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24 **UNITED STATES DISTRICT COURT**
 25 **NORTHERN DISTRICT OF CALIFORNIA**
 26 **SAN JOSE DIVISION**

27 ACTUATE CORPORATION, a California)
 28 corporation)
 29)
 30 Plaintiff,)
 31 vs.)
 32)
 33 FINITI LLC; and DOES 1 through 10,)
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 35 Defendants.)
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CASE NO. 5:10-cv-02797-EJD

 STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING MEDIATION
 PLAN AND DISCOVERY SCHEDULE.

STIPULATION AND PROPOSED ORDER REGARDING MEDIATION PLAN AND DISCOVERY SCHEDULE.
 CASE NO. 5:10-cv-02707-EJD



1 By this stipulation and order, the parties to the above-captioned action respectfully
2 request the pre-trial deadlines be continued for sixty (60) days. Parties previously mediated the
3 matter on March 28, 2012 but believe the matter is close to possible resolution and that with a
4 second day, the matter may settle. There is no trial date in this case. Accordingly, the parties
5 stipulate as follows:

6 WHEREAS, the present the Court set the following pre-trial deadlines pursuant to the
7 December 13, 2011 Case Management Order (Docket No. 44), as modified by the Court's
8 January 31, 2012 Order (Docket no. 46):

- | | | |
|----|---|-----------------|
| 9 | 1. Designation of Opening Experts with Reports | April 27, 2012; |
| 10 | 2. Designation of Rebuttal Experts with Reports | May 16, 2012; |
| 11 | 3. Fact Discovery Cutoff | May 29, 2012; |
| 12 | 4. Joint Preliminary Pre-Trial Conference Statement | May 29, 2012; |
| 13 | 5. Expert Discovery Cutoff | May 31, 2012; |
| 14 | 6. Deadline for Filing Dispositive Motions | May 31, 2012; |
| 15 | 7. Preliminary Pre-Trial Conference | June 8, 2012. |

16 WHEREAS, the Parties previously mediated the matter on March 28, 2012 for the full
17 day but believe the matter is close to possible resolution and that with a second half day of
18 mediation, the matter may settle;

19 WHEREAS, in an attempt to enable the parties sufficient time to mediate and to avoid
20 further unnecessary burden or expense of complying with discovery in the meantime, the parties
21 wish to extend the pre-trial deadlines approximately sixty (60) days so the Parties may complete
22 discovery and pre-trial preparation should the matter not settle;

23 NOW, THEREFORE, the parties, by and through their respective counsel, hereby
24 stipulate and agree that:

25 A. The current pre-trial deadlines shall be extended as follows:

- | | | |
|----|---|----------------|
| 26 | 1. Designation of Opening Experts with Reports | June 28, 2012; |
| 27 | 2. Designation of Rebuttal Experts with Reports | July 16, 2012; |

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- 3. Fact Discovery Cutoff July 30, 2012;
- 4. Joint Preliminary PreTrial Conference Statement August 14, 2012
- 5. Expert Discovery Cutoff August 1, 2012;
- 6. Deadline for Filing Dispositive Motions August 1, 2012;
- 7. Preliminary Pre-Trial Conference August 24, 2012,
at 11:00 a.m.

B. The parties will complete their continued mediation session in May 2012.

Dated: April 19, 2012

STEYER LOWENTHAL BOODROOKAS
ALVAREZ & SMITH LLP

By: /s/ Edward Egan Smith
Jeffrey H. Lowenthal
Edward Egan Smith
Attorneys for Defendant and Counter-Claimant
Finiti Group, LLC

Dated: April 19, 2012

LEE TRAN & LIANG APLC

By: /s/ James Lee
James Lee
Attorneys for Plaintiff and Counter-Defendant
Actuate Corporation

PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED.

Dated: April 23, 2012


EDWARD J. DAVILA
DISTRICT COURT JUDGE