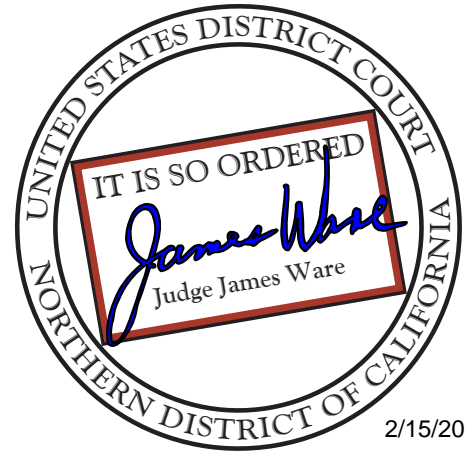


1 Jeffrey H. Lowenthal (State Bar No. 111763)
Edward Egan Smith (State Bar No. 169792)
2 STEYER LOWENTHAL BOODROOKAS
ALVAREZ & SMITH LLP
3 One California Street, Suite 300
San Francisco, CA 94111
4 Tel. No. (415) 421-3400
Facsimile No. (415) 421-2234
5 Email jlowenthal@steyerlaw.com
Email esmith@steyerlaw.com

6 Attorneys for Defendant
7 Finiti Group, LLC



2/15/2011

8
9
10 **UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN JOSE DIVISION**

13
14 ACTUATE CORPORATION, a California corporation)
15 Plaintiff,)
16 vs.)
17 FINITI LLC; and DOES 1 through 10,)
18 Defendants.)

Case No. 5:10-cv-02797-JW
STIPULATION AND ORDER
EXTENDING LAST DAY
TO MEDIATE; DECLARATION
OF JEFFREY H. LOWENTHAL

19
20
21
22
23
24
25
26
27
28

1 WHEREAS, the Court entered an order in the above-captioned matter on November 17,
2 2010, requiring that the parties undertake private mediation of this case within 90 days from the
3 date of that order;

4 WHEREAS, on that schedule the last day to mediate is Tuesday, February 15, 2011;

5 WHEREAS, the parties are not in a position to conduct a meaningful mediation by
6 February 15, 2011 and would like additional time so that they can be fully prepared to mediate;

7 WHEREAS, among other things, the parties are assessing whether other parties need to
8 be brought into this case and whether that needs to be done before mediation occurs;

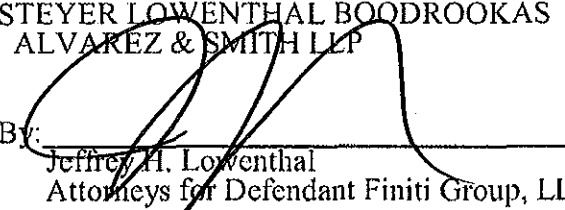
9 WHEREAS, the date for the last day to mediate has not previously been modified; and

10 WHEREAS, this time modification will have no effect on the schedule of the case;

11 NOW, THEREFORE, WITH GOOD CAUSE APPEARING, the parties, by and through
12 their respective counsel, hereby agree that the last day to conduct private mediation in the above-
13 captioned case be extended to, and including, April 29, 2011.


14
15 Dated: February 14, 2011

16 STEYER LOWENTHAL BOODROOKAS
17 ALVAREZ & SMITH LLP

18 By: 
19 Jeffrey H. Lowenthal
20 Attorneys for Defendant Finiti Group, LLC

21 Dated: February 14, 2011

22 LEE TRAN & LIANG APLC

23 By: 
24 Daniel Taylor
25 Attorneys for Plaintiff Actuate Corporation

26 PURSUANT TO STIPULATION, IT IS SO ORDERED.

27 Dated: February 15, 2011

28 
HONORABLE JAMES WARE
DISTRICT COURT JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2011, I electronically filed the foregoing
STIPULATION AND ORDER EXTENDING LAST DAY TO MEDIATE;
DECLARATION OF JEFFREY H. LOWENTHAL with the Clerk of the Court using
the ECF system which will send notification of such filing to all attorneys of record registered
for electronic filing.

/s/ Linda Rorem
Linda Rorem