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\*\*E-Filed 10/6/08\*\*

6 Attorneys for Defendant  
7 FORTINET, INC.

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

11 ENRICO GARGALE, )  
 12 )  
 13 Plaintiff, )  
 14 v. )  
 15 FORTINET, INC. and DOES 1 through 50, )  
 16 )  
 17 Defendants. )  
 18 )  
 19 )

CASE NO.: CV-08-3167-JF  
**STIPULATION AND [PROPOSED]  
 ORDER TO EXTEND TIME IN  
 WHICH DEFENDANT FORTINET,  
 INC. MUST FILE A RESPONSIVE  
 PLEADING & CONTINUING CMC  
 DATE**  
 Current CMC Date: October 24, 2008  
 Proposed CMC Date: November 21, 2008  
 Before: Hon. Jeremy Fogel

20 WHEREAS, Plaintiff filed his Complaint on July 1, 2008;  
 21 WHEREAS, Defendant Fortinet, Inc.'s responsive pleading is currently due on October  
 22 3, 2008;  
 23 WHEREAS, the Rule 26(f) Report, initial disclosures, and Case Management Statement  
 24 are currently due on October 14, 2008;  
 25 WHEREAS, the Initial Case Management Conference is currently scheduled for October  
 26 24, 2008 at 10:30 a.m.;  
 27 WHEREAS, the parties desire to defer such deadlines in order to pursue settlement  
 28 discussions;

1 NOW, THEREFORE, the parties, by and through their undersigned counsel of record,  
2 hereby agree and stipulate to the following:

3 1. Defendant Fortinet, Inc. will file a responsive pleading on or before November 3,  
4 2008.

5 2. The Rule 26(f) Report, initial disclosures, and Case Management Statement will  
6 be filed on or before November 11, 2008.

7 3. The Initial Case Management Conference currently scheduled for October 24,  
8 2008 is hereby continued until November 21, 2008, or to such later date as may be ordered by  
9 the Court.

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11 Dated: September 30, 2008

Shook, Hardy & Bacon L.L.P.  
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San Francisco, CA 94104-2828  
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Facsimile: (415) 391-0281

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By:           /s/ Michael C. Osborne          

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Michael C. Osborne

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*Counsel for Plaintiff Enrico Gargale*

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19 Dated: September 30, 2008

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By:           /s/ Cynthia A. Dy          

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Cynthia A. Dy

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*Counsel for Defendant Fortinet, Inc.*

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**[PROPOSED] ORDER**

Based upon the above stipulation of the parties, and for good cause appearing therefor, IT IS HEREBY ORDERED THAT:

1. Defendant Fortinet, Inc. will file a responsive pleading on or before November 3, 2008.
2. The Rule 26(f) Report, initial disclosures, and Case Management Statement will be filed on or before November 11, 2008.
3. The Initial Case Management Conference currently scheduled for October 24, 2008 is hereby continued until November 21, 2008, or to such later date as may be ordered by this Court.

Dated: October 6, 2008

  
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Hon. Jeremy Fogel  
United States District Judge

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**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Pamela E. Glazner, attest that concurrence in the filing of this document has been obtained from each of the signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 30th day of September, 2008 at Palo Alto, California.

By:           /s/ Pamela E. Glazner          

Pamela E. Glazner

*Counsel for Defendant Fortinet, Inc.*