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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

CASE NO. C 06 7754 SBA

HELIO LLC  
Plaintiff,  
vs.  
PALM, INC.  
Defendant.

**JOINT STIPULATION TO EXTEND  
PRELIMINARY INJUNCTION HEARING  
DATE AND BRIEFING SCHEDULE**

**Hearing Date: April 3, 2007**  
**Judge: Hon. Sandra Brown  
Armstrong**  
**Action Filed: December 19, 2006**

Plaintiff Helio LLC and Defendant Palm, Inc. respectfully submit the following joint stipulation to extend the preliminary injunction hearing date and briefing schedule. Although the Court graciously granted a previous request for a continuance, the new hearing date of April 3, 2007 falls on Passover, preventing defense counsel from attending the hearing. Additionally, the parties continue to exchange documents as part of a good-faith effort to resolve discovery disputes and this process includes the gathering of documents from third parties. This process has proceeded expeditiously, but despite the parties' good-faith efforts, discovery cannot be completed prior to the current deadline for Plaintiff to submit its opening brief on February 13, 2007.<sup>1</sup> The parties therefore respectfully request a brief, one-week continuance of the preliminary injunction

<sup>1</sup> The preliminary injunction hearing was originally set for March 6, 2007, with opening briefs due on February 13, 2007. The Court rescheduled the hearing for April 3, 2007, but did not change the original briefing schedule.

1 hearing to April 10, 2007, or as soon thereafter as the Court's schedule may allow, with the  
2 briefing schedule modified to correspond to the new hearing date. This will permit defense  
3 counsel to attend the hearing and afford the parties a brief amount of additional time to complete  
4 discovery prior to submitting briefs.

5 Pursuant to Civil L.R. 6-2 and 7-12, Plaintiff Helio LLC and Defendant Palm, Inc., state  
6 that:

7 1. The parties are requesting an extension of the preliminary injunction hearing date and  
8 corresponding briefing deadlines to give each party adequate time to complete preliminary discovery  
9 in advance of the preliminary injunction hearing and to permit defense counsel to avoid a religious  
10 conflict with the current hearing date.

11 2. This is the second request for an extension of time, and the parties have only  
12 requested an additional week, with a corresponding change to the briefing schedule to match the  
13 new hearing date.

14 3. The extension will only affect the preliminary injunction hearing and will have no  
15 other corresponding effects on the litigation.

16 4. Thus, the parties hereby stipulate and agree as follows:

- 17 (a) That the date of the hearing will be extended to **Tuesday, April 10, 2007** or
- 18 as soon thereafter as may be heard by the Court;
- 19 (b) That Helio LLC's opening brief will be due on **Tuesday, March 6, 2007**;
- 20 (c) That Palm Inc.'s reply response will be due on **Tuesday, March 20, 2007**;
- 21 (d) That Helio LLC's reply will be due on **Tuesday, March 27, 2007**.

22 **SO STIPULATED**

23 DATED: FEB 9, 2007

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25 By KEVIN TROCK (#44)  
26 Kevin Trock  
27 K&L Gates LLP  
28 Attorneys for Plaintiff Helio LLC

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DATED: Feb 12, 2007

By  (DL)

Claude M. Stern  
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Attorneys for Defendant Palm Inc.