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 11 NEW ENERGY VEHICLE
 DEVELOPMENT COMPANY LIMITED

12
 13 **UNITED STATES DISTRICT COURT**
 14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

15
 16 THUNDER POWER NEW ENERGY
 VEHICLE DEVELOPMENT COMPANY
 17 LIMITED,

18 Plaintiff,

19 v.

20 BYTON NORTH AMERICA
 CORPORATION, NANJING BYTON
 21 ELECTRIC VEHICLE CO., LTD., AND
 BYTON GMBH,

22 Defendants.
 23

Case No. 5:18-cv-3115-JST

**STIPULATION AND ~~PROPOSED~~
 ORDER EXTENDING TIME TO BRIEF
 DEFENDANTS' MOTIONS TO DISMISS**

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1 Pursuant to Civil L.R. 6-2, Plaintiff Thunder Power New Energy Vehicle Development
2 Company Limited (“Plaintiff”) and Defendants Byton North America Corporation, Byton GmbH,
3 and Nanjing Byton Electric Vehicle Co., Ltd. (collectively, “Defendants”) stipulate to extend the
4 briefing schedule for Defendants Nanjing Byton Electric Vehicle Co., Ltd. and Byton GmbH’s
5 Motion to Dismiss (Dkt. No. 28) and Defendant Byton North America Corporation’s Motion to
6 Dismiss (Dkt. No. 29) as follows:

7 WHEREAS, Defendants filed two motions to dismiss on July 30, 2018;

8 WHEREAS, consistent with the commentary to Civil L.R. 7-2, the parties met and
9 conferred to consider the appropriateness of “a longer notice period with correspondingly longer
10 periods for response or reply”;

11 WHEREAS, after this meet and confer, the parties agreed that an extended briefing
12 schedule would be appropriate;

13 IT IS HEREBY STIPULATED AND AGREED that the time by which Plaintiff may file
14 oppositions to each of Defendants’ motions (Dkt. Nos. 28 & 29) is extended to September 4, 2018;

15 IT IS FURTHER STIPULATED AND AGREED that the time by which Defendants shall
16 reply to Plaintiff’s oppositions to Defendants’ motions is extended to September 18, 2018.

17 Pursuant to Civil L.R. 6-2(a), this stipulation is accompanied by the Declaration of
18 Matthew C. Holohan (“Holohan Decl.”).

19 The parties previously stipulated to extend time to respond to the Complaint. Holohan
20 Decl. ¶ 3. The parties previously stipulated to extend the briefing schedule for Plaintiff’s Motion
21 for Preliminary Injunction, and this stipulation was so ordered by the Court. *Id.* ¶ 4. The
22 extension requested herein will not otherwise affect the schedule for the case. *Id.* ¶ 5.

1 DATED: August 8, 2018

Respectfully submitted,

2 KILPATRICK TOWNSEND & STOCKTON
3 LLP

WOMBLE BOND DICKINSON (US) LLP

4 /s/ Matthew C. Holohan

/s/ John F. Morrow

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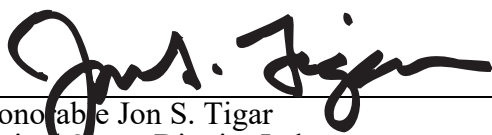
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BYTON ELECTRIC VEHICLE CO., LTD.,
AND BYTON GMBH

20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21 Dated: August 9, 2018

22 
23 _____
24 Honorable Jon S. Tigar
25 United States District Judge

26 71029197V.1

27 STIPULATION REGARDING BRIEFING SCHEDULE ON MOTIONS TO DISMISS
28 CASE NO. 5:18-cv-3115-JST

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