1	STEPHEN J. AKERLEY (S.B. #160757) sakerley@omm.com ERIC AMDURSKY (S.B. #180288) eamdursky@omm.com PETER T. SNOW (S.B. #222117) psnow@omm.com O'MELVENY & MYERS LLP 2765 Sand Hill Road	
2		
4		
5		
6	Menlo Park, California 94025 Telephone: (415) 984-8700 Facsimile: (415) 984-8701	
7	JILLIAN R. WEADER (S.B. #251311)	
8	jweader@omm.com O'MELVENY & MYERS LLP 2 Embarcadero Center, 28th Floor San Francisco, CA 94111 Telephone: (415) 984-8700 Facsimile: (415) 984-8701	
9		
10		
11	Attorneys for Defendants DeviceVM, INC. a Delaware corporation, and BENEDICT CHONG, an individual	
12		d
13		
14	UNITED STATI	ES DISTRICT COURT
15	NORTHERN DIST	TRICT OF CALIFORNIA
16	OAKLAND DIVISION	
17	PHOENIX TECHNOLOGIES, LTD., a Delaware corporation,) Case No. C 09-04697-CW
18	Plaintiff,) STIPULATION AND ORDER
19	V.) REGARDING SCHEDULING) MATTERS
2021	DEVICEVM, Inc., a Delaware corporation,)
22	and BENEDICT CHONG, an individual,)
22	and BENEDICT CHONG, an individual, Defendants.)))
23	,)))
	,)))
23	,	
23 24	,	
232425	,	
23242526	,	

1	WHEREAS, on August 31, 2009, Plaintiff filed the First Amended Complaint in the	
2	Superior Court of the State of California in and for the County of Santa Clara;	
3	WHEREAS, on October 1, 2009, Defendants timely removed the case to this Court	
4	pursuant to its federal question jurisdiction under 28 U.S.C. § 1441(a);	
5	WHEREAS, on October 8, 2009, Defendants filed a Motion to Dismiss Counts 2, 3, 4 and	
6	5 of the First Amended Complaint;	
7	WHEREAS, on October 16, 2009, this case was reassigned to the Honorable Claudia	
8	Wilken for all further proceedings;	
9	WHEREAS, on October 20, 2009, this Court entered a Case Management Scheduling	
10	Order for Reassigned Civil Case ("Case Management Order"), which set the hearing on	
11	Defendants' Motion to Dismiss for December 3, 2009;	
12	WHEREAS, the Case Management Order stated that Plaintiff's Opposition brief to	
13	Defendants' Motion to Dismiss shall be filed by November 12, 2009, and that Defendants' Reply	
14	brief in support of the Motion to Dismiss shall be filed by November 19, 2009;	
15	WHEREAS, the parties have met and conferred and agreed to continue the hearing date	
16	for Defendants' Motion to Dismiss due to a scheduling conflict on behalf of DeviceVM's lead	
17	counsel;	
18	NOW, THEREFORE, the undersigned parties hereby stipulate and agree, and respectfully	
19	request that the Court enter an order, as follows:	
20	1. The hearing on Defendants' Motion to Dismiss shall be continued to December 10.	
21	2009, at 2 p.m.;	
22	2. Plaintiff's Opposition brief shall remain due by no later than November 12, 2009;	
23	3. Defendants' Reply brief shall remain due by no later than November 19, 2009.	
24	IT IS SO STIPULATED.	
25	O'MELVENY & MYERS LLP	
26	Dated: November 5, 2009 By: /s/ Stephen J. Akerley	
27		
28	Attorneys for Defendants DeviceVM, Inc. and Benedict Chong	
	- 1 - STIPULATION AND [PROPOSED] ORDER CASE NO. C 09-04697-CW	

1 2	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.
3	
4	Dated: November 5, 2009 By: /s/ Karineh Khachatourian
5	Bryan Sinclair
6	Attorneys for Plaintiff Phoenix Technologies, Ltd.
7	Liu.
8	
9	I, Stephen J. Akerley, am the ECF User whose ID and password are being used to file this
10	Stipulation and [Proposed] Order Regarding Scheduling Matters. In compliance with General
11	Order 45, X.B., I hereby attest that Karineh Khachatourian has concurred in this filing.
12	
13	By:/s/Stephen J. Akerley
14	
15	<u>ORDER</u>
16	PURSUANT TO STIPULATION, IT IS SO ORDERED.
17	Cardieleit
18	DATED:Nov. 5_, 2009
19	The Honorable Claudia Wilken United States District Judge
20	
21	
22	
23	
24	
25	
26	
27	
28	