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15 *Attorneys for Defendant*  
 16 *Dr. Michael S. McGrath*

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 18 UNITED STATES DISTRICT COURT  
 19 NORTHERN DISTRICT OF CALIFORNIA

20  
 21 NUVO RESEARCH INC.,  
 NUVO RESEARCH AG,  
 22  
 Plaintiffs,  
 23  
 v.  
 24 DR. MICHAEL S. MCGRATH,  
 25  
 Defendant.

Case No. CV 11-04006 SBA

**JOINT STIPULATION AND ORDER  
 TO EXTEND THE BRIEFING  
 SCHEDULE ON DEFENDANT'S  
 MOTION TO DISMISS**

1 Pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12 of the Federal District for the  
2 Northern District of California, Plaintiffs Nuvo Research Inc. and Nuvo Research AG  
3 (collectively, "Plaintiffs"), and Defendant Dr. Michael S. McGrath ("Defendant"), by and through  
4 their counsel, submit this Joint Stipulation and Proposed Order Extending the Briefing Schedule  
5 on Defendant's Motion to Dismiss the Second through Fourth Causes of Action of Plaintiffs'  
6 Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) (the "Motion to Dismiss"), scheduled to be heard  
7 on March 27, 2012. Pursuant to Civil Local Rules 6-2 and 7-12, the Parties in the above  
8 referenced action hereby stipulate as follows:

9 WHEREAS counsel for the Parties met and conferred by telephone on November  
10 30, 2011, December 2, 2011, and December 5, 2011 regarding the deadlines for Plaintiffs'  
11 opposition to the Motion to Dismiss and Defendant's reply, respectively;

12 WHEREAS Plaintiffs and Defendant stipulate, subject to the Court's approval, that  
13 Plaintiffs' time to file an opposition to the Motion to Dismiss shall be extended to and including  
14 January 17, 2012;

15 WHEREAS Plaintiffs and Defendant further stipulate, subject to the Court's  
16 approval, that Defendant's time to file a reply in support of its Motion to Dismiss shall be  
17 extended to and including January 31, 2012; and

18 WHEREAS the requested time modification will have no effect on the Hearing  
19 scheduled for March 27, 2012 or the case schedule;

20 IT IS THEREFORE STIPULATED by and between the Parties, through their respective  
21 attorneys of record, subject to the approval of the Court, that:

22 1. Plaintiffs' time to file an opposition to the Motion to Dismiss shall be extended to  
23 and including January 17, 2012;

24 2. Defendant's time to file a reply in support of its Motion to Dismiss shall be  
25 extended to and including January 31, 2012.

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SO STIPULATED.

Dated: December 5, 2011

SIMPSON THACHER & BARTLETT LLP

By: /s/ Harrison J. Frahn IV  
Harrison J. Frahn IV

Attorneys for Plaintiffs  
NUVO RESEARCH INC. AND NUVO  
RESEARCH AG

Dated: December 5, 2011

FENWICK & WEST LLP

By: /s/ Carolyn Chang  
Carolyn Chang

Attorneys for Defendant  
DR. MICHAEL S. MCGRATH

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**ORDER EXTENDING THE BRIEFING SCHEDULE ON  
DEFENDANT'S MOTION TO DISMISS**

Pursuant to the stipulation of the Parties, Plaintiffs' time to respond to the Motion to Dismiss in this action shall be extended to and including January 17, 2012, and Defendant's time to file a reply in support of its Motion to Dismiss shall be extended to and including January 31, 2012.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: December 6, 2011

  
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HON. SAUNDRA BROWN ARMSTRONG  
UNITED STATES DISTRICT JUDGE