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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION
 11

12 ALIPHCOM, a California corporation,

13 Plaintiff,

14 v.

15 WI-LAN, INC., a Canadian corporation,

16 Defendant.
 17

Case No. 3:10-cv-02337-LHK

STIPULATION AND ~~PROPOSED~~
 ORDER TO CONTINUE DATES
 FOR HEARING AND CASE
 MANAGEMENT CONFERENCE

[Civil L.R. 7-12]

18 Pursuant to Civil Local Rule 7-12, Plaintiff Aliphcom (“Aliph”) and Defendant Wi-LAN,
 19 Inc. (“Wi-LAN”), by and through their respective undersigned counsel, hereby stipulate and
 20 jointly request that the Court continue the September 7, 2010 Initial Case Management
 21 Conference and hearing on Wi-LAN’s Motion to Dismiss for Lack of Personal Jurisdiction and/or
 22 Motion to Transfer (“Motion to Dismiss and/or Transfer”) as follows:

23 WHEREAS, on July 28, 2010, Defendant Wi-LAN filed its Motion to Dismiss and/or
 24 Transfer; and,

25 WHEREAS, on August 2, 2010, this case was reassigned from Hon. Judge Susan Illston
 26 to Hon. Judge Lucy H. Koh, and all pending motion dates and hearings were taken off-calendar;
 27 and,
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STIPULATION AND ~~PROPOSED~~ ORDER
 Case No. 3:10-cv-02337-LHK

1 WHEREAS, on August 9, 2010, the Parties received the Clerk's Notice Directing Counsel
2 to Re-Notice Motions, which set the Initial Case Management Conference for September 7, 2010
3 and directed counsel to re-notice the Motion to Dismiss and/or Transfer for September 7, 2010;
4 and,

5 WHEREAS, Aliph and Wi-LAN are in the process of meeting and conferring regarding
6 the timing and scope of any discovery that Aliph intends to pursue concerning the jurisdiction and
7 venue issues raised in Wi-LAN's Motion to Dismiss and/or Transfer prior to filing its Opposition
8 thereto; and,

9 WHEREAS, as a matter of judicial economy, the Parties agree that the date for the Initial
10 Case Management Conference should be continued to coincide with the Parties' new requested
11 date for the hearing on the Motion to Dismiss and/or Transfer;

12 THEREFORE, the Parties hereby stipulate and agree and request that the Court continue
13 the date for the hearing on Wi-LAN's Motion to Dismiss and/or Transfer and the Initial Case
14 Management Conference to **November 4, 2010**. The Parties further stipulate and agree that last
15 day for Aliph to file its Opposition to the Motion to Dismiss and/or Transfer will be **October 11,**
16 **2010**, and the last day for Wi-LAN to file its Reply in support of its Motion to Dismiss and/or
17 Transfer will be **October 18, 2010**.

18 Furthermore, pursuant to Fed. R. Civ. P. 26(f)(2) and Civil Local Rule 16, the Parties
19 hereby stipulate and agree and request that the last day for the parties to file Joint Case
20 Management Conference Statements pursuant to paragraphs 10 and 11 of Judge Koh's
21 Reassignment Order shall be continued to **October 21, 2010**.

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Dated: August 12, 2010

ERIC S. WALTERS
ERIKA L. YAWGER
MORRISON & FOERSTER LLP

By: /s/ Eric S. Walters
ERIC S. WALTERS
Attorneys for Plaintiff
ALIPHCOM

Dated: August 12, 2010

LAURA A. HANDLEY
MCKOOL SMITH, P.C.

By: /s/ Laura A. Handley
LAURA A. HANDLEY
Attorneys for Defendant
WI-LAN INC.

SIGNATURE ATTESTATION

I hereby attest that I have obtained the concurrence in the filing of this document by the signatories indicated by a conformed "s/" signature. I will maintain records that support this concurrence that can be made available for inspection upon request.


Dated: August 12, 2010

MORRISON & FOERSTER LLP

By: s/Eric S. Walters
ERIC S. WALTERS
Attorneys for Plaintiff
ALIPHCOM

IT IS SO ORDERED.

Dated: August 13, 2010



The Honorable Lucy H. Koh
United States District Judge