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5 Attorneys for Defendants
 RAMMOHAN MALASANI, DBII
 6 NETWORKS, INC and DBII
 NETWORKS, LTD.

E-FILED - 7/16/09

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

12 UBIQUITI NETWORKS, INC., a
 California corporation

13 Plaintiff,

14 vs.

15 RAMMOHAN MALASANI,
 16 individually, DBII NETWORKS, INC., a
 Delaware corporation, and DBII
 17 NETWORKS, LTD, a Hong Kong
 corporation,

18 Defendants.
 19

No. 5:09-cv-00237-RMW

STIPULATED REQUEST (1) TO CONTINUE
 HEARING DATE AND EXTEND TIME TO
 RESPOND TO UBIQUITI'S MOTION TO STRIKE
 AFFIRMATIVE DEFENSES AND (2) FOR
 LEAVE TO AMEND RESPONSIVE PLEADING
 AND ~~PROPOSED~~ ORDER

20 Pursuant to Federal Rule of Civil Procedure 15(a)(2) and Civil Local Rules 6-2, 7-3 and 7-
 21 12, defendants Rammohan Malasani, Dbii Networks Inc. and Dbii Networks Ltd. (collectively
 22 "Dbii"), with the stipulation of plaintiff Ubiquiti Networks, Inc. ("Ubiquiti"), make the following
 23 stipulated request to (a) continue the hearing on Ubiquiti's Motion to Strike Affirmative Defenses
 24 from July 31, 2009 to August 21, 2009, with corresponding changes in related deadlines, and (b) for
 25 leave to amend defendants' responsive pleading to the First Amended Complaint on or before July
 26 31, 2009, as follows:

- 27 1. Hearing on plaintiff's Motion to Strike Affirmative Defenses is currently set for July 31,
 28 2009. [Docket # 28].

- 1 2. Dbii recently substituted David Bohrer and Confluence Law Partners (“CLP”) as their
2 attorneys in this matter on June 29, 2009. [Docket #29-30].
- 3 3. On July 9, 2009, Michael Warner Kallus, an attorney for CLP, initiated a telephone call with
4 plaintiff’s counsel, David Burt, regarding Dbii’s opposition to the Motion to Strike
5 Affirmative Defenses, which is due July 10, 2009 under the current schedule. Kallus
6 advised that Dbii’s new counsel had not had sufficient time to prepare the necessary briefing
7 to oppose the Motion to Strike and suggested that Dbii may be able to resolve the issues
8 raised in the Motion to Strike by filing an amended responsive pleading to the First
9 Amended Complaint. In response, Burt proposed both a three (3) week extension of time
10 for the hearing, and associated filing deadlines, which would allow Dbii to file an amended
11 responsive pleading to the First Amended Complaint on or before July 31, 2009 - the
12 deadline for Dbii’s opposition to the Motion to Strike assuming the hearing is continued.
13 Burt’s thinking was that if defendants’ amended responsive pleading cured the alleged
14 deficiencies in the affirmative defenses, the Motion to Strike could be rendered moot. If not,
15 Ubiquiti’s Motion would remain on calendar.
- 16 4. The parties therefore request the continuation of the hearing on the Motion to Strike
17 Affirmative Defenses from July 31, 2009 to August 21, 2009, with all applicable deadlines
18 continued accordingly, and for leave to file an amended responsive pleading to the First
19 Amended Complaint.

20
21 **SO STIPULATED.**

22
23 DATED: July 10, 2009.

CONFLUENCE LAW PARTNERS

24
25 By _____/s/
26 David C. Bohrer
27 On behalf of Defendants Rammohan
28 Malasani, DBII Networks, Inc. and DBII
Networks, Ltd.

1 DATED: July 10, 2009

2 RAO ONGARO BURTT & TILIAKOS LLP

3 By _____ /s/
4 David R. Burtt
5 On behalf of Plaintiff Ubiquiti Networks,
6 Inc.

7 Pursuant to Stipulation, **IT IS SO ORDERED.**

8 DATED: 7/16/09
9 _____

Ronald M. Whyte
10 _____

JUDGE

11 *The Court also continues the Case Management Conference from July 31, 2009
12 to August 21, 2009 @ 10:30 a.m.

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