

1 SARA M. THORPE (SBN 146529)
 sthorpe@gordonrees.com
 2 D. CHRISTOPHER KERBY (SBN 124546)
 ckerby@gordonrees.com
 3 GORDON & REES LLP
 Embarcadero Center West
 4 275 Battery Street, Suite 2000
 San Francisco, CA 94111
 5 Telephone: (415) 986-5900
 Facsimile: (415) 986-8054

6 Attorneys for Defendant
 7 ST. PAUL MERCURY INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT COURT OF CALIFORNIA
 10 SAN JOSE DIVISION

11	NETSCAPE COMMUNICATIONS CORPORATION, a Delaware corporation;	}	CASE NO. 5:06-CV-00198 JW (PVT)
12	and AMERICAN ONLINE, INC., a Delaware corporation,		}
13		}	
14	Plaintiffs,		}
15	vs.	}	
16	FEDERAL INSURANCE COMPANY, an Indiana corporation; et al.,		}
17	Defendants.	}	

Gordon & Rees LLP
 275 Battery Street, Suite 2000
 San Francisco, CA 94111

18
 19
 20 COMES NOW the parties, by and through their respective counsel, and stipulate
 21 as follows:

- 22 1. The parties have been working diligently to conduct discovery of Phase I
 23 issues in order to file cross-motions for summary judgment and have been meeting and
 24 conferring extensively to resolve discovery disputes.
- 25 2. Discovery as to Phase I issues closed as of Friday, October 20, 2006.
 26 However, the parties have agreed to take an additional two and conclude three
 27 remaining depositions by November 8, 2006, the additional time necessary because of
 28 the witnesses' and the lawyers' availability for these depositions.

Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111

1 3. Therefore, the parties desire additional time in which to brief the issues for
2 motion for summary judgment.

3 4. The parties previously stipulated to an extension of the discovery and
4 briefing dates for Phase I, which this Court ordered on August 31, 2006.

5 5. Based upon the foregoing, the parties stipulate and agree to, and request
6 that the Court enter an Order permitting, a revision to the briefing schedule in Phase I of
7 this case as follows:

8 a. **Present Schedule:**

- 9 • November 8, 2006 - St. Paul file motion for summary judgment;
- 10 • December 1, 2006 - Plaintiffs file cross-motion/opposition;
- 11 • December 22, 2006 - St. Paul file opposition/reply;
- 12 • January 22, 2007 - Plaintiffs file reply; and
- 13 • February 12, 2007 - Hearing date on motion(s).

14 b. **Proposed Revised Schedule:**

- 15 • December 1, 2006 - St. Paul file motion for summary judgment;
- 16 • January 12, 2007 - Plaintiffs file cross-motion/opposition;
- 17 • February 9, 2006 - St. Paul file opposition/reply;
- 18 • March 2, 2007 - Plaintiffs file reply; and
- 19 • March 26, 2007 - Hearing date on motion(s).

20 IT IS SO STIPULATED.

21 Dated: October ^{24th} 2006


GORDON & REES LLP

22
23 By: Sara M. Thorpe
24 SARA M. THORPE
25 Attorneys for Defendant ST. PAUL
26 MERCURY INSURANCE COMPANY
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: October 24th, 2006

ABELSON HERRON LP

By: 
MICHAEL BRUCE ABELSON
LESLIE A. PEREIRA
Attorneys for Plaintiffs NETSCAPE
COMMUNICATIONS CORPORATION,
AMERICA ONLINE, INC.

ORDER

This Court having considered the parties' stipulation set forth above, and good cause appearing,

IT IS ORDERED THAT the Phase I schedule in this matter is revised as follows:

- December 1, 2006 - St. Paul file motion for summary judgment;
- January 12, 2007 - Plaintiffs file cross-motion/opposition;
- February 9, 2006 - St. Paul file opposition/reply;
- March 2, 2007 - Plaintiffs file reply; and
- March 26, 2007 - Hearing date on motion(s).

Dated: _____

JAMES WARE
United States District Judge

Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111