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Attorneys for Defendants
Cali Resources, Inc., Carlos Kelvin, and
Great Value LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

14 FITBIT, INC., a Delaware Corporation,
15 Plaintiff,
16 v.
17 LAGUNA 2, LLC, et al.,
18 Defendants.
19

Case No. 3:17-cv-00079 EMC (EDL)
**STIPULATION AND [PROPOSED]
ORDER TO SET BRIEFING SCHEDULE
AND HEARING FOR SUMMARY
JUDGMENT MOTION**

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1 Pursuant to Civil Local Rules 6-1(b) and 6-2, Plaintiff and Counter-Defendant Fitbit, Inc.
2 (“Fitbit”) and Defendant and Counterclaimant Cali Resources, Inc., Defendant Carlos Kelvin, and
3 Defendant Great Value, LLC (together the “Cali Defendants” and collectively with Fitbit, the
4 “Parties”), by and through their respective counsel of record, hereby stipulate as follows:

5 WHEREAS, the Cali Defendants filed a motion for summary judgment on November 21,
6 2017, ECF No. 141;

7 WHEREAS, the hearing on the Cali’s motion for summary judgment was initially set for
8 January 11, 2018 and then rescheduled for January 10, 2018;

9 WHEREAS, any opposition to the summary judgment motion would otherwise be due on
10 December 5th and any reply due on December 12th;

11 WHEREAS, Fitbit filed an *ex parte* application, ECF No. 148, on November 27, 2017 to,
12 *inter alia*, continue the hearing on the summary judgment motion and to extend Fitbit’s opposition
13 deadline; and,

14 WHEREAS, while the Parties reserve rights to seek further modification or continuance for
15 good cause, the Parties wish to resolve this dispute by submitting this stipulation and proposed
16 order rescheduling the hearing and setting a briefing schedule to allow for sufficient discovery to
17 occur following the January 12, 2018 Settlement Conference.

18 **NOW, THEREFORE, IT IS HEREBY STIPULATED**, by and between the Parties,
19 through their respective counsel of record, that the hearing on Cali’s motion for summary
20 judgment should be continued to April 19, 2018 and that the briefing schedule set as follows:
21 Fitbit shall file any opposition papers by March 22, 2018 and the Cali Defendants shall file any
22 reply papers by April 5, 2018. In light of this stipulation, the Parties further stipulate that Fitbit’s
23 *ex parte* application, ECF No. 148, may be withdrawn as moot.

24 DATED: December 1, 2017

SIDEMAN & BANCROFT LLP

25 By: /s/ Zachary J. Alinder

26 Zachary J. Alinder
27 SIDEMAN & BANCROFT LLP
28 Attorneys for Plaintiff
FITBIT, INC.

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DATED: December 1, 2017

ONE LLP AND AVYNO LAW P.C.

By: /s/ Stephen M. Lobbin
Stephen M. Lobbin
One LLP

Edward F. O'Connor
AVYNO LAW P.C.

Attorneys for Defendants
CALI RESOURCES, INC. and CARLOS KELVIN
and GREAT VALUE, LLC

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 12/1/17



