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 THRU INC.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

16 DROPOX, INC., a Delaware corporation,)
 17 Plaintiff,)
 18 v.)
 19 THRU INC., a Delaware corporation,)
 20 Defendant.)
 21 _____)
 22 THRU INC., a Delaware corporation,)
 23 Counterclaimant,)
 24 v.)
 25 DROPOX, INC., a Delaware corporation,)
 26 Counter-Defendant.)
 27 _____)
 28

Case No. 3:15-CV-01741-EMC (MEJ)

Denied
**STIPULATION AND [PROPOSED]
 ORDER REGARDING FURTHER
 PROCEEDINGS**

Before: Hon. Edward M. Chen
 Dept: Courtroom 5, 17th Floor

Current Pre-Trial Conf.: 1/10/2017
 Current Bench Trial Date: 1/23/2017

1 Following the Status Conference in this matter on November 22, 2016, counsel for
2 Dropbox, Inc. (“Dropbox”) and Thru, Inc. (“Thru”) met and conferred regarding a means to
3 resolve efficiently the remaining issue in the case – Dropbox’s request for a declaratory judgment
4 that its rights to the term DROPBOX are superior to those of Thru. The parties now agree and
5 stipulate to the following:

6 1. The parties request that the Court vacate the current date set for a bench trial in this
7 matter of January 23, 2017, the pretrial conference of January 10, 2017, and all associated
8 deadlines.

9 2. The parties proceeded with a settlement conference with Judge Spero on
10 November 29, 2016, and were unable to resolve the matter.

11 3. The parties request that the Court further consider the alternative grounds advanced
12 by Dropbox in its Motion for Summary Judgment (Dkt. 97) at 10-19, and issue a further order
13 granting or denying the motion on those grounds.

14 4. If the Court rules that summary judgment for Dropbox is not appropriate on any of
15 the alternative grounds presented, the parties: (i) will meet and confer within seven days of the
16 ruling regarding the most efficient means for the Court to conduct a bench trial on any triable
17 issues of fact that remains (e.g. a trial on documents or a trial with limited witnesses); and (ii)
18 request that the Court schedule a status conference to discuss a schedule and process for trial of
19 any remaining issues.

20 5. In light of the foregoing, the parties request that the December 8, 2016 status
21 conference that the Court set on November 22 be vacated.

22 6. If the Court wishes to reset a trial date, the parties respectfully request that it be set
23 no earlier than mid-April 2017.

1 Dated: November 29, 2016

Respectfully submitted,

2 WILSON SONSINI GOODRICH & ROSATI
3 Professional Corporation

4 By: /s/ David H. Kramer
5 DAVID H. KRAMER
6 JOHN L. SLAFSKY

7 Attorneys for Plaintiff and Counter-Defendant
8 DROPBOX, INC.

9 Dated: November 29, 2016

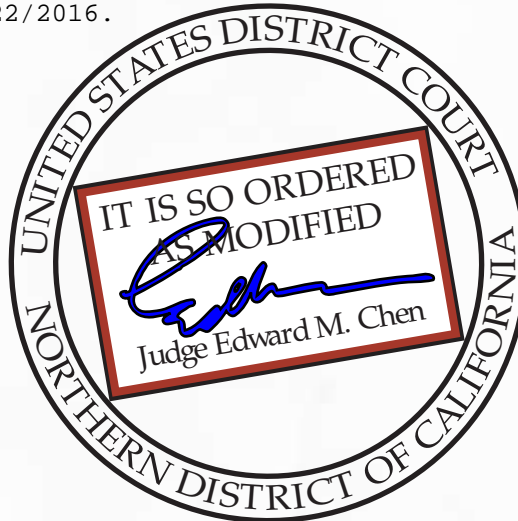
FERGUSON, BRASWELL & FRASER, PC

10 By: /s/ John M. Cone
11 JOHN M. CONE
12 RYAN A. STARNES

13 Attorneys for Defendant and Counterclaimant
14 THRU INC.

15 IT IS SO ORDERED.

16 DENIED. Status conference is reset from 12/8/16 to 12/15/16
17 at 9:30 a.m. Pretrial filings deadline is extended from
18 12/13/2016 to 12/22/2016.



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1 **[PROPOSED] ORDER**

2 Pursuant to stipulation and good cause appearing, it is so ORDERED:

3 1. The bench trial set for January 23, 2017, the pretrial conference set for January
4 10, 2017, and all associated deadlines are vacated;

5 2. The Court will issue a written order addressing the remaining issues presented in
6 Dropbox's Motion for Summary Judgment and set a Status Conference to discuss a schedule and
7 process for a trial on any remaining issues;

8 3. If the Court concludes that summary judgment for Dropbox is not appropriate on
9 any of the alternative grounds presented in its motion, the parties (i) will meet and confer within
10 seven days of the Court's ruling on the motion regarding the most efficient means for the Court
11 to conduct a bench trial on any triable issue(s) of fact that remains (e.g. a trial on documents or a
12 trial with limited witnesses); and (ii) the Court will schedule a status conference to discuss a
13 schedule and process for trial of the remaining issue(s); and

14 4. The status conference set for December 8, 2016 is vacated.

15
16 Dated: _____, 2016

17 The Honorable Edward M. Chen
18 United States District Court Judge
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CERTIFICATION

I, DAVID H. KRAMER, am the ECF User whose identification and password are being used to file this **STIPULATION AND [PROPOSED] ORDER REGARDING FURTHER PROCEEDINGS**. In compliance with Civil Local Rule 5-1(i), I hereby attest that concurrence in the filing of this document has been obtained from all of the signatories.

Dated: November 29, 2016

/s/ David H. Kramer