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Attorneys for Defendant and Counterclaimant
 VMWARE, INC.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 OAKLAND DIVISION

15 PHOENIX TECHNOLOGIES LTD., a
 Delaware Corporation,

16 Plaintiff,

17 v.

18 VMWARE, INC., a Delaware Corporation,

19 Defendant.

20 VMWARE, INC., a Delaware Corporation,

21 Counterclaimant,

22 v.

23 PHOENIX TECHNOLOGIES LTD., a
 24 Delaware Corporation,

25 Counterdefendant.

Case No. 15-cv-01414-HSG

**STIPULATION TO RESCHEDULE HEARING
 OF VMWARE'S MOTION FOR
 ATTORNEYS' FEES & COSTS**

Ctrm: Courtroom 2, 4th Floor

Judge: Hon. Haywood S. Gilliam, Jr.

1 Pursuant to Local Rule 6-1(b), Plaintiff Phoenix Technologies, Ltd. (“Phoenix”) and
2 Defendant VMware, Inc.’s (“VMware”) (collectively, “the parties”) by and through their respective
3 counsel, stipulate to the following relating to the Hearing on VMware’s Motion for Attorneys’ Fees
4 and Costs:

5 WHEREAS, on August 17, 2017, VMware filed its Motion for Attorneys’ Fees and Costs
6 (“VMware’s Motion”) and noticed a hearing date of September 28, 2017 (Dkt. No. 462); and

7 WHEREAS, on August 31, 2017, Phoenix filed its Opposition to VMware’s Motion for
8 Attorneys’ Fees and Costs on August 31, 2017 (Dkt. No. 468) and VMware filed its Reply Brief In
9 Support of Motion for Attorneys’ Fees and Costs on September 7, 2017 (Dkt. No. 477); and

10 WHEREAS, also on August 31, 2017, Phoenix filed a Renewed Motion for Judgment as a
11 Matter of Law and Motion for New Trial (“Phoenix’s Motion”). Dkt. No. 467. The Hearing on
12 Phoenix’s Motion is scheduled for November 9, 2017. Dkt. No. 471.

13 WHEREAS, the parties met and conferred regarding the Hearing on VMware’s Motion; and

14 WHEREAS, the parties have agreed that rescheduling the Hearing on VMware’s Motion to
15 November 9, 2017, the same date as the Hearing on Phoenix’s Motion, serves the interest of judicial
16 efficiency.

17 NOW, THEREFORE, the parties hereby stipulate and request that the Hearing scheduled for
18 September 28, 2017 on VMware’s Motion be rescheduled to November 9, 2017.

19 **IT IS SO STIPULATED**

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Dated: September 14, 2017

COOLEY LLP

/s/ Whitty Somvichian ¹

Whitty Somvichian (194463)
Attorneys for Plaintiff and Counterdefendant
PHOENIX TECHNOLOGIES LTD.

Dated: September 14, 2017

MORRISON & FOERSTER LLP

/s/ Michael A. Jacobs

Michael A. Jacobs
Attorneys for Defendant and Counterclaimant
VMWARE, INC.

IT IS SO ORDERED.

Dated: September 15, 2017



Honorable Haywood S. Gilliam, Jr.

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¹ I, Whitty Somvichian, am the ECF User whose ID and password is being used to file this Stipulation. In compliance with Civil L.R. 5-1(i)(3). I hereby attest that Michael A. Jacobs has concurred in this filing.