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 Apple Inc.

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

<p>Don Rubin,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>Apple Inc.,</p> <p style="text-align: right;">Defendant.</p>		<p>Case No. CV 09 2607 PJH</p> <p><b>JOINT STIPULATED REQUEST TO          CONTINUE CASE MANAGEMENT          CONFERENCE AND ORDER</b></p> <p><b>(LOCAL RULE 16-2(e))</b></p>
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Case No. CV 09 2607 PJH

**JOINT STIPULATED REQUEST TO  
 CONTINUE CASE MANAGEMENT  
 CONFERENCE AND ORDER**

**(LOCAL RULE 16-2(e))**

1 **STIPULATION**

2 Plaintiff Don Rubin and Defendant Apple Inc. (collectively, the “Parties”) hereby stipulate  
3 as follows:

- 4 1. The initial Case Management Conference is currently scheduled for September 17, 2009,  
5 with a Joint Case Management Statement due September 8, 2009. (Docket No. 12.)  
6 2. On August 5, 2009, Apple filed a motion to dismiss the complaint. (Docket No. 14.)  
7 3. The hearing on Apple’s motion to dismiss is set for September 16, 2009.  
8 4. The Court’s ruling on Apple’s motion to dismiss may have a significant impact on the  
9 case and, in particular, on the subjects to be addressed at the initial Case Management  
10 Conference and in the Joint Case Management Statement.  
11 5. In light of the foregoing, it is the Parties’ view that a continuance of the Case Management  
12 Conference date and Joint Case Management Statement filing date until after the Court  
13 issues a ruling on Apple’s motion to dismiss would (a) conserve the resources of the Court  
14 and the Parties and (b) contribute to a more effective initial Case Management  
15 Conference.  
16 6. Such a continuance would have little or no effect on the overall schedule of the case.

17  
18 THEREFORE, pursuant to this Court’s Order Setting Case Management Conference and  
19 Civil Local Rules 7-12 and 16-2, the Parties hereby jointly request that:

- 20 1. The initial Case Management Conference be continued to a new date to be set by the  
21 Court following the Court’s ruling on Apple’s motion to dismiss.  
22 2. The Joint Case Management Statement shall be filed no later than seven days before the  
23 continued date of the initial Case Management Conference.  
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Dated: August 14, 2009

GEORGE A. RILEY  
DAVID R. EBERHART  
DAVID J. SEPANIK  
WHITNEY E. MCCOLLUM  
O'MELVENY & MYERS LLP

By: /s/ David R. Eberhart  
David R. Eberhart  
Attorneys for Defendant  
Apple Inc.

Dated: August 14, 2009

THOMAS A. COHEN  
LAW OFFICES OF THOMAS A. COHEN

By: /s/ Thomas A. Cohen  
Thomas A. Cohen  
Attorneys for Plaintiff  
Don Rubin

**ORDER [Proposed]**

Pursuant to stipulation, IT IS SO ORDERED. The case management conference is continued to  
SIGNED on the 17th day of August \_\_\_\_\_, 2009. October 29, 2009.

