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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 ORDER
 TO EXTEND DEADLINE TO FILE
 STIPULATED PROTECTIVE ORDER**

Judge: Haywood S. Gilliam, Jr.

28 STIPULATION AND ORDER ISO STIP TO
 EXTEND DEADLINES
 4:18-CV-04969-HSG

1
2 Pursuant to Civil L. R. 6-1, 6-2, and 7-12, Plaintiff Zomm LLC (“Zomm”) and Defendant
3 Apple Inc. (“Apple”) hereby stipulate and request, by and through their undersigned counsel and
4 subject to the Court’s approval, to extend the deadline to file a Stipulated Protective Order to
5 February 11, 2019.

6 WHEREAS, pursuant to the Court’s January 25, 2019 Order (Dkt. 61), the Parties are
7 required to file a Stipulated Protective Order by February 1, 2019;

8 WHEREAS, the Parties have met and conferred and have significantly narrowed the areas
9 of disagreement regarding the terms of the Stipulated Protective Order;

10 WHEREAS, the Parties are continuing to negotiate in good faith and believe that they
11 could make further progress towards reaching agreement on additional terms of the Stipulated
12 Protective Order with further time to continue their meet and confer discussions;

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

15 WHEREAS, the Parties have requested two prior modifications of time to extend the
16 deadline to file a Stipulated Protective Order (Dkt. 55, 60); and

17 WHEREAS, the Parties requested an additional week to file an ESI Stipulation (Dkt. 55),
18 which the Parties filed on January 18, 2019 (Dkt. 58) and has now been ordered by the Court
19 (Dkt. 59); and

20 WHEREAS, the parties also requested a modification of time related to the briefing
21 schedule for Apple’s Motion to Dismiss Plaintiff’s Non-Patent Causes of Action and Stay
22 Plaintiff’s Patent Cause of Action (Dkt. 45) to account for the holidays (Dkt. 51), which was
23 granted by the Court on December 17, 2018 (Dkt. 53); and

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

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

28

1 The Parties will file a Stipulated Protective Order, including an identification of any
2 outstanding disputes regarding its terms, no later than February 11, 2019.

3 Pursuant to Civil L.R. 6-2(a), this stipulation is supported by the concurrently filed
4 Declaration of Michael J. Zinna.

5 IT IS SO STIPULATED.

6 Dated: February 1, 2019

KELLEY DRYE & WARREN LLP

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8 By: /s/ Michael J. Zinna

9 Michael J. Zinna
10 Attorneys for Plaintiff
ZOMM, INC.

11 Dated: February 1, 2019

O'MELVENY & MYERS LLP

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13 By: /s/ Luann L. Simmons

14 Luann L. Simmons
15 Attorneys for Defendant
APPLE INC.

16
17 **CERTIFICATE OF SERVICE**

18 I certify that all counsel of record is being served on February 1, 2019, with a copy of this
19 document via the Court's CM/ECF system.

20 /s/ Michael J. Zinna

21 Michael J. Zinna

22
23 **FILER'S ATTESTATION**

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

26 /s/ Michael J. Zinna

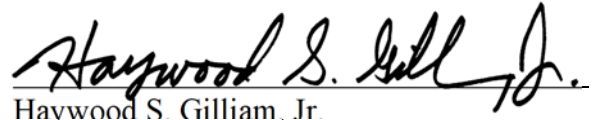
27 Michael J. Zinna

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 7, 2019


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