

Darin W. Snyder (State Bar No. 136003)
dsnyder@omm.com
Mark E. Miller (State Bar No. 130200)
markmiller@omm.com
Geoffrey H. Yost (State Bar No. 159687)
gyost@omm.com
Alexander B. Parker (State Bar No. 264705)
aparker@omm.com
Anne E. Huffsmith (Stat Bar No. 236438)
ahuffsmith@omm.com
O'MELVENY & MYERS LLP
Two Embarcadero Center, 28th Floor
San Francisco, CA 94111-3823
Telephone: (415) 984-8700
Facsimile: (415) 984-8701

*Attorneys for [24]7.ai, INC. and 24/7
CUSTOMER INTERNATIONAL
HOLDINGS, LTD.*

Michael W. De Vries (State Bar No. 211001)
michael.devries@kirkland.com
Sharre S. Lotfollahi (State Bar No. 258913)
sharre.lotfollahi@kirkland.com
KIRKLAND & ELLIS, LLP
333 South Hope Street
Los Angeles, CA 90071
Telephone: 213-680-8590

Adam R. Alper (State Bar No. 196834)
adam.alper@kirkland.com
Robert Nai-Shu Kang (State Bar No. 274389)
robert.kang@kirkland.com
James W. Beard (State Bar No. 267242)
james.beard@kirkland.com
KIRKLAND & ELLIS, LLP
555 California Street
San Francisco, CA 94104
Telephone: 415-436-1500

Joshua L. Simmons (pro hac vice)
joshua.simmons@kirkland.com
KIRKLAND & ELLIS, LLP
601 Lexington Ave.
New York, NY 10169
Telephone: 212-446-4800

Attorneys for LIVEPERSON, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

[24]7.ai, INC. AND 24/7 CUSTOMER
INTERNATIONAL HOLDINGS, LTD.,

Plaintiffs,

v.

LIVEPERSON, INC.,

Defendant.

LIVEPERSON, INC.,

Plaintiff,

v.

[24]7.ai, INC.

Defendant.

Case No. 3:15-CV-02897-JST (KAW) (lead)
Case No. 3:15-CV-05585-JST (KAW)

**STIPULATION AND ~~PROPOSED~~
ORDER CHANGING DATE FOR
CLOSE OF EXPERT DISCOVERY AND
TRADE SECRET SELECTION**

Case No. 3:17-CV-01268-JST

**STIPULATION AND ~~PROPOSED~~
ORDER CHANGING DATE FOR
CLOSE OF EXPERT DISCOVERY AND
TRADE SECRET SELECTION**

STIPULATION AND ~~PROPOSED~~
ORDER CHANGING DATE FOR CLOSE OF
EXPERT DISCOVERY AND TS SELECTION

3:15-CV-02897-JST (KAW)
3:15-CV-05585-JST (KAW)
3:17-CV-01268-JST

1 **STIPULATION AND ~~PROPOSED~~ ORDER**

2 Pursuant to Local Rules 6-1, 6-2, and 7-12, Plaintiff LivePerson, Inc. (“LivePerson”) and
3 Defendants [24]7.ai, Inc. and 24/7 Customer International Holdings (“collectively, “[24]7”)
4 (together, the “Parties”), subject to the Court’s approval and Order, stipulate to extend the closing
5 date for expert discovery currently set for June 6, 2018 in Case Nos. 3:17-cv-01268 (“the Trade
6 Secret Matter”), and 3:15-cv-02897 and 3:15-cv-05585 (“the Patent Matters”, and collectively
7 with the Trade Secret Matter, “the Related Matters”) to June 14, 2018, in order to allow for the
8 setting of certain expert depositions after June 6 in order to accommodate schedules. *See De*
9 *Vries Decl.* ¶ 3. Further, the Parties, subject to the Court’s approval and Order, stipulate to
10 correspondingly extend the deadline for LivePerson to select trade secrets, currently set for June
11 8, 2018 in the Related Matters, to June 15, 2018 at 5:00 PM, in order to allow for that selection to
12 occur after the close of expert discovery. These changes to the schedule will not affect any other
13 deadlines in this action. *See id.* at ¶ 5.

14 This Court issued a Scheduling Order on July 26, 2017, and that order scheduled June 6,
15 2018 as the closing date for expert discovery. (Dkt. 157). This deadline has not been changed
16 since. *See De Vries Decl.* ¶ 4. More recently, this Court issued an Order Granting Case and Trial
17 Management Schedule on April 23, 2018, and it scheduled June 8, 2018 as the deadline for
18 LivePerson to identify up to 15 trade secrets for the first trade secret trial. (Dkt. 192). This
19 deadline also has not been changed since. *See id.* In order to accommodate the experts’
20 schedules, however, the Parties will need until June 14, 2018 to take the experts’ depositions.
21 Further, the selection of trade secrets should occur after the close of expert discovery. Thus,
22 LivePerson raised these scheduling issues and this stipulation with counsel for [24]7, who
23 indicated they would so stipulate. *See id.* at ¶ 6.

24 Pursuant to the stipulation, the Parties request that: 1) the closing date for expert
25 discovery be moved from June 6, 2018 to June 14, 2018; and 2) the deadline for LivePerson to
26 select trade secrets for the first trade secret trial be moved from June 8, 2018 to June 15, 2018 at
27 5:00 PM.

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Respectfully submitted,

Dated: June 1, 2018

KIRKLAND & ELLIS LLP

By: /s/ Michael W. De Vries
Michael W. De Vries

Attorneys for
LIVEPERSON, INC.

Dated: June 1, 2018

O'MELVENY & MYERS LLP

By: /s/ Darin Snyder
Darin Snyder

Attorneys for
[24]7.AI, INC. AND 24/7 CUSTOMER
INTERNATIONAL HOLDINGS, LTD.

1 **ATTESTATION**

2 Pursuant to Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this
3 document has been obtained from Darin Snyder.
4

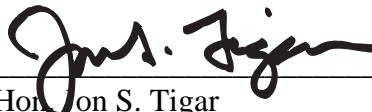
5
6 By: /s/ Michael W. De Vries
7 Michael W. De Vries

8 Attorneys for
9 LIVEPERSON, INC.
10

11 **~~PROPOSED~~ ORDER**

12 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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15 Dated: June 4, 2018

16 
17 Hon. Jon S. Tigar
18 United States District Judge
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