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Attorney for Plaintiff Gregory Bender

Attorneys for Defendant
 INTERNATIONAL BUSINESS
 MACHINES CORP.

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

13 Gregory Bender,
 14 Plaintiff,
 15 v.
 16 International Business Machines Corporation,
 17 Defendant.

Case No. C 09-01249 RMW (PVT)

**STIPULATION AND ORDER
 EXTENDING DEADLINE FOR IBM
 TO FILE ITS DISCOVERY MOTION
 RELATED TO BENDER'S AMENDED
 INFRINGEMENT CONTENTIONS**

19 Plaintiff Gregory Bender ("Plaintiff") and Defendant International Business Machines
 20 Corporation ("Defendant"), through their respective counsel, hereby make the following
 21 stipulation with regards to Defendant's discovery motion related to Plaintiff's amended
 22 infringement contentions.

23 Due to counsels' limited availability to meet and confer as required by the Court, the
 24 parties have agreed, and hereby request that the deadline for Defendant to file its discovery
 25 motion pursuant to the Court's Order of December 28, 2009 (D.I. 39) be extended until
 26 Wednesday, January 27, 2010. The parties further stipulate that the Court's order granting
 27 Defendant temporary relief from its discovery obligations shall remain in place until the dispute is
 28 resolved.

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Respectfully submitted,

Dated: January 12, 2010

Jones Day

By: /s/ Gregory Lippetz
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Counsel for Defendant International Business
Machines Corporation

In accordance with General Order No. 45, Section X(B), the above signatory attests that
concurrence in the filing of this document has been obtained from the signatory below.

Dated: January 12, 2010

By: /s/ David Kuhn
David N. Kuhn
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Counsel for Plaintiff Gregory Bender

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: 1/14 , 2010

By: 
PATRICIA V. TRUMBULL
United States Magistrate Judge