

\*E-Filed 10/12/10\*

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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

15 FEDERAL TRADE COMMISSION,

16 Plaintiff,

17 v.

18 SWISH MARKETING, INC., a corporation,

19 MARK BENNING, individually and as an  
20 officer of SWISH MARKETING, INC.,

21 MATTHEW PATTERSON, individually and  
22 as an officer of SWISH MARKETING, INC.,  
and

23 JASON STROBER, individually and as an  
24 officer of SWISH MARKETING, INC.,

25 Defendants.

Case No. C09-03814 -RS

**STIPULATION AND  
[PROPOSED] ORDER TO  
EXTEND DISCOVERY  
SCHEDULE**

26 On July 12, 2010, this Court entered a Scheduling Order in this case setting November  
27 24, 2010, as the last date for all non-expert discovery. Since the initial scheduling conference,  
28 the parties have engaged in extensive discovery efforts. However, to accommodate the

**STIPULATION TO EXTEND DISCOVERY SCHEDULE - C09 3814 RS**

1 availability of counsel, to facilitate the remaining discovery, and to provide the parties sufficient  
2 time to engage in settlement talks, the parties request that the Court extend the discovery  
3 schedule in accordance with the table below. The proposed discovery schedule takes into  
4 account the difficulty of scheduling depositions during the winter holidays. This motion is the  
5 first request for an extension of time relating to the discovery schedule.

Matter	Original Date	Proposed Date
Non-Expert Discovery Cut-Off	11/24/10	1/28/10
FTC's Designation of Expert Testimony and Reports	12/3/10	2/7/10
Defendants' Designation of Expert Testimony and Reports	12/31/10	3/7/10
Expert Discovery Cut-Off	2/28/10	5/4/10

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15 **IT IS SO STIPULATED.**

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17 DATED: 10/8/2010

Respectfully submitted,

/s/ Lisa D. Rosenthal  
LISA D. ROSENTHAL  
KERRY O'BRIEN  
EVAN ROSE  
ERIC D. EDMONDSON

Attorneys for Plaintiff  
FEDERAL TRADE COMMISSION

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22 (The filer attests that concurrence in the filing of this document has been obtained from  
23 each of the other signatories.)

24  
25 DATED: 10/8/2010

/s/ Brian Grossman  
BRIAN GROSSMAN  
TESSER & RUTTENBERG

Attorneys for Defendants  
SWISH MARKETING, INC.,  
MATTHEW PATTERSON, and  
JASON STROBER

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DATED: 10/8/2010

/s/ Jay Fowler  
DANIEL J. BERGESON  
JAY FOWLER  
ELIZABETH D. LEAR  
BERGESON, LLP

Attorneys for Defendant  
MARK BENNING

**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

DATED: 10/12/10

  
RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE