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5 Attorneys for Defendants VAST SYSTEMS TECHNOLOGY  
 CORPORATION, ALAIN LABAT, KYLE PARK, MDV VII, L.P., and  
 6 SEVENTH MDV PARTNERS L.L.C.

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 8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**

11 RYUICHI HIRAIDE

12 Plaintiff,

13 v.

14 VAST SYSTEMS TECHNOLOGY  
 CORPORATION, ALAIN LABAT and  
 15 KYLE PARK, MDV VII, L.P. as nominee  
 for: MDV VII, L.P., MDV VII Leaders  
 16 Fund, L.P., MDV Entrepreneurs Network  
 Fund VII (A) LP. And MDV Entrepreneurs,  
 17 Network Fund VII (B) L.P., MDV Partners  
 L.L. and Seventh MDV Partners L.L.C.

18 Defendant.  
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Case No. C08-04714 RMW (PVT)

**STIPULATION AND**   
**ORDER EXTENDING DEFENDANTS'**  
**TIME TO RESPOND TO COMPLAINT**  
**AND SETTING BRIEFING SCHEDULE**  
**AND HEARING DATE ON**  
**DEFENDANTS' MOTION TO DISMISS**

1           WHEREAS, on October 10, 2008, plaintiff filed his Complaint for Damages, Declaratory  
2 and Injunctive Relief (“Complaint”); and

3           WHEREAS, plaintiff served defendants on or after October 20, 2008; and

4           WHEREAS, under the Federal Rules of Civil Procedure, defendants’ response to the  
5 Complaint is due on or before November 10, 2008, and defendants have indicated that they will  
6 move to dismiss the case; and

7           WHEREAS, due to the complexity of the case and the difficulties in scheduling presented  
8 by the holiday season, the parties agree that additional time is necessary to adequately brief the  
9 issues addressed in defendants’ motion to dismiss the complaint;

10           THEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the  
11 parties through their counsel of record:

12           1. Defendants shall file their motion to dismiss plaintiff’s complaint on or before  
13 December 5, 2008.

14           2. Plaintiff shall file his opposition to defendants’ motion to dismiss on or before January  
15 19, 2009.

16           3. Defendants shall file their reply in support of their motion to dismiss on or before  
17 February 2, 2009.

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1 4. The hearing on defendants' motion to dismiss shall be held on February 13, 2009, or as  
2 soon thereafter as counsel may be heard.

3 IT IS SO STIPULATED.

4 Dated: October 28, 2008

MURRAY & HOWARD, LLP

5  
6 By: /s/ Derek G. Howard  
DEREK G. HOWARD

7 Attorney for Plaintiff RYUICHI HIRAIDE

8 Dated: October 28, 2008

O'MELVENY MYERS LLP

9  
10 By: /s/ Dhaivat H. Shah  
DHAIVAT H. SHAH

11 Attorney for Defendants VAST SYSTEMS  
12 TECHNOLOGY CORPORATION, ALAIN  
13 LABAT, KYLE PARK, MDV VII, L.P., and  
14 SEVENTH MDV PARTNERS L.L.C.

15 **ORDER**

16 PURSUANT TO STIPULATION, IT IS SO ORDERED.

17 Dated: 11/6, 2008

18  for  
HON. RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE

19 I, Dhaivat H. Shah, am the ECF User whose ID and password are being used to file this  
20 Stipulation and Proposed Order Setting Briefing Schedule. In compliance with General Order 45,  
21 X.B., I hereby attest that Derek G. Howard has concurred in this filing.

22  
23 By: /s/ Dhaivat H. Shah  
24 DHAIVAT H. SHAH

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