

1 [List of Counsel Appears on Last Page]

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10/14/2010

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

Spring Design, Inc.,

Plaintiff,

vs.

Barnesandnoble.com LLC,

Defendant.

CASE NO. 5:09-cv-05185-JW

STIPULATION AND [Proposed]
ORDER TO EXCEED PAGE LIMIT ON
DEFENDANT BARNESANDNOBLE.COM
LLC'S MOTION FOR SUMMARY
JUDGMENT AND PLAINTIFF SPRING
DESIGN, INC.'S OPPOSITION TO
SUMMARY JUDGMENT

Trial Date: None set

1 **STIPULATION**

2 WHEREAS, pursuant to the May 4, 2010 Scheduling Order (Dkt. No. 113), as modified
3 by the revised schedule approved by Special Master Thomas Denver on September 9, 2010, the
4 deadline to file motions for summary judgment is Monday, October 18, 2010, and the deadline to
5 file any oppositions is Monday October 25, 2010;

6 WHEREAS, defendant Barnesandnoble.com LLC (“BN”) intends to file a motion for
7 summary judgment;

8 WHEREAS, plaintiff Spring Design, Inc. (“Spring”) intends to oppose BN’s motion for
9 summary judgment;

10 WHEREAS, Civil Local Rule 7-4(b) sets forth a limit of twenty-five (25) pages for the
11 parties’ memoranda of points and authorities in support of and in opposition to BN’s motion for
12 summary judgment;

13 WHEREAS, BN contends that it requires an oversized brief of forty (40) pages total to
14 demonstrate that there is no material issue of fact and BN is entitled to judgment as a matter of
15 law on Spring’s claims for trade secret misappropriation, breach of the non-disclosure agreement
16 and unfair competition under California Business & Professions Code Section 17200;

17 WHEREAS, Spring contends that it requires an equal opportunity to counter BN’s
18 motion and present argument to the contrary;

19 WHEREAS, on October 6, 2010, the parties agree that BN and Spring should be
20 permitted to file memoranda of points and authorities that do not exceed forty (40) pages.

21 NOW, WHEREFORE, pursuant to Civil Local Rule 7-12, BN and Spring stipulate as
22 follows:

23 BN may exceed the 25-page limit by fifteen (15) pages, thus changing the maximum
24 length of its memorandum of points and authorities in support of its motion for summary
25 judgment to forty (40) pages exclusive of exhibits, attachments, declarations, table of contents,
26 table of authorities, and proof of service. Spring may also exceed the 25-page limit by fifteen
27 (15) pages, thus changing the maximum length of its memorandum of points and authorities in
28 opposition to BN’s motion for summary judgment to forty (40) pages exclusive of exhibits,

1 attachments, declarations, table of contents, table of authorities, and proof of service.

2 IT IS SO AGREED AND STIPULATED.

3 DATED: October 11, 2010

4 QUINN EMANUEL URQUHART &
5 SULLIVAN, LLP

FENWICK & WEST LLP

6 /s/ Jennifer A. Kash

/s/ Elizabeth White

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Attorneys for Plaintiff SPRING DESIGN, INC.

15 *Attorneys for Defendant*
BARNESANDNOBLE.COM LLC

17 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

18 Pursuant to General Order No. 45, § X(B), regarding signatures, I attest under penalty of
19 perjury that the concurrence in the filing of this document has been obtained from its signatories.

21 Dated: October 11, 2010

22 By: /s/ Jennifer A. Kash
23 Jennifer A. Kash

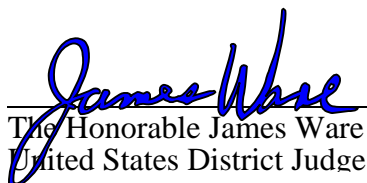
1 ~~PROPOSED~~ ORDER

2 Based on the foregoing stipulation of the parties, it is hereby ordered that:

3 The page limit for defendant Barnesandnoble.com LLC's memorandum of points and
4 authorities in support of its motion for summary judgment, due October 18, 2010, shall be **thirty**
5 **(30)** pages. The page limit for plaintiff Spring Design, Inc.'s opposition to defendant's motion for
6 summary judgment, due October 25, 2010, shall be **(30)** pages.

7 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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9 DATED: October 14, 2010

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11 
12 The Honorable James Ware
13 United States District Judge
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