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11 Attorneys for Defendants
 DEVICEVM, INC. a Delaware corporation, and
 12 BENEDICT CHONG, an individual

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA**

15
 16 PHOENIX TECHNOLOGIES, LTD., a
 Delaware corporation,

17 Plaintiff,

18 v.

19 DEVICEVM, Inc., a Delaware corporation,
 20 and BENEDICT CHONG, an individual,

21 Defendants.

22
 23 DEVICEVM, Inc., a Delaware corporation,

24 Counterclaimant,

25 v.

26 PHOENIX TECHNOLOGIES LTD., a
 Delaware corporation,

27 Counterclaim-defendant.
 28

CASE NO. C 09-04697-CW (EDL)

**THIRD JOINT STIPULATION AND
 [PROPOSED] ORDER CONTINUING THE
 BRIEFING SCHEDULE REGARDING
 DEFENDANTS' MOTION FOR
 PROTECTIVE ORDER BASED ON
 CAL. CIV. PROC. CODE § 2019.210
 AS MODIFIED**

Judge: Hon. Elizabeth D. Laporte

Hearing Date: Feb. 9, 2010

STIPULATION

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2 WHEREAS, on December 21, 2009, Defendant/Counterclaimant DeviceVM, Inc. and
3 Defendant Benedict Chong (collectively, “Defendants”) filed a Motion for Protective Order
4 Based on Cal. Civ. Proc. Code § 2019.210 (“Motion”) (Doc. No. 41);

5 WHEREAS, at the request of Plaintiff Phoenix Technologies Ltd. (“Plaintiff”), on
6 January 5, 2010, Defendants stipulated to an extension of the deadline for Plaintiff to oppose the
7 Motion to January 19, 2010 (Doc. No. 58).

8 WHEREAS, on January 19, 2010, Plaintiff filed an opposition to the Motion
9 (Doc. No. 64) and served Defendants with an Amended Statement of Trade Secrets, accompanied
10 by fifty-five documents totaling 984 pages (*see* Doc. No. 64 p. 3, n. 2);

11 WHEREAS, the parties have agreed to a further continuance of the briefing schedule for
12 the Motion to provide adequate time for Defendants and their expert to review the Amended
13 Statement of Trade Secrets and accompanying documents;

14 WHEREAS, Defendants’ review of these documents is necessary to determine whether
15 Defendants have any objection to Plaintiff’s Amended Statement of Trade Secrets under Cal. Civ.
16 Proc. Code § 2019.210, or if the Motion is now moot;

17 ACCORDINGLY, the parties, by and through their undersigned counsel, HEREBY
18 STIPULATE to continue the Motion briefing schedule as follows:

- 19 • The last court day for Defendants to file a reply in support of the Motion is
20 continued from January 26, 2010 to February 2, 2010.
- 21 • The hearing date on the Motion shall remain February 9, 2010.

22 **IT IS SO STIPULATED.**

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Dated: January 21, 2010

STEPHEN J. AKERLEY
ERIC J. AMDURSKY
PETER T. SNOW
JILLIAN R. WEADER

O'MELVENY & MYERS LLP

By: _____ /s/
Peter T. Snow
Attorneys for Defendants
DeviceVM, Inc. and Benedict Chong

Dated: January 21, 2010

KARINEH KHACHATOURIAN
BRYAN J. SINCLAIR

K&L GATES LLP

By: _____ /s/
Bryan Sinclair
Attorneys for Plaintiff
Phoenix Technologies Ltd.

ATTESTATION

I, Peter T. Snow, am the ECF User whose ID and password are being used to file this Joint Stipulation and [Proposed] Order that Motion to Dismiss Counterclaim for Tortious Interference Is Now Moot. In compliance with General Order 45. X.B., I hereby attest that Bryan Sinclair has concurred in this filing.

Dated: January 21, 2010

O'MELVENY & MYERS LLP

By: _____ /s/
Peter T. Snow
Attorneys for Defendants
DeviceVM, Inc. and Benedict Chong

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

The hearing date for the Motion is continued to February 16, 2010 at 9:00 a.m.

Dated: January 22, 2010

By: *Elizabeth D. Laporte*
The Honorable Elizabeth D. Laporte
United States Magistrate Judge