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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

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11 VIA TECHNOLOGIES, INC., a California
 corporation, and VIA TECHNOLOGIES,
 12 INC., a Taiwan corporation,

13 Plaintiffs,

14 v.

15 VIZIO, INC., a Delaware corporation,

16 Defendant.

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CASE NO. CV11-0077 PJH

Honorable Judge Phyllis J. Hamilton

**JOINT STIPULATED REQUEST FOR
 AN ORDER EXTENDING TIME FOR
 VIZIO, INC. TO FILE PLEADING
 RESPONSIVE TO THE FIRST
 AMENDED COMPLAINT AND
 CONTINUING CASE MANAGEMENT
 CONFERENCE; [PROPOSED]
 ORDER; DECLARATION OF
 JOSHUA S. HODAS**

NO TRIAL DATE SET

Whereas, the deadline for Defendant California corporation Vizio, Inc. (“Vizio”) to file its pleading responsive to the First Amended Complaint is April 29, 2011, and a Case Management Conference is presently set for June 23, 2011, and

Whereas, an action parallel to this one is currently pending in the U.S. District Court for the Central District of California, and Plaintiffs in this case have filed a Motion to Dismiss, Stay or Transfer that action, and the hearing on that Motion is scheduled for May 9, 2011 in the Central District, and

1 Whereas, the Central District Court's ruling on that Motion will likely impact the
2 Parties' course of action here, and

3 Whereas prior to this Court's rescheduling of the Case Management Conference to June
4 23, 2011, Plaintiffs' counsel had scheduled travel out of state for that week,

5 Now, therefore, the Parties stipulate, agree and respectfully request that the Court order
6 that:

- 7 1) The deadline for Defendant Vizio to file its pleading responsive to the
8 First Amended Complaint should be extended to May 18, 2011, and
9
10 2) Should Vizio choose to file a Motion to Dismiss this action, it shall
11 notice the hearing on such Motion for no earlier than June 29, 2011 in
12 order to accommodate Plaintiffs' counsel's travel schedule, and
13
14 3) The Case Management Conference shall, therefore, be reset to take
15 place on June 30, 2011, or such other date that the Court should
16 choose for its convenience.

17 DATED: April 28, 2011 Respectfully submitted,
18 DAVID N. MAKOUS
19 JOSHUA S. HODAS
20 LEWIS BRISBOIS BISGAARD & SMITH LLP
21 By: /s/ Joshua S. Hodas
 Joshua S. Hodas
 Attorneys for VIZIO, INC., a Delaware Corporation

22 DATED: April 28, 2011 J. DAVID HADDEN
23 JEDEDIAH WAKEFILED
24 TYLER G. NEWBY
25 SEBASTIAN KAPLAN
26 FENWICK & WEST LLP
27 By: /s/ Jedediah Wakefield (by permission)
 Jedediah Wakefield
 Attorneys for Plaintiffs VIA TECHNOLOGIES, INC.
 (Taiwan) and VIA TECHNOLOGIES, INC. (California)

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[Proposed] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 5/2/11

Honorable _____
United States Court Judge
Northern District of California



1 7. While the Parties could stipulate to that change without court order, setting a
2 hearing on any motion to dismiss for June 29, 2011 would make it inefficient to hold a
3 Case Management Conference as currently scheduled the week before on June 23, 2011.

4 8. The Parties, therefore, request an Order of the Court modifying the Case
5 Management Conference date.

6 9. The only previous modification of time in this case has been the Court's own
7 prior continuance of the Case Management Conference from April 21, 2011 to June 23,
8 2011 after the filing of the First Amended Complaint.

9 10. Because this case is still in its very earliest stages, with no dates set other
10 than the Case Management Conference, the requested modification of the schedule is
11 expected to have no effect on the overall schedule for the case.

12 I declare under penalty of perjury under the laws of the United States of America
13 that the foregoing is true and correct and that this Declaration was executed on April 28,
14 2011, at Los Angeles, California.

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_____/s/ Joshua S. Hodas _____.
Joshua S. Hodas, Esq.