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 16 SHUTTLE, INC. and SHUTTLE COMPUTER GROUP, INC.

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA  
 19 SAN JOSE DIVISION

14	LENOVO (SINGAPORE) PTE., LTD.,	)	Case No. 5:08-CV-3454 JF(PVT)
15		)	
16	Plaintiff,	)	
17	vs.	)	<b>SECOND STIPULATION AND</b>
18		)	<b>{PROPOSED} ORDER TO EXTEND CMC</b>
19		)	<b>AND ADR DEADLINES</b>
20		)	
21	SHUTTLE, INC. and SHUTTLE COMPUTER	)	
22	GROUP, INC.,	)	
23		)	
24	Defendants,	)	

25 Pursuant to Civil L.Rs. 6-2 and 7-12, Plaintiff LENOVO (SINGAPORE) PTE LTD. ("Plaintiff"),  
 26 and Defendants SHUTTLE INC. and SHUTTLE COMPUTER GROUP INC. (together "Defendants"),  
 27 respectfully request that the Court enter an Order extending the Parties' Case Management  
 28 Conference ("CMC") and Alternative Dispute Resolution ("ADR") deadlines. In support of this  
 Stipulation, the Parties state as follows:

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SECOND STIPULATION TO EXTEND CMC AND ADR DEADLINES  
 CASE NO. 08-CV-3454

1           1.     On July 17, 2008, Plaintiff filed its Complaint in the Northern District of California.  
2 Docket No. 1. On that same day, the Court issued an ADR Scheduling Order which set the Case  
3 Management Conference ("CMC") for October 27, 2008, and the due date for the CMC Statement  
4 for October 20, 2008. Docket No. 3.

5           2.     On August 18, 2008, this case was reassigned to Judge Jeremy Fogel. Docket No. 11.  
6 The CMC scheduled for October 27, 2008, and the due date for the CMC Statement were vacated.

7           3.     On October 2, 2008, the Court signed the parties' proposed Order to Enlarge Time for  
8 Defendants to Answer or Otherwise Plead, extending the time for Defendants to respond to the  
9 Complaint to December 1, 2008. Docket No. 20. However, before this order was signed, the CMC  
10 was set for October 31, 2008. Docket No. 19.

11           4.     In order to move the CMC beyond the date for Defendants to respond to the  
12 Complaint, December 1, 2008, the parties filed a Stipulation and [Proposed] Order to Extend CMC  
13 and ADR Deadlines on October 21, 2008. Docket No. 22. The Court signed this proposed order on  
14 October 22, 2008, Docket No. 23, adopting the following CMC and ADR deadlines:

15                 Friday, Nov. 14, 2008: Last day to:

- 16                 a.     Meet and confer re: initial disclosures, early settlement, ADR process selection;  
17                         and discovery plan;  
18                 b.     File ADR Certification signed by Parties and Counsel;  
19                 c.     File either Stipulation to ADR Process or Notice of Need for ADR Phone  
20                         Conference.

21                 Wednesday, November 26, 2008: Last day to file Rule 26(f) report; complete initial  
22                         disclosures or state objections; and file CMC Statement.

23                 Friday, December 5, 2008: Initial CMC.

24           5.     SIDLEY AUSTIN LLP was recently substituted as Defendants' counsel of record in  
25 the place of MOUNT & STOELKER, P.C. See Declaration of Kevin P. Burke In Support of Second  
26 Stipulation and [Proposed] Order to Extend CMC and ADR Deadlines ("Burke Decl.") ¶2. In order  
27 for SIDLEY AUSTIN LLP to have time to become familiar with the case, the parties stipulate that  
28

1 the CMC should be continued to December 19, 2008. *Id.* The parties additionally stipulate that the  
2 CMC and ADR deadlines set by the Court on October 21, 2008 should be vacated, and that  
3 deadlines should be adopted which accommodate the scheduling change for the CMC.

4 6. The CMC is the only event that has been scheduled by the Court in this case and the  
5 CMC is the only Court scheduled event which would be affected by the parties' requested time  
6 modification. Burke Decl. ¶ 3.

7 FOR THE ABOVE REASONS, the parties respectfully request that the Court enter an Order  
8 extending the Parties' CMC and ADR deadlines as follows:

9 7. The initial CMC will be set for Friday, December 19, 2008.

10 8. No later than December 1, 2008 (to accommodate the scheduled November 28, 2008  
11 holiday) the parties shall:

- 12 a. Meet and confer re: initial disclosures, early settlement, ADR process selection,  
13 and discovery plan;
- 14 b. File ADR Certification signed by Parties and Counsel;
- 15 c. File either Stipulation to ADR Process or Notice of Need for ADR Phone  
16 Conference.

17 9. At least 7 calendar days before the CMC the parties shall: file a Fed. R. Civ. P. 26(f)  
18 report; complete initial disclosures or state objections under Fed. R. Civ. P. 26; and file a Joint CMC  
19 Statement.

1 SO STIPULATED:

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Respectfully submitted,

Dated: November 14, 2008

AKIN GUMP STRAUSS HAUER & FELD LLP

By: Reginald D. Steer  
REGINALD D. STEER

Attorneys for Plaintiff  
LENOVO (SINGAPORE) PTE. LTD.

Dated: November 14, 2008

SIDLEY AUSTIN LLP

By: Peter H. Kang  
Peter H. Kang

Attorneys for Defendants SHUTTLE, INC. and  
SHUTTLE COMPUTER GROUP, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/17/08, 2008

Jeremy Fogel  
JEREMY FOGEL  
United States District Judge