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13 Attorneys for Plaintiff ARCSOFT INC.

14
 15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN JOSE DIVISION

18 ARCSOFT INC.,

19 Plaintiff,

20 v.

21 CYBERLINK CORP., a Taiwan, R.O.C.
 22 corporation, PERFECT CORP., a California
 corporation, and PERFECT CORP., a Cayman
 23 Islands corporation,

24 Defendants.

WHO
 Case No. 5:15-cv-03707-~~PSG~~

**STIPULATION TO CHANGE TIME OF
 BRIEFING SCHEDULE, HEARING ON
 ARCISOFT'S PRELIMINARY
 INJUNCTION MOTION, AND DATE FOR
 DEFENDANTS' RESPONSE TO
 COMPLAINT, AND RE: DEFENDANTS'
 ACCEPTANCE OF SERVICE OF
 PROCESS; ~~PROPOSED~~ ORDER**

1 **STIPULATION**

2 Per L. R. 6-2 and 7-12, Plaintiff Arcsoft Inc. (“Arcsoft”) and defendants Cyberlink Corp.,
3 Perfect Corp. (California), and Perfect Corp. (Cayman Islands) (collectively “Defendants” and,
4 together with Arcsoft, the “Parties”) hereby stipulate and agree, subject to the approval of the Court,
5 and jointly submit this Stipulation as follows:
6

7 1. Arcsoft filed its Complaint against Defendants on August 13, 2015.

8 2. Arcsoft filed a Motion for Preliminary Injunction [Dkt. # 10-16] and supporting
9 materials on September 1, 2015.

10 3. Arcsoft served the Summons, Complaint and the moving papers filed in support of
11 Arcsoft’s Motion for Preliminary Injunction (collectively, “Plaintiff’s Pleadings”) on Defendant
12 Perfect Corp. (California) on September 2, 2015. Arcsoft has not yet served the foreign based
13 defendants, Cyberlink Corp. or Perfect Corp. (Cayman Islands) (collectively, the “Foreign
14 Defendants”).
15

16 4. Acting by and through their authorized counsel-of-record herein as captioned above,
17 Defendants have agreed to accept service of Plaintiff’s Pleadings in exchange for moving certain
18 deadlines.
19

20 5. In exchange for Defendants accepting service as stated above, the Parties have
21 mutually agreed that (a) the deadline for Defendants to answer, move, or otherwise respond to the
22 Complaint under the Federal Rules of Civil Procedure would be November 10, 2015, and (b) the
23 deadline for Defendants to file their opposition to Arcsoft’s Motion for Preliminary Injunction shall
24 be moved from September 15, 2015 to November 10, 2015.

25 6. In the interest of judicial economy, Defendants also stipulate not to file any motion to
26 dismiss the Complaint before November 10, 2015 nor one with a hearing before December 8, 2015 or
27
28

1 any later hearing on Arcsoft's Motion for Preliminary Injunction. Defendants further stipulate and
2 agree that they shall be subject to personal jurisdiction in this Court in this action.

3 7. The Parties further stipulate that the deadline for Arcsoft to file its reply brief in
4 support of its motion for Preliminary Injunction shall be moved from September 22, 2015 to
5 November 24, 2015.
6

7 8. The Parties also agree and request of the Court that, in light of the above-stipulated
8 extensions on the briefing schedule, the hearing on Arcsoft's motion for preliminary injunction be
9 rescheduled from October 6, 2015 to December 8, 2015 or thereafter as appropriate with the Court's
10 calendar.

11 9. The Parties submit that the above-referenced extensions will allow sufficient time for
12 the Defendants to adequately respond to the Complaint and the Motion for Preliminary Injunction, in
13 light of the foreign residence of two defendants, the fact that Defendants' counsel will be out of the
14 country during the currently scheduled hearing date on the motion for preliminary injunction, and due
15 to the allegations and issues presented by Arcsoft's filings.
16

17 10. None of the Parties have previously requested any change to any deadline in this case.

18 11. This request affects only the hearing date for the preliminary injunction and the
19 briefing schedule on that motion. It does not affect any other dates currently scheduled by the Court.
20

21 Now, therefore, IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the
22 Court, that:

23 a. Defendants have agreed to accept service of Plaintiff's Pleadings through their
24 authorized counsel-of-record as listed above.

25 b. Defendants have agreed not to file any motion to dismiss the Complaint before
26 November 10, 2015 nor one with a hearing before December 8, 2015 or any later
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28

1 hearing on Arcsoft's Motion for Preliminary Injunction. Defendants have agreed that
2 they shall be subject to personal jurisdiction in this Court in this action.

- 3 c. Defendants' time to answer, move, or otherwise respond to Arcsoft's Complaint and
4 Motion for a Preliminary Injunction is moved to on or before November 10, 2015.
- 5 d. Arcsoft's time to file a reply brief in support of its Motion for a Preliminary Injunction
6 is moved to on or before November 24, 2015.
- 7
- 8 e. The hearing on Arcsoft's Motion for a Preliminary Injunction, if any, will occur on or
9 after December 8, 2015.

10 ///

1 IT IS SO STIPULATED AND AGREED.

2 Dated: September 11, 2015

Respectfully submitted,

3
4 /s/ Otto O. Lee

/s/ Harold H. Davis

5 Otto O. Lee

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(Cayman Islands)

14 *Attorneys for Arcsoft Inc.*

15 **SIGNATURE ATTESTATION**

16 I hereby attest pursuant to Civil Local Rule 5.1 that concurrence in the electronic filing of this document has been obtained from the other signatory.

17 Dated: September 11, 2015

/s/ Otto O. Lee

Otto O. Lee

18
19
20 **~~PROPOSED~~ ORDER**

21 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

22 Hearing on Motion to Dismiss is set for December 9, 2015 at 2:00 p.m.

23 DATED: September 15, 2015

24 
The Honorable William H. Orrick

Judge of the U.S. District Court