

1 [JOINT FILING — SEE SIGNATURE PAGE FOR COUNSEL]

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

eBay Inc. and Microsoft Corporation,
Plaintiffs,
vs.
PartsRiver, Inc. and Kelora Systems, LLC,
Defendants.

No. 4:10-cv-4947-CW (filed Nov. 2, 2010)
No. 4:10-cv-5106-CW (filed Nov. 10, 2010)
No. 4:10-cv-5108-CW (filed Nov. 10, 2010)

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE THE CASE
MANAGEMENT CONFERENCE UNTIL
MARCH 15, 2011**

[Civil L.R. 6-2 and 7-12]

eBay Inc.,
Plaintiff,
vs.
PartsRiver, Inc. and Kelora Systems, LLC,
Defendants.

Microsoft Corporation,
Plaintiff,
vs.
PartsRiver, Inc. and Kelora Systems, LLC,
Defendants.

JOINT STIPULATION

The Court recently found that the following four actions are “related” for purposes of Civil L.R. 3-12:

1. **First Action:** *PartsRiver, Inc., v. Shopzilla, Inc.; Yahoo! Inc.; eBay Inc.; and Microsoft Corporation*, No. 09-cv-00811 (filed Feb. 25, 2009).
2. **New:** *eBay Inc. and Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 10-cv-4947 (filed Nov. 2, 2010).
3. **New:** *eBay Inc. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 10-cv-5106 (filed Nov. 10, 2010).
4. **New:** *Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 10-cv-5108 (filed Nov. 10, 2010).

Additionally, Microsoft and eBay recently agreed to extend the deadline for PartsRiver and Kelora to respond to the complaints in the three “New” actions listed above until February 10, 2011.

The parties believe that aligning the schedules in the three “New” actions for the Initial Case Management Conferences (“CMCs”), and related deadlines under Fed. R. Civ. P. 26(f), Civil L.R. 16-9, and ADR L.R. 3-5, is more efficient for both the Court and the parties. Accordingly, the parties hereby stipulate to the following schedule for the three “New” actions listed above:

<u>Description</u>	<u>Date</u>
Last day for parties to: <ul style="list-style-type: none"> • confer re: initial disclosures, early settlement, ADR process selection, and discovery plan • file ADR Certification signed by Parties and Counsel • file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference 	Tuesday February 22, 2011
Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement	Tuesday March 8, 2011
INITIAL CASE MANAGEMENT CONFERENCE (CMC) in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA 94612, at 2:00 p.m.	Tuesday March 15, 2011

There have been no previous time modifications in any of the New actions. As each of the New actions is at a very early stage and their schedules have not been set by the Court, the requested changes to the case schedules will have no significant effect on the anticipated schedule for the cases.

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IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: January 10, 2011

By: /s/ Robert D. Becker

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*Counsel for PartsRiver, Inc. and Kelora
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1
2 Dated: January 10, 2011

By: /s/ Marc R. Ascolese

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28 *Counsel for Microsoft Corporation*

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2 Dated: January 10, 2011

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SIGNATURE ATTESTATION

Pursuant to General Order No. 45(X)(B), I hereby certify that concurrence in the filing of this document has been obtained from each of the other signatories shown above.

/s/ Marc R. Ascolese

1 **PROPOSED** ORDER CONTINUING THE CASE MANAGEMENT CONFERENCE

2 IT IS HEREBY ORDERED that the following schedule shall apply to Civil Action Nos. 10-
3 cv-4947, 10-cv-5106, and 10-cv-5108:
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<u>Description</u>	<u>Date</u>
Last day for parties to: <ul style="list-style-type: none">• confer re: initial disclosures, early settlement, ADR process selection, and discovery plan• file ADR Certification signed by Parties and Counsel• file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference	Tuesday February 22, 2011
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INITIAL CASE MANAGEMENT CONFERENCE (CMC) in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA 94612, at 2:00 p.m.	Tuesday March 15, 2011

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14 SO ORDERED.

15 Dated: 1/14/2011

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17 CLAUDIA WILKEN
18 United States District Judge
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