WHEREAS the parties respectfully request that the Court move the Case Management Conference to December 10, 2019, or to another date thereafter at the court's convenience, and that the parties' Joint Case Management Statement be postposed in relation to the new Case Management Conference date set by the Court;

WHEREAS the parties state the following as grounds for this stipulation and joint application for continuance:

- 1. This is the parties' second request for continuance of the initial Case Management Conference. Defendant previously received two extensions of time to respond to the Complaint, extending the time to answer or otherwise respond to August 16, 2019 (ECF No. 17), and to October 10, 2019 (ECF No. 20). No party has otherwise applied for any extension of time on any subject.
- 2. The parties are engaging in discussion and exchange of information with the goal of reaching early resolution of this case. However, the parties have not yet fully conferred regarding initial disclosures, early settlement, discovery plans, and the Joint Case Management Statement. The parties need additional time in which to prepare initial disclosures, prepare a proper discovery plan, and to continue discussing the potential for settlement of this case.

NOW, THEREFORE, the parties respectfully request that (1) the initial Case Management Conference be continued to approximately December 10, 2019, or such date thereafter as set by the Court; and (2) the deadline for the parties' Joint Case Management Statement be postponed to seven (7) days before the rescheduled Case Management Conference.

In accordance with Local Rule 6-2, a declaration is support of this stipulation is filed concurrently.

A proposed order in the form of an endorsement of this stipulation, in accordance with Local Rule 7-12, is provided below.

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1	Dated: October 10, 2019	Respectfully submitted,
2		
3	By: /s/ Steven A. Nielsen	By: /s/ Katherine D. Prescott
4	Steven A. Nielsen, CSB 133864	Katherine D. Prescott, SBN 215496
5	100 Larkspur Landing Circle, Suite 216 Larkspur, CA 94939	FISH & RICHARDSON P.C. 500 Arguello Street, Suite 500
6	415-272-8210 Steve@NielsenPatents.com	Redwood City, CA 94063 Telephone: (650) 839-5070
7		Facsimile: (650) 839-5071
8	Isaac Rabicoff (<i>Pro Hac Vice</i> motion to be filed)	prescott@fr.com
9	RABICOFF LAW LLC 73 W Monroe St	Joseph A. Hynds* Jennifer P. Nock*
10	Chicago, IL 60603 773-669-4590	*Pro Hac Vice motion to be filed ROTHWELL FIGG ERNST & MANBECK, P.C.
11	isaac@rabilaw.com	607 14th Street, N.W., Suite 800 Washington, DC 20005
12	Attorneys for Plaintiff	Telephone: (202) 783-6040
13	Pebble Tide LLC	jhynds@rfem.com
14		Attorneys for Defendant August Home, Inc.
15		
16	Local Rule 5-1(i)(3) Attestation	
17	Pursuant to Civil L.R. 5-1(i)(3) regarding	ng signatures, I hereby attest that concurrence in the
18	filing of this document has been obtained for the other signatories in this e-filed document.	
19 20	/s/ Steven A. Nielsen	
21	Steven A. Nielsen	
22	ORDER	ES DISTRICE
23	ORDER	ETATES DE CACA
24	DATED: 10/10/2019	
25	Z.	DENIED
26	٦	DENIED Haywood S. Gilliam Jr.
27	Z	Judge Haywood S. Gilliam Jr.
28	No.	June June
	STIPULATED REQUEST AND ORDER FOR CONTI	NO STEDICT OF TIME TO

FILE JOINT CMC STATEMENT Case No. 4:19-cv-02987-HSG