

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

1 MICHAEL J. SACKSTEDER (CSB No. 191605)
msacksteder@fenwick.com
2 BRYAN A. KOHM (CSB No. 233276)
bkohm@fenwick.com
3 LAUREN E. WHITTEMORE (CSB No. 255432)
lwhittemore@fenwick.com
4 FENWICK & WEST LLP
555 California Street, 12th Floor
5 San Francisco, CA 94104
Telephone: 415.875.2300
6 Facsimile: 415.281.1350

7 GEOFFREY MILLER (CSB No. 308676)
gmiller@fenwick.com
8 FENWICK & WEST LLP
Silicon Valley Center
9 801 California Street
Mountain View, CA 94041
10 Telephone: 650.988.8500
Facsimile: 650.938.5200

11 Attorneys for Plaintiff
12 Supercell OY

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

16 SUPERCCELL OY,
17 Plaintiff,
18 v.
19 GREE, INC., GREE INTERNATIONAL
ENTERTAINMENT, INC., GREE
20 INTERNATIONAL, INC., AND FUNZIO
GAMES, INC.
21 Defendant.

Case No. 3:17-cv-5556-YGR

**STIPULATED REQUEST AND
[PROPOSED] ORDER REGARDING
OPPOSITION AND REPLY BRIEFING
DEADLINES AND CASE
MANAGEMENT CONFERENCE AND
HEARING DATES**

23 Pursuant to Civil Local Rules 6-1(b) and 6-2 Plaintiff Supercell Oy (“Supercell”) and
24 Defendants GREE, Inc., GREE International Entertainment, Inc., and Funzio Games, Inc.
25 (collectively, “the GREE Defendants” or “GREE”) stipulate and request an order from the Court
26 changing dates and times as follows:

27 ///
28 ///

RECITALS

1
2 1. On September 25, 2017, Supercell filed its Complaint for Patent Infringement
3 against GREE, Inc., GREE International Entertainment, Inc., GREE International, Inc. and Funzio
4 Games, Inc. GREE, Inc. is a Japanese corporation, and GREE International Entertainment, Inc.
5 and Funzio Games, Inc. are related entities to GREE, Inc.

6 2. Supercell served GREE International Entertainment, Inc. and Funzio Games, Inc.
7 on October 13, 2017.

8 3. The original deadline for GREE International Entertainment, Inc. and Funzio
9 Games, Inc. to respond to the Complaint was on November 3, 2017.

10 4. On October 24, 2017, GREE International Entertainment, Inc. agreed to accept
11 service on behalf of GREE, Inc. in this case. In exchange, Supercell agreed to extend the time to
12 respond to the Complaint for GREE, Inc. for sixty days from October 24, 2017. Pursuant to the
13 stipulation and under 15 Rule 6(a)(1)(C) of the Federal Rules of Civil Procedure, Defendants'
14 response to the Complaint was due by Tuesday, December 26, 2017.

15 5. Supercell also agreed to extend the time to respond to the Complaint for GREE
16 International Entertainment, Inc. and Funzio Games, Inc. by 74 days. Pursuant to the stipulation
17 and under Rule 6(a)(1)(C) of the Federal Rules of Civil Procedure, GREE International
18 Entertainment, Inc. and Funzio Games, Inc.'s response to the Complaint was due by Tuesday,
19 December 26, 2017.

20 6. On December 15, 2017, Supercell Oy filed a notice of voluntary dismissal without
21 prejudice as to Defendant GREE International, Inc.

22 7. On December 26, 2017, the GREE Defendants filed a Notice of Motion and Motion
23 to Dismiss Plaintiff's Complaint for Failure to State a Claim Pursuant to Federal Rule 12(b)(6).

24 8. Supercell's opposition or statement of non-opposition to GREE's motion is due
25 January 9, 2018.

26 9. In consideration of obligations and travel of Supercell's counsel over the holiday
27 period, GREE has agreed to extend the time for Supercell to respond to the motion to dismiss by

28 ///

1 seven (7) days. Under Rule 6(a)(1) of the Federal Rules of Civil Procedure, Supercell's opposition
2 or statement of non-opposition to GREE's motion to dismiss is due by January 16, 2018.

3 10. Supercell has also agreed to extend the time GREE will have to file a reply to
4 Supercell's opposition brief by seven (7) days, such that it has fourteen days to file and serve a
5 reply after Supercell files and serves its opposition brief. Under Civil Local Rule 7-3(c), the reply
6 to an opposition brief must be filed and served not more than 7 days after the opposition was due.
7 Under Rule 6(a)(1) of the Federal Rules of Civil Procedure, GREE's reply to Supercell's
8 opposition is due by January 30, 2018.

9 11. On November 24, 2017 the Clerk's Notice Setting the Case Management
10 Conference set a Case Management Conference in this case on Monday, January 22, 2018, at
11 2:00 p.m., at the United States District Court for the Northern District of California, Ronald V.
12 Dellums Federal Building, Oakland in Courtroom 1, 4th Floor.

13 12. GREE noticed the motion to dismiss hearing to be held before the Court on
14 January 30, 2018.

15 13. In the interest of preserving both party and Court resources, and subject to the
16 Court's availability and approval, the parties have conferred and have stipulated to combine the
17 Case Management Conference with the hearing on the motion to dismiss and to hold the
18 combined conference and hearing on February 12, 2018.

19 14. No other time modifications have been made in this case, other than those noted
20 above.

21 15. The requested time modifications will have limited effect on the schedule of the
22 case, as the Case Management Conference has not yet taken place.

23 **STIPULATION**

24 NOW, THEREFORE, pursuant to Civil Local Rules 6-1(b) and 6-2 the Supercell and
25 GREE respectfully stipulate and jointly request that the Court:

- 26 1. Extend the date for Supercell to respond to the motion to dismiss by seven (7) days
27 to January 16, 2018;

28 ///

- 1 2. Extend the amount of time GREE is allowed to reply to Supercell’s opposition
2 brief by seven (7) days, such that GREE’s reply brief is due January 30, 2018;
3 3. Combine the Case Management Conference and hearing on GREE’s motion to
4 dismiss; and
5 4. Set the combined Case Management Conference and hearing on GREE’s motion
6 to dismiss for February 12, 2018.

8 Dated: January 8, 2018

Respectfully submitted,

FENWICK & WEST LLP

11 By: /s/ Michael J. Sacksteder

12 Michael J. Sacksteder

13 Attorneys for Plaintiff Supercell Oy

14 Dated: January 8, 2018

PAUL HASTINGS LLP

16 By: /s/ Yar R. Chaikovsky

17 Yar R. Chaikovsky

18 Attorneys for Defendants GREE, Inc.,

19 GREE International Entertainment, Inc.,

20 GREE International, Inc., and Funzio Games, Inc.

21 **ATTORNEY ATTESTATION**

22 Pursuant to General Order 45, Part X-B and Civil Local Rule 5-1(i)(3), the filer attests that
23 concurrence in the filing of this document has been obtained from each of the above signatories.

25 /s/ Michael J. Sacksteder

26 Michel J. Sacksteder

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS ORDERED THAT:

1. The date for Supercell to respond to the motion to dismiss is extended by seven (7) days to January 16, 2018;
2. GREE will be permitted an additional seven (7) days to reply to Supercell's opposition brief, such that GREE's reply brief is due January 30, 2018;
3. The Case Management Conference in this case scheduled for Monday, January 22, 2018, at 2:00 p.m., is rescheduled for February 12, 2018 at 10:00am at the United States District Court for the Northern District of California, Ronald V. Dellums Federal Building, Oakland in Courtroom 1, 4th Floor.
4. The hearing on GREE's motion to dismiss, noticed for January 30, 2018 will be combined with the Case Management Conference and rescheduled for February 12, 2018 at 10:00am at the United States District Court for the Northern District of California, Ronald V. Dellums Federal Building, Oakland in Courtroom 1, 4th Floor.

IT IS SO ORDERED.

Dated: January 9, 2018


The Honorable Yvonne Gonzalez Rogers
United States District Court Judge