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9 *Attorneys for Plaintiffs Cheetah Mobile Inc.,*
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 10 *Cheetah Technology Corporation Limited*

11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 CHEETAH MOBILE INC.,
 15 CHEETAH MOBILE AMERICA, INC.,
 16 CHEETAH TECHNOLOGY CORPORATION
 LIMITED
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 Plaintiffs,
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 vs.
 19 APUS GROUP,
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 Defendant.
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Case No. 3:15-cv-02363 HSG

**JOINT STATEMENT
 REGARDING STATUS OF
 SERVICE AND STIPULATION
 REGARDING BRIEFING AND
 HEARING DATES FOR
 PARTIES' MOTIONS**

22
 23 The parties submit this joint filing for two reasons. First, pursuant to the October 21,
 24 2015 order (Dkt. 57), Plaintiffs Cheetah Mobile Inc., Cheetah Mobile America, and Cheetah
 25 Technology Corporation Limited (“Cheetah Mobile”) and Defendant APUS Group (“APUS”)
 26 jointly submit this statement regarding the status of service of the Complaint, Summons, and
 27 other required papers on APUS in the above-captioned action.
 28

1 Second, Cheetah Mobile has filed a Motion to Serve Defendant by Alternative Means
2 (Dkt. 58-63) and APUS intends to file a Cross-Motion to Dismiss for Lack of Service. The
3 parties propose below a stipulated briefing schedule for those two motions. Relatedly, the Court
4 has currently scheduled a 2:00 p.m. hearing on March 31, 2016 for a “further hearing on
5 Defendant’s motion to dismiss [Dkt. 24].” See Dkt. 57 at 2-3. The parties jointly request that
6 this March 31 hearing instead be used to address the parties’ motions relating to service, and that
7 the Court and parties address at that time whether and when to conduct any “further hearing on
8 Defendant’s motion to dismiss [Dkt. 24].” This request is also addressed in the below proposed
9 stipulated schedule.

10 **I. STATUS OF SERVICE ON APUS**

11 The Court’s October 21, 2015 Order Quashing Service and Granting Stipulation states:

12 The Court QUASHES service and EXTENDS Plaintiffs’
13 deadline to properly effectuate service to February 15, 2016.
14 Within five days of the date service is completed or the deadline to
15 complete service, whichever comes first, the parties shall file a
16 joint statement notifying the Court of the status of service.
17 Additionally, the Court GRANTS the parties’ stipulation [Dkt. 56]
18 and sets a further hearing on Defendant’s motion to dismiss on
19 March 31, 2016 at 2:00 p.m. in Courtroom 15, 18th Floor, 450
Golden Gate Avenue, San Francisco. The parties shall meet and
confer and file supplemental briefs in accordance with the schedule
laid out in their stipulation.

20 (Dkt. 57 at 2-3.)

21 While Cheetah Mobile has taken efforts to serve APUS in China via the Hague
22 Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or
23 Commercial Matters, 20 U.S.T. 361, T.I.A.S. No. 6638 (1969) (“Hague Convention”), those
24 efforts have not to date been successful. On December 15, 2015, Cheetah Mobile received a
25 formal Certificate of Non-Service from the Chinese Ministry of Justice dated November 16,
26 2015, confirming that the Chinese Central Authority had attempted but failed to effect service on
27 APUS.

1 Since then counsel for the parties conferred but were unable to agree on an alternative
2 method of service on APUS. Cheetah Mobile's position as to those efforts is stated in its Motion
3 to Serve Defendant by Alternative Means (Dkt. 58-63). APUS will state its position in its
4 opposition and Cross-Motion to Dismiss for Lack of Service, which will be filed pursuant to the
5 below schedule, subject to Court approval.

6 **II. PROPOSED SCHEDULING**

7 Beginning February 11, 2016, counsel for the parties have conferred regarding the
8 briefing and hearing schedules for Cheetah Mobile's motion (Dkt. 63), APUS' anticipated
9 motion to dismiss for lack of service, and APUS' pending motion to dismiss (Dkt. 24). As a
10 result of these efforts, the parties have agreed to the following schedule to accommodate the
11 current motion activity, if it is acceptable to the Court. In light of the current motion practice
12 regarding the service issue, it would not make sense for the Court and the parties to address
13 APUS' previously filed Motion to Dismiss (Dkt. 24)—which addresses personal jurisdiction,
14 forum non conveniens, and Rule 12(b)(6) issues—until after service is resolved.

15 Pursuant to Civil Local Rule 6-2, the parties to this action respectfully submit the
16 following Joint Stipulation regarding Briefing and Hearing Dates for Parties' Motions. The
17 proposed schedule would keep the currently calendared March 31, 2016 hearing date to address
18 the motions regarding service, and would allow the parties and the Court to address at that time
19 whether and when to conduct a hearing on APUS' previously filed Motion to Dismiss (Dkt. 24).

20

February 25, 2016	APUS files its opposition to Cheetah Mobile's motion and new cross-motion to dismiss for failure to serve.
March 14, 2016	Cheetah Mobile files its reply and opposition to APUS' new cross-motion to dismiss
March 21, 2016	APUS files its reply for its new cross-motion to dismiss
March 31, 2016	Consolidated hearing on service motions; case management conference to address timing for any remaining pending motions

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27 Respectfully submitted,

1 Dated: February 19, 2016 WILMER CUTLER PICKERING HALE AND DORR LLP

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29 Pursuant to Civil Local Rule 5-1(i)(3), counsel for Plaintiffs has obtained the
30 concurrence of Defendant's counsel in the filing of this Joint Statement and Stipulation.

31 Dated: /s/ Keith Slenkovich
32 Keith Slenkovich

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 19, 2016


The Honorable Haywood S. Gilliam, Jr.