

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 and Counterclaim-Defendants,
vs.
PartsRiver, Inc. and Kelora Systems, LLC,
Defendants and Counterclaim-Plaintiff.

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)
No. 4:11-cv-0502-CW (filed Feb. 2, 2011)

**JOINT STIPULATION AND ORDER
REGARDING (1) KELORA'S *EX PARTE*
APPLICATION AND (2) KELORA'S
MOTION TO CONTINUE HEARING**

Shopzilla, Inc.,
Plaintiff,
vs.
Kelora Systems, LLC,
Defendant.

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

1 On April 4, 2011, Kelora filed its Motion to Continue Hearing and to Modify Briefing
2 Schedule for Plaintiff's Motion fro Summary Judgment ("Motion to Continue"). Case No. 10-4947,
3 Docket No. 43.¹ On April 1, 2011, Kelora had requested a shortened briefing schedule and an April
4 7, 2011 hearing in its *Ex Parte* Application by Kelora Systems, LLC for an Order Shortening Time
5 to Hear Kelora's Motion to Continue Hearing on Plaintiffs' Motion for Summary Judgment ("*Ex*
6 *Parte* Application"). Docket No. 42.

7 The parties have met and conferred and have reached agreement regarding the Motion to
8 Continue:

- 9 1. Plaintiffs' opposition to the Motion to Continue will be due Thursday, April 7, 2011.
- 10 2. The parties agree that the Motion to Continue should be decided on the papers, and no
11 hearing is needed.
- 12 3. The parties agree that Kelora's *Ex Parte* Application for an Order Shortening Time is
13 now moot.

14 The only previous time modification for these cases was to continue their CMCs to March
15 17, 2011. As each of these cases is at an early stage and their schedules have not been fully set by
16 the Court, the requested changes to the briefing schedule will have no significant effect on the
17 anticipated schedule for the cases.

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27 ¹ Unless otherwise stated, all docket references are to the docket of the earliest filed declaratory
28 judgment matter, Case No. 10-4947.

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IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: April 4, 2011

By: /s/ Robert D. Becker

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1 Dated: April 4, 2011

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Dated: April 4, 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

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SCHEDULING ORDER

IT IS HEREBY ORDERED that Kelora’s Motion to Continue Hearing and to Modify Briefing Schedule for Plaintiff’s Motion for Summary Judgment (“Motion to Continue”, Case No. 10-4947, Docket No. 43; Case No. 10-5106, Docket No. 48; Case No 10-5108, Docket No. 45; Case No. 11-502, Docket No. 27) shall be decided on the papers.

It is further ORDERED that Plaintiffs’ opposition to the Motion to Continue shall be due Thursday, April 7, 2011.

It is further ORDERED that Kelora’s *Ex Parte* Application for an Order Shortening Time (Case No. 10-4947, Docket No. 42; Case No. 10-5106, Docket No. 47; Case No 10-5108, Docket No. 44; Case No. 11-502, Docket No. 26) is denied as moot.

SO ORDERED.

Dated: 4/5/2011



CLAUDIA WILKEN
United States District Judge