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

19 hiQ Labs, Inc.,
 20 Plaintiff,
 21 vs.
 22 LinkedIn Corporation,
 23 Defendant.

Case No. 17-cv-03301-EMC

**STIPULATION AND [PROPOSED]
 ORDER STAYING FURTHER
 PROCEEDINGS AND DEADLINES**

Judge: Hon. Edward M. Chen

27 *Affiliation noted for identification purposes only

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STIPULATION AND [PROPOSED] ORDER

WHEREAS, Plaintiff hiQ Labs, Inc. (“hiQ”) filed the complaint in this action against Defendant LinkedIn Corporation (“LinkedIn”) on June 7, 2017 (ECF No. 1) and served LinkedIn on June 8, 2017 (ECF No. 22);

WHEREAS, on June 27, 2017, pursuant to stipulation, the Court extended LinkedIn’s deadline to answer or otherwise respond to the complaint to and including July 31, 2017 (ECF No. 32);

WHEREAS, on July 25, 2017, pursuant to stipulation, the Court extended LinkedIn’s deadline to answer or otherwise respond to the complaint to and including 30 days after resolving hiQ’s motion for a preliminary injunction (ECF No. 54);

WHEREAS, on August 14, 2017, the Court granted hiQ’s motion for a preliminary injunction (ECF No. 63);

WHEREAS, on September 5, 2017, LinkedIn filed a notice of appeal from the order granting hiQ a preliminary injunction (ECF No. 72);

WHEREAS, on September 18, 2017, the Court granted hiQ until October 11, 2017 to file its amended complaint and extended LinkedIn’s deadline to answer or otherwise respond to the operative complaint in this matter to 30 days from the date hiQ files its amended complaint (ECF No. 78);

WHEREAS, LinkedIn’s appeal from the order granting a preliminary injunction (the “Appeal”) is an appeal as of right and has been set for briefing on an expedited schedule pursuant to Ninth Circuit Local Rule 3-3, with briefing scheduled to be completed by November 21, 2017;

WHEREAS, the resolution of the Appeal will provide significant guidance regarding the critical issues in this case;

WHEREAS, in the interests of judicial efficiency and conserving the resources of this Court and the parties;

NOW, THEREFORE, FOR GOOD CAUSE, IT IS HEREBY STIPULATED AND AGREED:

1 1. All proceedings and deadlines in the above-captioned case, including but
2 not limited to all deadlines for responses to currently outstanding discovery requests, hiQ's
3 deadline to file an amended complaint, and LinkedIn's deadline to answer or otherwise respond to
4 hiQ's operative complaint, are hereby stayed pending the resolution of the Appeal (the "Stay");

5 2. The Stay is effective immediately and shall continue until 30 days after the
6 Appeal is resolved;

7 3. Within 10 days of the Ninth Circuit issuing the mandate , or if the Appeal is
8 resolved in any way other than a way that results in the issuance of a mandate (e.g. settlement,
9 withdrawal or dismissal), the parties shall, within 10 days of such resolution, meet and confer and
10 inform the Court of their plans regarding the best way to proceed in the above-captioned action,
11 and shall jointly request a case management conference.

12 4. The case management conference set for November 16, 2017 is hereby
13 vacated pending resolution of the Appeal.

14 5. The Stay is without prejudice to the parties' ability to seek clarification
15 regarding the Preliminary Injunction Order and its scope along with any associated order thereto.
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17 DATED: October 10, 2017

FARELLA, BRAUN + MARTELL LLP

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By: /s/ Deepak Gupta
DEEPAK GUPTA

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Attorneys for Plaintiff hiQ Labs, Inc.

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23 DATED: October 10, 2017

MUNGER, TOLLES & OLSON LLP

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By: /s/ Jonathan H. Blavin
JONATHAN H. BLAVIN

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Attorneys for Defendant LinkedIn Corporation

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1 **N.D. Cal. Civil Local Rule 5-1 Attestation**

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I, Jonathan H. Blavin, am the ECF user whose credentials were utilized in the electronic filing of this document. In accordance with N.D. Cal. Civil Local Rule 5-1, I hereby attest that Deepak Gupta concurred in the filing of this document.

/s/ Jonathan H. Blavin
Jonathan H. Blavin

PURSUANT TO STIPULATION, IT IS SO ORDERED. CMC reset from 11/16/17 to 1/11/18 at 9:30 a.m.

DATED: October ¹², 2017

