE, INC., a Delaware Corporation,

31 Counterclaimant,

32 v.

33 PHOENIX TECHNOLOGIES LTD. a  
 34 Delaware Corporation,

35 Counterdefendant.

Case No. 15-cv-01414-HSG

**JOINT STIPULATION TO CONTINUE  
 CERTAIN DEADLINES RELATING TO  
 FACT DISCOVERY**

Judge: Hon. Haywood S. Gilliam, Jr.  
 Courtroom: 15, 18th Floor  
 450 Golden Gate Avenue  
 San Francisco, CA

Trial Date: November 28, 2016

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**STIPULATION**

Pursuant to Civil Local Rule 6-2, Phoenix Technologies Ltd. (“Phoenix”) and VMware, Inc. (“VMware”) (collectively, the “Parties”) file this joint stipulation requesting that the Court issue an Order modifying certain deadlines relating to fact discovery.

WHEREAS, the fact discovery deadline is April 29, 2016;

WHEREAS, the deadline for serving responses to various written discovery is April 27 and 29, 2016;

WHEREAS, per Civil Local Rule 37-3, May 6, 2016 is the last day on which the Parties can file a motion to compel fact discovery;

WHEREAS, the Parties are continuing to meet and confer in good faith to resolve numerous outstanding issues, for which a motion to compel is otherwise due on May 6, 2016; and

WHEREAS, in an effort to avoid prematurely and unnecessarily raising issues with the Court, the Parties agree to a short extension of the deadline for responding to outstanding written discovery from April 27 and 29, 2016 to May 4, 2016, and also the deadline for filing a motion to compel fact discovery from May 6, 2016 to May 20, 2016.

NOW, THEREFORE, Parties hereby stipulate and agree to the following deadlines:

- ◆ Deadline for responding to outstanding written discovery is continued from April 27 and 29, 2016 to May 4, 2016; and
- ◆ Deadline for filing a motion to compel fact discovery is continued from May 6, 2016 to May 20, 2016.

The Parties submit that the schedule modification proposed above would not change any other deadlines in this case or for the Court.

**IT IS SO STIPULATED.**

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Dated: April 27, 2016

Dated: April 27, 2016

COOLEY LLP

MORRISON & FOERSTER LLP

/s/ Whitty Somvichian  
Whitty Somvichian<sup>1</sup>

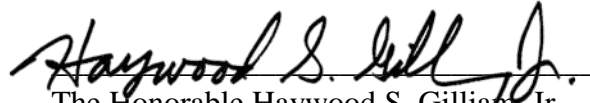
/s/ Arturo J. González  
Arturo J. González

Attorneys for Plaintiff and Counterdefendant  
PHOENIX TECHNOLOGIES LTD.

Attorneys for Defendant and Counterclaimant  
VMWARE, INC.

**PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.**

Date: April 27, 2016

  
The Honorable Haywood S. Gilliam, Jr.  
United States District Judge

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<sup>1</sup> I, Whitty Somvichian, 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), I hereby attest that Arturo Gonzalez has concurred in this filing.