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 9 SAN FRANCISCO TECHNOLOGY INC.

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

14 SAN FRANCISCO TECHNOLOGY,
 INC.,

15 Plaintiff,

16 v.

17 THE EVERCARE COMPANY,

18 Defendant.

CASE NO. 5:10-cv-01650-RS

**STIPULATION FOR MOTION BRIEFING
 AND HEARING SCHEDULE AND
 [PROPOSED] ORDER**

1 Pursuant to the Court's February 3, 2011, Civil Minute Order (D.E. 16), plaintiff San
2 Francisco Technology Inc. ("SF Tech") and defendant The Evercare Company ("Evercare"),
3 hereby submit this Stipulation and [Proposed] Order for motion briefing and a hearing schedule.
4 The Parties stipulate as follows:

5 1. On February 3, 2011, the Court held a case management conference (CMC) in this
6 case, jointly with other cases in which defendants were severed from *San Francisco Technology*
7 *Inc. v. Adobe Systems Inc.*, Case No. 5:09-cv-06083-RS (the former defendants in this case are
8 hereinafter referred to as "the defendants").

9 2. The defendants have indicated that they intend to file motions to dismiss. At the
10 CMC, the Court directed the defendants to meet and confer with SF Tech on a schedule for
11 briefing and hearing the motions to dismiss. The defendants and SF Tech exchanged emails and
12 held a telephone conference call on the morning of February 7, 2011. During that conference
13 call, the defendants and SF Tech agreed to the following schedule:

<u>Date</u>	<u>Event</u>
March 14, 2011	Deadline for defendant to file motions to dismiss
May 5, 2011	Deadline for SF Tech to file oppositions to motions to dismiss
May 12, 2011	Deadline for defendant to file replies
May 26, 2011, 1:30pm	Hearing on motions to dismiss

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20 3. Based on the Court's statements during the CMC, it is Defendants' position that
21 the Court has stayed all discovery in this case, including initial disclosures, while the motions to
22 dismiss are pending. SF Tech's counsel does not recall the court making that order during the
23 CMC and suggested deferring the issue of a discovery stay until later.

24 In accordance with General Order 45.X.B., Erik R. Fuehrer, counsel for The Evercare
25 Company, attests that each other signatory listed below has concurred in this filing.

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1 IT IS SO STIPULATED.

2 Dated: February 11, 2011

DLA PIPER LLP (US)

3
4 By /s/ Andrew Valentine

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13 Attorneys for Defendant,
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15 Dated: February 11, 2011

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25 SAN FRANCISCO TECHNOLOGY, INC.

26 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

27 Date: 2/10/11



28 Honorable Richard Seeborg, U.S. District Judge