1 2 3 4 5 6 7 8 9 10 11 12	Bonnie MacNaughton (SBN 107402) Conner G. Peretti ( <i>pro hac vice</i> ) DAVIS WRIGHT TREMAINE LLP 1201 Third Avenue, Suite 2200 Seattle, Washington 98101-3045 Telephone: (206) 622-3150 Facsimile: (206) 757-7700 Email: bonniemacnaughton@dwt.com connerperetti@dwt.com John D. Freed (SBN 261518) DAVIS WRIGHT TREMAINE LLP 505 Montgomery Street, Suite 800 San Francisco, California 94111 Telephone: (415) 276-6500 Fax: (415) 276-6599 Email: jakefreed@dwt.com Attorneys for Plaintiff MICROSOFT CORPORATION		
13	UNITED STATES DISTRICT COURT		
14	NORTHERN DISTRICT OF CALIFORNIA		
15			
16	MICROSOFT CORPORATION, a Washington )	Case No. 4:15-cv-03570-YGR	
17	corporation,	ORDER GRANTING	
18	Plaintiff,	STIPULATION TO PERMIT MICROSOFT TO FILE THIRD AMENDED COMPLAINT	
19	vs.		
20	A&S ELECTRONICS, INC., a California		
21	corporation d/b/a TRUSTPRICE.COM; and ALAN Z. LIN, an individual,		
22	Defendants.		
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WHEREAS Defendants A&S Electronics, Inc. and Alan Z. Lin ("Defendants") filed a Motion to Dismiss Microsoft's First Amended Complaint (Dkt. No. 26); and

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WHEREAS on December 11, 2015, the Court issued a Tentative Ruling granting
Defendants' Motion to Dismiss with leave to amend (Dkt. No. 37), and directing the parties to
either stipulate to the entry of the Tentative Ruling or to appear for the scheduled oral argument on
Defendants' Motion; and

7 WHEREAS on December 14, 2015, the parties stipulated to entry of the Tentative Ruling
8 (Dkt. No. 38); and

9 WHEREAS on December 14, 2015, the Court entered the parties' stipulation (Dkt. No. 39),
10 and directed Microsoft to file its Second Amended Complaint on or before January 12, 2016; and

WHEREAS on January 12, 2016, Microsoft filed its Second Amended Complaint (Dkt. No.
40), in which it alleged the terms of two license agreements that it contends support its claim for
contributory copyright infringement pursuant to the reasoning in the Court's December 11, 2015
Tentative Ruling; and

WHEREAS on January 29, 2016, Defendants filed a Motion to Dismiss Microsoft's Second
Amended Complaint (Dkt. No. 41), and noticed a hearing for March 8, 2016; and

WHEREAS in the process of preparing its Opposition to Defendants' pending Motion to
Dismiss, Microsoft discovered a discrepancy in the terms of one of the license agreements alleged
in the Second Amended Complaint—the Microsoft Software License Agreement for Microsoft
Office 2013 Desktop Application Software ("Office 2013 License Agreement")—relating to the
transferability of Microsoft Office 2013 software; and

WHEREAS Microsoft is otherwise fully prepared to file its Opposition to Defendants'
Motion to Dismiss the Second Amended Complaint by the February 12, 2016 deadline; and

WHEREAS the parties agree that the litigation is best served if the Court's decision is
rendered on the basis of the correct language in the Office 2013 License Agreement; and

1	WHEREAS the parties agree that, given the significance of Microsoft's license agreements	
2	to the Court's reasoning in the December 11, 2015 Tentative Ruling, Microsoft should amend its	
3	Complaint to set forth the exact terms of the Office 2013 License Agreement before the Court	
4	adjudicates the merits of Microsoft's allegations.	
5	NOW THEREFORE, the parties HEREBY STIPULATE AND AGREE AS FOLLOWS:	
6	1. Microsoft is granted leave to file a Third Amended Complaint to allege the exact	
7	terms governing the Office 2013 License Agreement;	
8	2. Microsoft shall file its Third Amended Complaint within three (3) court days of the	
9	filing of this Stipulation;	
10	3. Upon filing of Microsoft's Third Amended Complaint, Defendants' pending Motion	
11	to Dismiss (Dkt. No. 41) will be moot and should be taken off calendar.	
12	4. Defendants shall have twenty (20) days to move to dismiss, answer, or otherwise	
13	respond to Microsoft's Third Amended Complaint from the date on which it is filed.	
14	IT IS SO STIPULATED.	
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17	ORDER	
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19	Pursuant to the above stipulation of the parties, IT IS SO ORDERED.	
20	Dated: February 17, 2016 June Hypleflice	
21	YVONNE GONZALEZ ROGERS UNITED STATES DISTRICT COURT	
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