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

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11 FITBIT, INC., a Delaware Corporation,  
12 Plaintiff,  
13 v.  
14 LAGUNA 2, LLC, A New Jersey Limited  
Liability Company; JOEL BLANK, an  
15 individual; CALI RESOURCES, INC., a  
California Corporation; CARLOS KELVIN,  
16 an individual; and, DOES 3-30, inclusive,  
17 Defendants.

Case No. 3:17-cv-00079-EMC

**STIPULATION AND ~~[PROPOSED]~~  
ORDER TO EXTEND TIME FOR FITBIT  
TO RESPOND TO CALI'S ANSWER AND  
COUNTERCLAIMS**

Judge: Honorable Edward M. Chen  
Dept.: Courtroom 5, 17th Floor

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18 CALI RESOURCES, INC., a California  
Corporation,  
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20 Counterclaimant,  
21 v.  
22 FITBIT, INC., a Delaware Corporation,  
23 Counter-Defendant.

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

5 WHEREAS, Cali filed its Answer and Counterclaims, Dkt No. 87, on May 9, 2017;

6 WHEREAS, Fitbit currently has until June 13, 2017 to answer, move, or otherwise respond  
7 to Cali’s Answer and Counterclaims, and currently plans to file a Motion to Strike and/or Dismiss;

8 WHEREAS, given the anticipated amendment of the First Amended Complaint, which is  
9 due to be filed by Fitbit on or before July 14, 2017, and that Cali will then file an updated response  
10 to the Second Amended Complaint that will supersede its current Answer and Counterclaims, Dkt  
11 No. 87;

12 WHEREAS, following the case management conference today, Fitbit and Cali have further  
13 met and conferred regarding Cali’s Answer and Counterclaims and Fitbit’s response, and would  
14 like to continue that meet and confer process;

15 WHEREAS, Fitbit similarly expects to meet and confer with Defendants Laguna 2, LLC  
16 and Joel Blank regarding their anticipated response to the Second Amended Complaint and any  
17 potential counterclaims;

18 WHEREAS, the Parties wish to avoid potentially unnecessary motion practice, given that  
19 the superseding response from Cali may affect and possibly moot some of the bases for Fitbit’s  
20 planned Motion to Strike and/or Dismiss; and,

21 WHEREAS, extending the deadline for Fitbit to respond to Cali’s answer and/or  
22 counterclaims until 14 days after Cali files its upcoming response to Fitbit’s Second Amended  
23 Complaint will not alter the date of any event or any deadline already fixed by Court order.

24 NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between the Parties,  
25 through their respective counsel of record, that Fitbit’s deadline to respond to any answer or  
26 counterclaims filed by Cali shall be extended and shall now be due 14 days after Cali files its  
27 response to Fitbit’s Second Amended Complaint.

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