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18 APPLE INC.

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

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

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

**STIPULATED REQUEST AND  
 ORDER TO MODIFY BRIEFING  
 SCHEDULE FOR APPLE'S  
 MOTION TO DISMISS ZOMM'S NON-  
 PATENT CAUSE OF ACTION**

STIPULATION AND ORDER  
 MODIFYING BRIEFING SCHEDULE  
 4:18-CV-04969-HSG

1 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Zomm LLC (“Zomm”) and  
2 Defendant Apple Inc. (“Apple”), by and through their undersigned counsel and subject to the  
3 Court’s approval, hereby submit this stipulated request to modify the briefing schedule for  
4 Apple’s Motion to Dismiss Zomm’s Non-Patent Cause of Action (“the Motion”).

5 WHEREAS, Zomm filed a Second Amended Complaint on July 17, 2019 (Dkt. No. 84);

6 WHEREAS, the Court previously granted the parties’ stipulation to extend the deadline  
7 for Apple’s response to the Second Amended Complaint to August 21, 2019 (Dkt. No. 86);

8 WHEREAS, Apple filed the Motion on August 21, 2019, and noticed the Motion for  
9 hearing on January 23, 2020 (Dkt. No. 88);

10 WHEREAS, pursuant to Civil Local Rule 7-3, Zomm’s opposition to the Motion would  
11 be due on September 4, 2019, and Apple’s reply in support of the Motion would be due on  
12 September 11, 2019;

13 WHEREAS, to accommodate both parties’ counsels’ work schedules and to account for  
14 the Labor Day holiday and pre-planned vacations, the parties agreed to extend, subject to the  
15 Court’s approval, the deadlines for Zomm’s opposition and Apple’s reply;

16 WHEREAS, the modification requested herein will not alter the date of any other event or  
17 any deadline already fixed by Court order; and

18 WHEREAS, this is the first request the parties have made for an extension of time for  
19 Zomm to file its opposition and Apple to file its reply.

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

- 22 1. Zomm will file its opposition to Apple’s Motion no later than September 25, 2019;
- 23 and
- 24 2. Apple will file its reply in support of its Motion no later than October 18, 2019.

25  
26 Pursuant to Civil Local Rule 6-2(a), this stipulation is supported by the concurrently filed  
27 Declaration of Luann L. Simmons.

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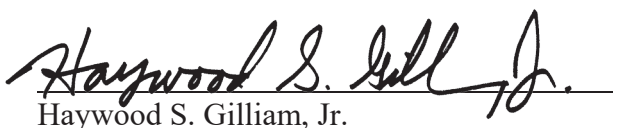


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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: August 27, 2019

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