1 2 3 4 5 6 7 8 9	MICHAEL A. LADRA (St. Bar No. 64037) Email: mladra@wsgr.com JAMES C. YOON (St. Bar No. 177155) Email: jyoon@wsgr.com STEFANI E. SHANBERG (St. Bar No. 206717) Email: sshanberg@wsgr.com ROBIN L. BREWER (St. Bar No. 253686) Email: rbrewer@wsgr.com WILSON SONSINI GOODRICH & ROSATI Professional Corporation 650 Page Mill Road Palo Alto, CA 94304-1050 Telephone: (650) 493-9300 Facsimile: (650) 565-5100 Attorneys for Plaintiff and Counterclaim Defendant FORTINET, INC.	DURIE TANGRI LLP RAGESH K. TANGRI (St. Bar No. 159497) Email: rtangri@durietangri.com DARALYN J. DURIE (St. Bar No. 169825) Email: ddurie@durietangri.com RYAN M. KENT (St. Bar No. 220441) Email: rkent@durietangri.com 332 Pine Street, Suite 2000 San Francisco, CA 94104-3214 Telephone: (415) 362-6666 Facsimile: (415) 326-6300 Attorneys for Defendants and Counterclaim Plaintiffs PALO ALTO NETWORKS, INC. AND PATRICK BROGAN <u>*E-FILED - 1/21/10*</u>	
10	UNITED STATES DISTRICT COURT		
11	NORTHERN DISTRICT OF CALIFORNIA		
12	SAN JOSE DIVISION		
13	FORTINET, INC.,	) CASE NO.: 09-CV-00036-RMW	
14	Plaintiff,	) ) STIDULATION AND II	
15	V.	<ul> <li>) STIPULATION AND []</li> <li>) ORDER FOR LEAVE TO FILE</li> <li>) SECOND AMENDED COMPLAINT</li> </ul>	
16			
17	PALO ALTO NETWORKS, INC., and PATRICK R. BROGAN,		
18	Defendants.	)	
19		_) _)	
20	AND RELATED COUNTERCLAIMS.		
21		_)	
22	WHEREAS Plaintiff and Counterclaim Defendant Fortinet, Inc. ("Fortinet") is the		
23	assignee of U.S. Patent No. 7,173,311 ("the '311 patent"), issued February 13, 2007, and U.S.		
24	Patent No. 7,580,974 ("the '974 patent"), issued August 25, 2009;		
25	WHEREAS Fortinet desires to file its Second Amended Complaint attached hereto as		
26	Exhibit A solely to assert these two additional patents;		
27			
28			
	STIPULATION AND [] ORDER FOR LEAVE TO FILE SECOND AMENDED COMPLAINT CASE NO: 09-CV-00036-RMW	Stipulation re filing second amended complaint.doc	

1	WHEREAS Fortinet makes this request to amend in good faith and out of a desire to		
2	conserve judicial and parties' resource, as the technology at issue in the '311 patent and the '974		
3	patent is similar to that already at issue in this case;		
4	WHEREAS Defendant and Counterclaim Plaintiff Palo Alto Networks, Inc. ("Palo Alto		
5	Networks") does not oppose Fortinet filing a Second Amended Complaint to assert the '311 and		
6	'974 patents;		
7	WHEREAS Fortinet does not oppose an extension of Palo Alto Networks' deadline to		
8	respond to the Second Amended Complaint until 20 days after completion of the		
9	ENE/meditation scheduled for January 25-26, 2010, should the ENE/mediation be unsuccessful		
10	in resolving the dispute between the parties;		
11	IT IS HEREBY STIPULATED by and between the parties, through their respective		
12	counsel undersigned, that:		
13	Fortinet shall have leave to file a Second Amended Complaint attached hereto as Exhibit		
14	A pursuant to Federal Rule of Civil Procedure 15(a)(2) to assert the '311 and '974 patents, and		
15	Palo Alto Networks shall have until 20 days after completion of the ENE/mediation scheduled		
16	for January 25-26, 2010, to respond to the Second Amended Complaint.		
17	F	WILSON SONSINI GOODRICH & ROSATI Professional Corporation	
18		By: <u>/s/ Stefani E. Shanberg</u> Stefani E. Shanberg	
19 20			
20	I	Attorneys for Plaintiff and Counterclaim Defendant FORTINET, INC.	
21 22	Dated: January 11, 2010	VILSON SONSINI GOODRICH & ROSATI Professional Corporation	
23	E	By: <u>/s/ Ryan M. Kent</u> Ryan M. Kent	
24			
25	F	Attorneys for Defendants and Counterclaim Plaintiffs PALO ALTO NETWORKS, INC.	
26	AND PATRICK BROGAN PURSUANT TO STIPULATION, IT IS SO ORDERED.		
27			
28	DATED: <u>1/21/10</u>	Konald M. Whyte The Honorable Ronald M. Whyte	
	STIBLE ATION AND [] OPDED FOR		
	STIPULATION AND [] ORDER FOR -2. LEAVE TO FILE SECOND AMENDED COMPLAINT CASE NO: 09-CV-00036-RMW		