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7 Attorneys for Defendants  
MORGAN, LEWIS & BOCKIUS LLP  
8 and THOMAS D. KOHLER

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

13 LANDMARK SCREENS, LLC, a Delaware  
14 Limited Liability Company,

15 Plaintiff,

16 v.

17 MORGAN, LEWIS & BOCKIUS LLP, a  
limited liability partnership; and THOMAS D.  
18 KOHLER, an individual,

19 Defendants.

Case No. 5:08-cv-2581 JF

**STIPULATION TO ENLARGE TIME TO  
FILE RESPONSIVE PLEADING TO  
SECOND AMENDED COMPLAINT;  
[PROPOSED] ORDER**

Judge: Honorable Jeremy Fogel  
Courtroom 3, 5<sup>th</sup> Floor

Date Comp. Filed: May 21, 2008

Trial Date: None set

Pursuant to Civil L.R. 6-2 and 7-12, the Parties hereby enter into the following  
Stipulation to Enlarge Time to File Responsive Pleading to Second Amended Complaint.

WHEREAS, on January 20, 2009, the Court granted in part and denied in part  
Defendants' motion to dismiss the Second Amended Complaint;

WHEREAS, under Federal Rule of Civil Procedure 12(a)(4)(A), Defendants have until  
Tuesday, February 3, 2009 to file their Responsive Pleading to the Second Amended Complaint;

WHEREAS, Defendants have requested from Plaintiff Landmark Screens, LLC  
additional time in which to file their Responsive Pleading to the Second Amended Complaint,  
and Plaintiff Landmark Screens, LLC has agreed to such an extension of time;

WHEREAS, Plaintiff Landmark Screens, LLC has requested from Defendants additional  
time in which to file a Responsive Pleading to Defendants' Responsive Pleading and Defendants  
have agreed to such an extension of time;

WHEREAS, the parties previously stipulated to enlarge time to respond to the First  
Amended Complaint (Docket No. 6); that following reassignment from a Magistrate Judge to  
this Court, the parties stipulated to a response and briefing cycle for a motion to dismiss the First  
Amended Complaint (Docket Nos. 13, 14); and that following the grant of Defendants' motion to  
dismiss and Plaintiff's filing of a Second Amended Complaint, the parties stipulated to a  
response and briefing cycle for a motion to dismiss the Second Amended Complaint (Docket No.  
32);

WHEREAS, this is the first request to extend time to file a Responsive Pleading  
following the Court's January 20, 2009 Order.

WHEREAS, the proposed time modification does not interfere with any scheduled event  
in this matter and will not materially affect the schedule for this case;

IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned, that:

1. The deadline for Defendants to file their Responsive Pleading to the Second  
Amended Complaint is continued until Tuesday, February 10, 2009.

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2. The deadline for Plaintiff to file a Responsive Pleading, if any, to Defendants' Responsive Pleading shall be and is extended by seven (7) days.

Dated: January 29, 2009

KEKER & VAN NEST, LLP

By: /s/ Steven P. Ragland  
STEVEN P. RAGLAND  
Attorneys for Defendants  
MORGAN, LEWIS & BOCKIUS LLP and  
THOMAS D. KOHLER

Dated: January 28, 2009

MacPHERSON KWOK CHEN & HEID LLP

By: /s/ Clark S. Stone  
CLARK S. STONE  
Attorneys for Plaintiff  
LANDMARK SCREENS, LLC  
*Filer's Attestation: Pursuant to General Order 45, Steven P. Ragland hereby attests that concurrence in the filing of this document has been obtained from Clark S. Stone.*

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Case Management Conference set for February 6, 2009 is CONTINUED to February 27, 2009.

Dated: 1/30/09

  
HONORABLE JEREMY FOGEL