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5 Attorneys for Defendant
 HEWLETT-PACKARD COMPANY

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

FENWICK & WEST LLP
 ATTORNEYS AT LAW
 SAN FRANCISCO

12 HEWLETT PACKARD COMPANY
 13 Plaintiff,
 14 v.
 15 LEXJET CORP., ET AL.
 16 Defendant.

CASE NO. C 08-02596 JF

**REQUEST FOR FURTHER
 CONTINUANCE OF INITIAL CASE
 MANAGEMENT CONFERENCE,
 STIPULATED EXTENSION OF TIME TO
 RESPOND TO COMPLAINT AND
 [PROPOSED] ORDER**

Initial CMC: October 24, 2008

20 Plaintiff Hewlett Packard Company (“HP”) submits this Request for Further Continuance
 21 of the Initial Case Management Conference scheduled for October 24, 2008.

22 HP filed a complaint for patent infringement against Defendants Lexjet Corp. and LexJet
 23 Southern California, LLC on May 22, 2008. In its complaint, HP asserts that Defendants infringe
 24 two HP patents relating to ink-jet inks.

25 In order to facilitate resolution of this matter, HP did not serve this complaint on
 26 Defendants until the last day for service, September 19, 2008. During this period, the parties
 27 were in active settlement negotiation. In order to further facilitate settlement negotiations, HP has
 28 also now stipulated to a 30-day extension of time for Defendants to respond to the complaint,

1 such that a response would not be due until November 10, 2008.

2 In light of the fact that the complaint has only recently been served, that Defendants'
3 response would not be due until November 10, and that settlement negotiations are on-going, HP
4 requests a second continuance of the Initial Case Management Conference scheduled for October
5 24, 2008, until at least December 5, 2008.

6 An extension until December 5 would allow the parties to continue their settlement
7 negotiations, would allow Defendants time to respond to the complaint and would allow the
8 parties time to meet and confer pursuant to Rule 26(f).

9 Dated: September 26, 2008

FENWICK & WEST LLP

11 By: _____ /s/ Heather N. Mewes

13 Attorney for Plaintiff
14 HEWLETT PACKARD COMPANY

15 **ORDER**

16 Having considered the above Second Request for Continuance of Case Management
17 Conference and Stipulation and good cause appearing therefore:

- 18 1. Defendants' time to respond to the complaint is extended by 30-days to November
19 10, 2008.
- 20 2. The initial case management conference set for October 24, 2008, is vacated and
21 re-set for 12/5/08.

22 IT IS SO ORDERED.

23
24 DATED: 10/2/08



26 The Hon. Jeremy Fogel
27 United States District Judge

28 26394/00409/SF/5241174.1