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28 Attorneys for Plaintiff  
 LANDMARK SCREENS, LLC

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

29 LANDMARK SCREENS, LLC, a Delaware  
 30 Limited Liability Company,  
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 32 Plaintiff,  
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 34 v.  
 35 MORGAN, LEWIS & BOCKIUS LLP, a  
 36 limited liability partnership; and THOMAS D.  
 37 KOHLER, an individual,  
 38  
 39 Defendants.

Case No. 5:08-cv-2581 JF

**STIPULATION AND [PROPOSED]  
 ORDER TO EXTEND OCTOBER 21, 2010  
 FACT DISCOVERY DEADLINE**

Judge: Hon. Jeremy Fogel  
 Courtroom 3

Comp. Filed: May 21, 2008  
 Trial Date: June 20, 2011

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This stipulation is entered into by and between Plaintiff Landmark Screens, LLC and Defendants Morgan, Lewis & Bockius LLP and Thomas D. Kohler as follows:

WHEREAS, on August 13, 2010, Magistrate Judge Lloyd granted in part Morgan Lewis’s Motion to Compel Fed. R. Civ. P. 30(b)(6) Designations and Testimony of Landmark Screens, LLC, and ordered Landmark to designate witnesses for Rule 30(b)(6) Topics 7, 8, 11-14, 15-16, 34-35, 45-47 [Docket No. 138];

WHEREAS, on August 27, 2010, Landmark Screens filed a Motion for Relief, challenging Magistrate Judge Lloyd’s order as it pertains to Rule 30(b)(6) Topics 7, 8, 11-14 [Docket No. 144];

WHEREAS, the parties have completed briefing on Landmark’s Motion for Relief [Docket Nos. 159 (Opposition) and 167 (Reply)];

WHEREAS, Landmark’s Motion for Relief is still pending before the court;

WHEREAS, on August 27, 2010, the Court entered a Stipulation and Order extending the fact discovery deadline to October 21, 2010 for the purpose of completing the parties’ previously noticed depositions, including the remaining Rule 30(b)(6) deposition(s) from Landmark;

WHEREAS, the August 27, 2010 Stipulation and Order states that “[s]hould the parties be unable to complete the depositions prior to October 21, 2010, despite best efforts to coordinate scheduling, the fact discovery cut-off shall be further extended as necessary for that limited purpose”;

WHEREAS, Landmark will designate the witness or witnesses to testify on the outstanding 30(b)(6) topics after the Court rules on the pending Motion for Relief;

WHEREAS, the parties require additional time to complete the remaining Rule 30(b)(6) deposition(s) from Landmark;

WHEREAS, the parties agree that extension of the fact discovery deadline for the purpose of completing the Rule 30(b)(6) deposition(s) of Landmark Screens, LLC is warranted;

NOW THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE, through

1 their respective counsel of record, that:

2 (1) the fact discovery deadline shall be extended to November 23, 2010 for the  
3 purpose of completing the Rule 30(b)(6) deposition(s) of Landmark Screens,  
4 LLC; and

5 (2) should the parties be unable to compete these depositions prior to November  
6 23, 2010, despite best efforts to coordinate scheduling, the fact discovery deadline  
7 shall be further extended as necessary for this limited purpose.  
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10 IT IS SO STIPULATED.

11 Dated: October 20, 2010

KEKER & VAN NEST LLP

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By: /s/ Wendy J. Thurm  
WENDY J. THURM  
Attorneys for Defendants  
MORGAN, LEWIS & BOCKIUS LLP  
and THOMAS D. KOHLER

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Dated: October 20, 2010

HAYNES AND BOONE, LLP

By: /s/ Clark S. Stone  
CLARK S. STONE  
Attorneys for Plaintiff  
LANDMARK SCREENS, LLC

*Filer's Attestation: Pursuant to General Order No. 45, Section X.B. regarding non-filing signatories, Wendy J. Thurm hereby attests that concurrence in the filing of this Stipulation and [Proposed] Order has been obtained from Clark S. Stone.*

~~PROPOSED~~ ORDER

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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: 10/25/2010, \_\_\_\_\_

  
\_\_\_\_\_  
HON. JEREMY FOGEL  
United States District Court Judge