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7 Attorneys for Defendant
 JURGEN WEICHERT

E-FILED - 10/28/08

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

13 TRIALPAY, INC., a Delaware Corporation
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 Plaintiff,
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 v.
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 17 DEAL UNITED GmbH, a German corporation,
 JURGEN WEICHERT, individually, and DOES
 18 1 through 100, INCLUSIVE,
 19
 Defendants.

Case No.: 5:08-CV-04309-RMW

**STIPULATION AND []
 ORDER EXTENDING TIME FOR
 DEFENDANT JURGEN WEICHERT TO
 ANSWER OR RESPOND TO FIRST
 AMENDED COMPLAINT**

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1 Defendant Jurgen Weichert (“Defendant Weichert”) and Plaintiff TrialPay, Inc. (“Plaintiff”
2 or “TrialPay”), by and through their respective counsel, jointly stipulate as follows:

3 WHEREAS the above-captioned action was removed to the Northern District of California
4 on September 12, 2008;

5 WHEREAS, Plaintiff filed a First Amended Complaint on October 9, 2008;

6
7 WHEREAS Defendant Weichert’s response to the First Amended Complaint is due on
8 October 24, 2008; and

9 WHEREAS, Plaintiff TrialPay agrees that Defendant Weichert may have up to and
10 including November 7, 2008 to answer or otherwise respond to Plaintiff’s First Amended
11 Complaint;

12 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that Defendant
13 Weichert may have up to and including November 7, 2008 to answer or otherwise respond to
14 Plaintiff’s First Amended Complaint.

15 IT IS SO STIPULATED.

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17 Dated: October 22, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

18
19 /s/ Annette L. Hurst

ANNETTE L. HURST

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21 Attorneys for Defendant
22 JURGEN WEICHERT

1 Dated: October 22, 2008

REED SMITH LLP

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/s/ William R. Overend

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WILLIAM R. OVEREND

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Attorneys for Plaintiff
TRIALPAY, INC.

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ATTESTATION OF E-FILED SIGNATURE

I, Annette L. Hurst, attest that William Overend has read and approved the attached Stipulation and [Proposed] Order Extending Time For Defendant Jurgen Weichert To Answer First Amended Complaint.

/s/ Annette L. Hurst
ANNETTE L. HURST