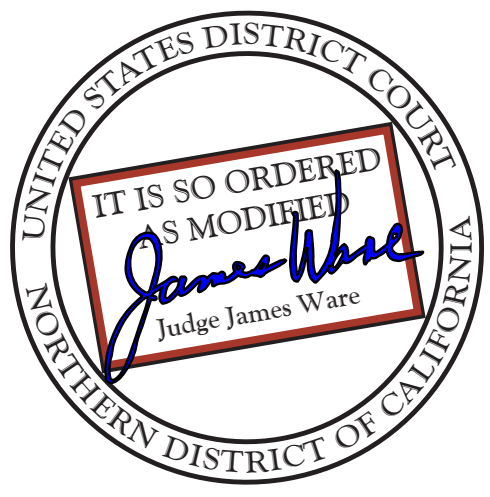


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 Attorneys for Plaintiff  
 9 Spring Design Inc.



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

FENWICK & WEST LLP  
 ATTORNEYS AT LAW  
 MOUNTAIN VIEW

14 Spring Design Inc.,  
 15  
 Plaintiff,  
 16  
 v.  
 17 Barnesandnoble.com LLC,  
 18  
 Defendant.  
 19

Case No. C 09 05185 JW  
**STIPULATION AND [Proposed] ORDER  
 REGARDING LEAVE TO FILE SECOND  
 AMENDED COMPLAINT**  
 Trial Date: None set

20 WHEREAS, Plaintiff Spring Design Inc. (“Spring”) served its First Amended Complaint  
 21 against Defendant Barnesandnoble.com LLC (“B&N”) on November 12, 2009;

22 WHEREAS, the parties stipulated on November 25, 2009 that B&N should have until  
 23 December 14, 2009 to answer or otherwise respond to the First Amended Complaint;

24 WHEREAS, per a further agreement between the parties, B&N has not yet answered or  
 25 otherwise responded to the First Amended Complaint;

26 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties, through  
 27 their respective counsel of record for all purposes in the above-captioned action including trial,  
 28

1 that:

- 2 1. Spring may file a Second Amended Complaint, a copy of which is attached hereto as  
3 Exhibit A.
- 4 2. Defendant B&N will file its motion to dismiss the Second Amended Complaint within  
5 the time provided by Fed. R. Civ. P. 15; to the extent B&N is required to answer the  
6 Second Amended Complaint, such answer will be due 14 days after a ruling on the  
7 motion to dismiss.

8

9 Dated: December 23, 2009

By: /s/Lynn H. Pasahow  
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Attorneys for Plaintiff  
Spring Design Inc.

14

15 Dated: December 23, 2009

By: /s/Melissa J. Baily  
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Attorneys for Defendant  
Barnesandnoble.com LLC

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**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Lynn H. Pasahow, attest that concurrence in the filing of this document has been obtained from the other signatory.

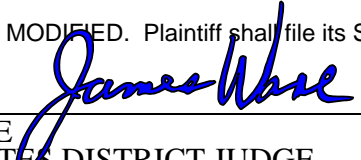
I declare under penalty of perjury that the foregoing is true and correct. Executed on December 23, 2009.

By: /s/ Lynn H. Pasahow  
Lynn H. Pasahow

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED. Plaintiff shall file its Second Amended Complaint as a *separate* docket entry on or before **January 15, 2010**.

Dated: January 11, 2009

  
JAMES WARE  
UNITED STATES DISTRICT JUDGE

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
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