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 DYNATRACE LLC

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 9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**
 11 **SAN FRANCISCO DIVISION**

12 DYNATRACE LLC,
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 14 Plaintiff,
 15 v.
 16 JAMES RAMEY, an individual, and
 DEVICEBITS LLC, an Ohio limited
 liability company,
 17 Defendants.

Case No. 3:16-cv-01777-EMC
STIPULATION AND ~~[PROPOSED]~~
ORDER CONTINUING HEARING
ON MOTION TO DISMISS

 Hearing Date: July 28, 2016
 Time: 1:30 pm
 Ctrm: 5
 Judge: Hon. Edward M. Chen

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1 Pursuant to Civil L.R. 6-1 (b), Plaintiff Dynatrace LLC. (“Plaintiff”) and Defendants
2 James Ramey and DeviceBits LLC (collectively, “Defendants”), by and through their undersigned
3 attorneys, hereby state and stipulate, subject to Court approval, as follows:

4 WHEREAS, Defendants’ Motion to Dismiss for Lack of Personal Jurisdiction or Improper
5 Venue, or in the Alternative, to Transfer Venue (the “Motion”), is currently scheduled for hearing
6 on July 28, 2016 at 1:30 p.m. in Department 5 of this Court (*see* D.I. 26);

7 WHEREAS, in accordance with the Court’s ADR local rules, the parties have met and
8 conferred and agreed to participate in private mediation with JAMS in the San Francisco Bay Area,
9 to be completed by November 18, 2016 (*see* D.I. 37);

10 WHEREAS, the parties have agreed that, in the interest of conserving resources and without
11 prejudice to the parties’ respective positions and rights with respect to the Motion, the hearing on
12 the Motion should be continued until after the parties have completed mediation, to November 3,
13 2016, at 1:30 p.m., unless the parties and the Court agree to an earlier date;

14 WHEREAS, the parties will meet and confer to schedule the mediation and expect to update
15 the Court at the Case Management Conference on July 28, 2016 regarding the status of mediation
16 scheduling and whether the Motion should be scheduled for an earlier date;

17 WHEREAS, the parties have previously stipulated to a 15 day extension of time for
18 Defendants to answer or otherwise respond to the Complaint, to May 24, 2016 (*see* D.I. 16), and the
19 Court previously granted the parties’ request to move the CMC by one week to July 28, 2016, and
20 to adjust the briefing schedule on the Motion;

21 WHEREAS, this requested continuance will not impact the case management schedule, as
22 no schedule has been adopted and no trial date has been set;

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1 NOW THEREFORE, IT IS STIPULATED AND AGREED, subject to this Court's
2 approval, that:

3 1. The hearing on Defendants' Motion to Dismiss for Lack of Personal Jurisdiction or
4 Improper Venue, or in the Alternative, to Transfer Venue, currently scheduled for July 28, 2016, at
5 1:30 p.m., is continued to November 3, 2016, at 1:30 p.m., in Department 5.

6 2. The Case Management Conference set for July 28, 2016, at 1:30 p.m., in Department
7 5, remains on calendar as previously scheduled.

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10 DUANE MORRIS LLP

11 Dated: July 12, 2016

By: /s/ Karineh Khachatourian

Karineh Khachatourian
Daniel T. McCloskey
Anjali Moorthy
Attorneys for Plaintiff,
DYNATRACE LLC

14
15 GORDON & REES LLP

16 Dated: July 12, 2016

By: /s/

Michael Pietrykowski


Attorneys for Defendants,
JAMES RAMEY and DEVICEBITS LLC

19 **ORDER**

20 Having read and considered the foregoing Stipulation of the parties submitted herewith and
21 for good cause shown,

22 PURSUANT TO STIPULATION, IT IS SO ORDERED:

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24 Dated: July 15, 2016


Hon. Edward M. Chen

UNITED STATES DISTRICT JUDGE