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18 INTEL CORPORATION

19 *[Additional counsel listed on signature page]*

20 **UNITED STATES DISTRICT COURT**
21 **NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

22 INTEL CORPORATION,)
23 Plaintiff,)
24 v.)
25 TELA INNOVATIONS, INC.,)
26 Defendant.)

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Attorneys for Defendant
TELA INNOVATIONS, INC.

CASE NO. 18-cv-02848-WHO
**STIPULATED REQUEST AND
ORDER FOR EXTENSION OF TIME
TO FILE INTEL'S REPLY
SUPPORTING ITS MOTION TO
DISMISS**

1 Pursuant to Civil L.R. 6-1 and 6-2, Plaintiff Intel Corporation (“Intel”) submits this Stipulated
2 Request and [Proposed] Order for Extension of Time to File Intel’s Reply Supporting its Motion to
3 Dismiss.

4 On January 18, 2019, Intel filed a Motion to Dismiss Certain Counterclaims and Affirmative
5 Defenses. (Dkt. 90). On February 1, 2019, Tela filed its Opposition. (Dkt. 96). In its opposition
6 brief, Tela states that it will file an Amended Answer and Counterclaims. (*Id.* at 1). This will moot
7 Intel’s motion to dismiss as a procedural matter, thus eliminating the need for Intel to file a Reply at
8 this time. *See Ramirez v. Cty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015).

9 The deadline for Tela to amend its Answer and Counterclaims without leave, on February 8,
10 2019, is the same as the deadline for Intel to file its Reply. Tela has confirmed that it will amend its
11 Answer and Counterclaims on February 8, 2019, as it stated in its Opposition to Intel’s Motion to
12 Dismiss. When Tela amends, Intel will withdraw its Motion to Dismiss without prejudice (for
13 potential re-filing after reviewing Tela’s amendments) and will not file a Reply at this time. Intel has
14 requested that Tela agree to stipulate to an extension of time for Intel’s Reply in order to provide Intel
15 with assurance that if Tela were not to amend its Answer and Counterclaims, Intel would still have
16 time to file a Reply in support of its Motion. In the event that Tela were to change its plans and refrain
17 from amending, Intel would not know this until the same day that Intel’s Reply is currently due. Intel
18 therefore requests a short extension of time for its Reply until February 13, 2019, so that Intel can
19 prepare its briefing if Tela does not amend on February 8, 2019.

20 To date, the following time modifications have been made in this case: i) the parties’ stipulation
21 to extend Tela’s time to respond to Intel’s initial Complaint from June 7, 2018 to July 9, 2018 (Dkt.
22 No. 24), ii) the parties’ stipulation to a new date for the initial Case Management Conference
23 requesting an extension from August 14, 2018 to September 4, 2018 in order to accommodate the
24 schedule of Intel’s trial counsel (Dkt. No. 25); iii) the parties’ stipulation to extend Tela’s deadline to
25 respond to Intel’s First Amended Complaint from November 19, 2018 to December 19, 2018 and
26 Intel’s deadline to respond to any counterclaims asserted by Tela to January 18, 2019, and iv) the
27 parties’ stipulation to extend the deadline for submitting a proposed Protective Order from December
28

1 10, 2018 to December 12, 2018. The parties do not expect the modification of time proposed in this
2 stipulation to have any effect on other scheduled dates in the case.

3 The parties therefore stipulate, subject to Court approval, to an extension of time to February
4 13, 2019 (from the current deadline of February 8, 2019) for Intel to file its Reply brief.

5 **IT IS SO STIPULATED**, through Counsel of Record.

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1 DATED: February 7, 2019

Respectfully submitted,

2 By: /s/ Todd M. Friedman

By: /s/ Thomas F. Fitzpatrick

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Attorneys for Plaintiff
INTEL CORPORATION

1 **ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1**

2 Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this
3 document has been obtained from the other signatories.

4
5 DATED: February 7, 2019

/s/ Todd M. Friedman

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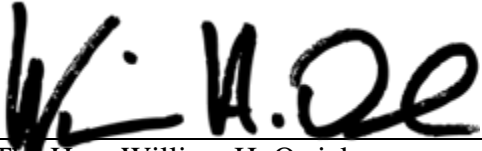
11 INTEL CORPORATION

ORDER ON STIPULATED REQUEST FOR EXTENSION

The above Stipulated Request for Extension of Time to Submit Intel’s Reply in Support of its Motion to Dismiss is hereby GRANTED.

IT IS ORDERED.

Dated: February 8, 2019



The Hon. William H. Orrick
UNITED STATES DISTRICT JUDGE

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