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17 Attorneys for Defendant  
18 APPLE INC.

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

23 ZOMM, LLC,  
 24 Plaintiff,  
 25 v.  
 26 APPLE INC.,  
 27 Defendant.

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

**JOINT STIPULATION AND**  
~~**PROPOSED**~~ **ORDER TO EXTEND**  
**DEADLINE TO FILE STIPULATED**  
**PROTECTIVE ORDER AND ESI**  
**STIPULATION**

Judge: Haywood S. Gilliam, Jr.

1 Pursuant to Civil L. R. 6-1, 6-2, and 7-12, Plaintiff Zomm LLC (“Zomm”) and Defendant  
2 Apple Inc. (“Apple”) hereby stipulate and request, by and through their undersigned counsel and  
3 subject to the Court’s approval, to extend the deadline to file a Stipulated Protective Order to  
4 January 25, 2019, and to file an ESI Stipulation to January 18, 2019.

5 WHEREAS, pursuant to the Court’s November 27, 2018 Order (Dkt. 47), the Parties are  
6 required to file an ESI Stipulation and Stipulated Protective Order by January 11, 2019;

7 WHEREAS, the Parties have met and conferred and are continuing to negotiate in good  
8 faith regarding the terms of the Stipulated Protective Order and the ESI Stipulation;

9 WHEREAS, the Parties believe that they could make further progress towards reaching  
10 agreement on the outstanding disputes on the terms of the Stipulated Protective Order and the ESI  
11 Stipulation with additional time to continue their meet and confer discussions;

12 WHEREAS, the Parties agree to extend the deadline to file the Stipulated Protective Order  
13 and the ESI Stipulation in the hope that they can reach agreement on the Stipulated Protective  
14 Order and the ESI Stipulation; and

15 WHEREAS, the Parties have requested only one modification of time in the case related  
16 to the briefing schedule for Apple’s Motion to Dismiss Plaintiff’s Non-Patent Causes of Action  
17 and Stay Plaintiff’s Patent Cause of Action (Dkt. 45) to account for the holidays (Dkt. 51), which  
18 was granted by the Court on December 17, 2018 (Dkt. 53); and

19 WHEREAS, the modification requested herein will not affect any other scheduled dates or  
20 events in this action.

21 It is hereby STIPULATED AND AGREED, by and between the Parties, subject to the  
22 approval of the Court, as follows:

- 23 (1) The Parties will file a Stipulated Protective Order, including an identification of  
24 any outstanding disputes regarding its terms, no later than January 25, 2019; and  
25 (2) The Parties will file an ESI Stipulation, including an identification of any  
26 outstanding disputes regarding its terms, no later than January 18, 2019.

1 Pursuant to Civil L.R. 6-2(a), this stipulation is supported by the concurrently filed  
2 Declaration of Luann L. Simmons.

3 IT IS SO STIPULATED.

4 Dated: January 08, 2019

KELLEY DRYE AND WARREN LLP

6 By:  /s/ Michael J. Zinna

7 Michael J. Zinna  
8 Attorneys for Plaintiff  
ZOMM, INC.

9 Dated: January 08, 2019

O'MELVENY & MYERS LLP

11 By:  /s/ Luann L. Simmons

12 Luann L. Simmons  
13 Attorneys for Defendant  
APPLE INC.

14  
15 **CERTIFICATE OF SERVICE**

16 I certify that all counsel of record is being served on January 08, 2019, with a copy of this  
17 document via the Court's CM/ECF system.

18  /s/ Luann L. Simmons

19 Luann L. Simmons

20  
21 **FILER'S ATTESTATION**

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

24  /s/ Luann L. Simmons

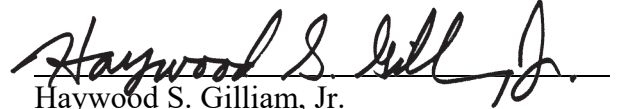
25 Luann L. Simmons

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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 9, 2019

  
Haywood S. Gilliam, Jr.  
United States District Court Judge