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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

OPTIMUMPATH, L.L.C.,

Plaintiff,

vs.

BELKIN INTERNATIONAL, INC.,
CISCO-LINKSYS L.L.C., D-LINK
SYSTEMS, INC., NETGEAR, INC. and
SMC NETWORKS, INC.,

Defendants.

AND RELATED COUNTERCLAIMS

CASE NO. 4:09-CV-1398-CW

**STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING DEADLINE FOR
DEPOSITION OF APPLE, INC.**

1 **STIPULATION**

2 Plaintiff OptimumPath, L.L.C. (“Plaintiff”) and Defendants Belkin International, Inc.,
3 Cisco-Linksys LLC, D-Link Systems, Inc., NETGEAR, Inc., and SMC Networks, Inc.
4 (collectively “Defendants”), through their counsel of record, stipulate as follows:

5 1. The Court granted Defendants’ request to take limited discovery from third party
6 Apple, Inc. (“Apple”) on October 22, 2010, which included the deposition of Apple (Docket No.
7 223.)

8 2. The Court ordered that this discovery take place by November 30, 2010. (*Id.*)
9 Plaintiff and Defendants were prepared to go forward with the deposition within this timeframe set
10 by the Court.

11 3. Apple did not make a witness available for deposition until the week of December
12 6, 2010. Plaintiff learned this fact from Defense counsel. Plaintiff was not involved in the
13 scheduling of the deposition and had no contact with Apple regarding the deposition schedule.
14 Defendants, Plaintiff and Apple have agreed to conduct the Apple deposition on December 9,
15 2010.

16 4. Plaintiff and Defendants agree that the deadline to take Apple’s third party
17 deposition is extended up to and including December 9, 2010. Plaintiff and Defendants further
18 agree that this extension will not affect any deadlines established by Judge Wilken, including the
19 trial date of May 23, 2011.

20 DATED: November 23, 2010

21 QUINN EMANUEL URQUHART & SULLIVAN, LLP

22
23 By /s/ Todd M. Briggs

24 Todd M. Briggs

25 Attorneys for Belkin International, Inc., Cisco-Linksys
26 LLC, D-Link Systems, Inc. and NETGEAR, Inc.

1 DATED: November 23, 2010

GOLDSTEIN, FAUCETT & PREBEG, LLP

2
3 By /s/ Edward W. Goldstein

4 Edward W. Goldstein

Attorneys for Plaintiff OptimumPath, L.L.C.

5 DATED: November 23, 2010

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8 By /s/ Eric Benisek

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Counsel for Defendant SMC Networks, Inc.

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ATTESTATION OF E-FILED SIGNATURE

I, Todd M. Briggs, am the ECF user whose ID and password are being used to file this Stipulation and Proposed Order. In compliance with General Order 45, X.B., I hereby attest that Eric Benisek, counsel for Defendant SMC Networks, Inc., and Edward Goldstein, counsel for Plaintiff OptimumPath, have concurred in this filing.

DATED: November 23, 2010

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By: /s/ Todd M. Briggs
Todd M. Briggs
Attorneys for Defendants Belkin International,
Inc., Cisco-Linksys L.L.C., D-Link Systems,
Inc., and NETGEAR, Inc.

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 OAKLAND DIVISION

4 OPTIMUMPATH, L.L.C.,

5 Plaintiff,

6 vs.

7 BELKIN INTERNATIONAL, INC.,
8 CISCO-LINKSYS L.L.C., D-LINK
9 SYSTEMS, INC., NETGEAR, INC. and
10 SMC NETWORKS, INC.,

11 Defendants.


CASE NO. 4:09-CV-1398-CW

**[PROPOSED] ORDER GRANTING
STIPULATION EXTENDING DEADLINE
FOR DEPOSITION OF APPLE, INC.**

12 CAME FOR CONSIDERATION the Stipulation Extending Deadline for Deposition of
13 Apple, Inc. After consideration, the Court orders the Stipulation to be GRANTED.

14 IT IS SO ORDERED.

15 DATED: NOVEMBER 29, 2010

16
17 
18 Hon. Claudia Wilken
United State District Judge