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 17 ORACLE AMERICA, INC.

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

20 ORACLE AMERICA, INC., a Delaware
 21 corporation,

Plaintiff,

v.

23 SERVICE KEY, LLC, a Georgia limited
 24 liability company; ANGELA VINES; DLT
 FEDERAL BUSINESS SYSTEMS
 25 CORPORATION, a Delaware corporation; and
 DOES 1-50,

26 Defendant.
 27

No. 4:12-cv-00790-SBA

**STIPULATION AND ORDER TO
 EXTEND DEADLINE FOR DLT-
 FEDERAL BUSINESS SYSTEMS
 CORPORATION TO ANSWER THE
 SECOND AMENDED COMPLAINT**

28 Case No. 4:12-cv-00790-SBA

STIPULATION AND [PROPOSED] ORDER TO EXTEND DEADLINE FOR DLT-FEDERAL BUSINESS
 SYSTEMS CORPORATION TO ANSWER THE SECOND AMENDED COMPLAINT

1 Pursuant to Local Rule 7-12 Plaintiff Oracle America, Inc. ("Oracle") and Defendant
2 DLT-Federal Business Systems Corporation ("DLT-FBS," and together with Oracle, the
3 "Parties") jointly submit this Stipulation.

4 WHEREAS, Oracle filed the Second Amended Complaint on December 17, 2012
5 (Docket Item 90);

6 WHEREAS DLT-FBS filed a Motion for Extension of Time to Answer the Second
7 Amended Complaint on January 7, 2013 (Docket Item 105);

8 WHEREAS DLT-FBS withdrew that Motion on January 11, 2013 (Docket Item 116);

9 WHEREAS DLT-FBS filed a Corrected Motion for Extension of Time to Answer the
10 Second Amended Complaint on January 11, 2013 (Docket Item 119);

11 WHEREAS, Oracle contends the deadline for Defendants to respond to Oracle's Second
12 Amended Complaint was January 3rd 2013, and has already passed, Oracle has agreed to extend
13 the time for DLT-FBS to answer the Second Amended Complaint to February 8, 2013;

14 WHEREAS, Oracle does not agree to extend the deadline for DLT-FBS to file a Motion
15 to Dismiss the Second Amended Complaint;

16 WHEREAS, DLT-FBS, in agreeing to file an answer rather than a motion to dismiss, has
17 expressly reserved its right to file a motion for judgment on the pleadings after answering;

18 WHEREAS, the parties to this Stipulation agree that the extension of this deadline will
19 not alter the date of any event or any deadline already fixed by Court order in this matter.

20
21 NOW, THEREFORE, IT IS HEREBY STIPULATED BY THE PARTIES, THROUGH
22 THEIR RESPECTIVE COUNSEL OF RECORD, AS FOLLOWS:

- 23 1. DLT-FBS shall have until February 8, 2013 to answer the Second Amended
24 Complaint.

25 **IT IS SO STIPULATED.**

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ATTESTATION

I, Geoffrey M. Howard, am counsel for Oracle America, Inc. I am the registered ECF user whose username and password are being used to file this Stipulation. In compliance with Civil Local Rule 5(i)(3), I hereby attest that the above-identified counsel concurred in this filing.

Dated: January 29, 2013

Bingham McCutchen LLP

By: /s Geoffrey M. Howard
Geoffrey M. Howard
Attorneys for Plaintiff Oracle America, Inc.