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16 **UNITED STATES DISTRICT COURT**  
 17 **NORTHERN DISTRICT OF CALIFORNIA**  
 18 **SAN FRANCISCO DIVISION**

18 [24]7.ai, INC. AND 24/7 CUSTOMER  
 19 INTERNATIONAL HOLDINGS, LTD.,

20 Plaintiffs,

21 v.

22 LIVEPERSON, INC.,

23 Defendant.

24 LIVEPERSON, INC.,

25 Plaintiff,

26 v.

27 [24]7.ai, INC.

28 Defendant.

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

**STIPULATION AND [PROPOSED]  
 ORDER TO EXTEND DEADLINE TO  
 FILE MOTIONS TO COMPEL  
 REGARDING FACT DEPOSITIONS  
 (NON-EXPERT)**

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

**STIPULATION AND [PROPOSED]  
 ORDER TO EXTEND DEADLINE TO  
 FILE MOTIONS TO COMPEL  
 REGARDING FACT DEPOSITIONS  
 (NON-EXPERT)**

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

Pursuant to Local Rules 6-1 and 6-2, the parties to the above-captioned actions, [24]7.ai, Inc. and 24/7 Customer International Holdings (“collectively, “[24]7”) and LivePerson, Inc. (“LivePerson”) (together, the “Parties”), hereby jointly and respectfully move the Court to issue an order extending the deadline for Filing and Service of Motions to Compel Regarding Fact Depositions (Non-Expert) from February 8, 2018 to March 8, 2018 in Case Nos. 3:17-cv-01268 (“the Trade Secret Matter”) and 3:15-cv-02897 and 3:15-cv-05585 (“the Patent Matters”, and collectively with the Trade Secret Matter, “the Related Matters”).

As reflected in the Civil Minutes of the January 10, 2018 Case Management Conference for the Related Matters, in connection with that conference, the Court ordered that “[t]he [previous] February 1, 2018 fact discovery cut off is extended to February 28, 2018 solely for the purpose of completing fact depositions in both actions.” See Dkt. 174, 3:15-cv-02897.

Due to the extension of that date, the Parties respectfully submit that there is good cause to extend the deadline for filing and service of motions to compel regarding fact depositions from February 8, 2018, to March 8, 2018, in order to allow the Parties to address any outstanding discovery disputes related to fact depositions.

This modification to the schedule will have no effect on any other deadlines in the Related Matters. A Declaration supporting this request is submitted concurrently herewith.

Respectfully submitted,

Dated: February 8, 2018

O’MELVENY & MYERS LLP

By: /s/ Darin W. Synder  
Darin W. Synder

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

1 Dated: February 8, 2018

KIRKLAND & ELLIS LLP

2  
3 By: /s/ Michael W. De Vries  
4 Michael W. De Vries

5 Attorneys for Defendant  
6 LIVEPERSON, INC.

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8 **ATTESTATION**

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

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

15 Attorneys for Defendant  
16 LIVEPERSON, INC.

17  
18 **~~PROPOSED~~ ORDER**

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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21  
22 Dated: February 12, 2018

  
23 Hon. Jon S. Tigar  
24 United States District Judge