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18 Attorneys for Plaintiff, Powertech Technology, Inc.

19 **UNITED STATES DISTRICT COURT**
 20 **NORTHERN DISTRICT OF CALIFORNIA**
 21 **OAKLAND DIVISION**

22 POWERTECH TECHNOLOGY, INC.

23 Plaintiff,

24 v.

25 TESSERA, INC.

26 Defendant.

Case No: CV 10-00945 CW

**JOINT STIPULATION AND ORDER (AS
 MODIFIED) TO CHANGE TIME
 PURSUANT TO CIVIL LOCAL RULE 6-2**

**[DECLARATION OF KENNETH
 WEATHERWAX FILED
 CONCURRENTLY HEREWITH]**

Date: May 13, 2010
 Time: 2:00 p.m.
 Courtroom: Courtroom 2, 4th Floor

1 IT IS HEREBY STIPULATED by and between Plaintiff Powertech Technology, Inc.
2 (“Plaintiff”) and Defendant Tessera, Inc. (“Defendant”), by and through their counsel of record
3 as follows:

4 WHEREAS Defendant filed its Motion to Dismiss for Lack of Subject Matter
5 Jurisdiction (“Motion”) on April 1, 2010 (Docket # 14);

6 WHEREAS Plaintiff filed its Opposition to Defendant’s Motion (“Opposition”) on April
7 22, 2010 (Docket # 33);

8 WHEREAS the hearing on Defendant’s Motion is noticed for May 13, 2010 at 2:00 p.m.;

9 WHEREAS the current deadline for Defendant to file its Reply Brief in Support of
10 Defendant’s Motion to Dismiss for Lack of Subject Matter Jurisdiction (“Reply”) is April 29,
11 2010;

12 WHEREAS pursuant to the parties’ joint stipulation filed March 26, 2010 (Docket # 9),
13 the deadline for responding to the complaint was extended by one week to April 5, 2010;

14 WHEREAS pursuant to a stipulated order entered April 7, 2010 (Docket # 25), the
15 deadline for Plaintiff to file its Opposition to Defendant’s Motion was extended by one week to
16 April 22, 2010, Defendant’s deadline to file its Reply was accordingly moved one week to April
17 29, 2010, and the hearing on Defendant’s Motion was continued to May 13, 2010;

18 WHEREAS, the parties submit that it is in the interest of justice that the hearing on this
19 motion not be delayed and, in particular, that it not be delayed later than May 13, 2010, which is
20 the last day in the motion calendar in May that is available for a hearing under the Court’s
21 schedule;

22 WHEREAS much of Defendant’s counsel team have been and will be unavailable for
23 most of the time between April 22, the date Plaintiff’s Opposition was filed, and April 29, the
24 date Defendant’s Reply is currently due; including Mr. Chu, who has been and will be traveling
25 in Europe, and Mr. Lipner, who has been and will be traveling and in depositions through at least
26 April 27 in a case in which the discovery cut-off is April 30, and the remaining members of
27 Defendants’ counsel team, who must spend a significant portion of their time during the same

1 period on numerous other time-critical matters that cannot be rescheduled,

2 WHEREAS, these constraints on the availability of Defendants' counsel would be greatly
3 alleviated by a two business day extension of Defendant's time to file its Reply to Plaintiff's
4 Opposition, from April 29, 2010 to May 3, 2010; and

5 WHEREAS the parties desire for the May 13, 2010 date set for the hearing on
6 Defendant's Motion to remain unchanged;

7 NOW, THEREFORE, pursuant to Civil Local Rule 6-2, the undersigned parties hereby
8 stipulate and respectfully request the Court order as follows:

9 1. Defendant's Reply Brief in Support of Defendant's Motion to Dismiss for Lack of
10 Subject Matter Jurisdiction, currently due on April 29, 2010, shall be due on May 3, 2010.

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1 SO STIPULATED.

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3 Dated: April 26, 2010

Irell & Manella LLP

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5 By: /s/ Kenneth J. Weatherwax
6 Kenneth J. Weatherwax
7 Attorneys for Defendant
8 Tessera, Inc.

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10 Dated: April 26, 2010

Foley & Lardner LLP

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12 By: /s/ Gina A. Bibby*
13 Gina A. Bibby
14 Attorneys for Plaintiff
15 Powertech Technology, Inc.

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20 **ORDER**

21 PURSUANT TO STIPULATION, IT IS SO ORDERED. **REPLY IS DUE AT 8:30**
22 **A. M. ON MAY 3RD.**


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27 Dated: April 29, 2010

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The Honorable Claudia Wilken
United States District Judge

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* I, Kenneth J. Weatherwax, am the ECF user whose ID and password are being used to file this Stipulation. In compliance with General Order 45.X.B, I hereby attest that Gina A. Bibby has concurred in this filing.