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

21 ZOMM, LLC,
 22 Plaintiff,
 23 v.
 24 APPLE INC.,
 25 Defendant.

Case No. 4:18-cv-04969-HSG

**STIPULATED REQUEST FOR
 COURT ORDER TO MODIFY
 BRIEFING SCHEDULE FOR
 DEFENDANT'S MOTION TO
 DISMISS PLAINTIFF'S NON-PATENT
 CAUSES OF ACTION AND STAY
 PLAINTIFF'S PATENT CAUSE OF
 ACTION AND TO ADJOURN
 HEARING DATE**

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 STIPULATED REQUEST FOR ORDER
 Case No. 4:18-cv-04969-HSG

1 Pursuant to the Civil Local Rules 6-2 and 7-12, Plaintiff Zomm, LLC (“Plaintiff”) and
2 Defendant Apple Inc. (“Defendant”) hereby file this stipulation, requesting an order to modify the
3 briefing schedule on Defendant’s Motion to Dismiss Plaintiff’s Non-Patent Causes of Action and
4 Stay Plaintiff’s Patent Cause of Action (“Motion”) and to adjourn the hearing date for the Motion
5 until March 21, 2019. In support of this request, and as set forth in the accompanying declaration
6 of Michael J. Zinna, the parties state as follows:

- 7 1. On December 3, 2018, Defendant filed the Motion. (Dkt. No. 45.)
- 8 2. Pursuant to Civil Local Rule 7-3, Plaintiff’s Opposition to the Motion would be
9 due on December 17, 2018. Defendant’s Reply in Support of the Motion would be
10 due on December 24, 2018. The hearing on the Motion is currently set for March
11 14, 2019.
- 12 3. In light of the upcoming winter holidays, the parties have agreed to extend the
13 briefing schedule for the Motion as follows:
 - 14 a. Plaintiff’s Opposition to the Motion will be due January 9, 2019.
 - 15 b. Defendant’s Reply in Support of the Motion will be due January 28, 2019.
- 16 4. To accommodate pre-existing travel plans of Plaintiff’s lead counsel, the parties
17 further agree to adjourn the hearing date for the Motion until March 21, 2019,
18 subject to the Court’s convenience.
- 19 5. The change in the briefing schedule does not impact the hearing date for the
20 Motion and the modest seven-day adjournment of the hearing date will not delay
21 the overall resolution of the Motion.
- 22 6. This is the first request the parties have made to modify the briefing schedule on
23 this Motion and to adjourn the hearing date. The requested changes will not
24 impact any other deadlines scheduled in the case.

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Dated: December 14, 2018

KELLEY DRYE AND WARREN LLP

By:/s/ Michael J. Zinna

Michael J. Zinna
Attorneys for Plaintiff
ZOMM, LLC

Dated: December 14, 2018

O'MELVENY & MYERS LLP

By:/s/ Luann L. Simmons

Luann L. Simmons
Attorneys for Defendant
APPLE INC.

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CERTIFICATE OF SERVICE

I certify that all counsel of record is being served on December 14, 2018, with a copy of this document via the Court's CM/ECF system.

Michael J. Zinna

FILER'S ATTESTATION

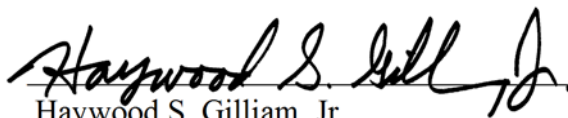
Pursuant to Local Rule 5-1(i)(3), I hereby attest that the other signatory listed, on whose behalf the filing is submitted, concurs in the filing's content and has authorized the filing.

Michael J. Zinna

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 12/17/2018



Haywood S. Gilliam, Jr.
U.S. District Judge