

1 Paul Shim Devine
In Pro Per

2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 SAN JOSE DIVISION
5

6 Apple Inc., a California corporation,

7 Plaintiff,

8 vs.

9 Paul S. Devine, an individual; CPK
Engineering, Inc., a California
10 corporation; and Does 1-25, inclusive,

11 Defendants.

Civil Action No. CV 10-03563 PVT

**STIPULATION CONTINUING PAUL S.
DEVINE'S OBLIGATION TO FILE A
RESPONSIVE PLEADING UNDER
F.R.C.P. 12**

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13 Plaintiff Apple Inc., by and through undersigned counsel, and defendant Paul S.

14 Devine, *in pro per*, stipulate and agree as follows:

15 Mr. Devine is presently in the custody of the United States Marshals in
16 connection with a criminal case pending before this Court, *United States v. Paul*
17 *Devine*, No. CR 10-00603 JW (HRL). In that case, the Court has issued an order that
18 would allow pretrial release upon the satisfaction of certain conditions; Mr. Devine
19 continues to work toward satisfying those conditions.

20 Mr. Devine consented to authorize his criminal counsel, Arguedas, Cassman &
21 Headley, LLP, to accept service of the complaint in this matter. However, because of
22 his continued incarceration, Mr. Devine has not had the opportunity to hire civil counsel


23 No. CV 10-03563 PVT
Stipulation

1 and cannot properly respond to the complaint as contemplated by Federal Rule of
 2 Criminal Procedure 12.

3 Accordingly, the parties agree that Mr. Devine shall not be obligated to file a
 4 responsive pleading until November 15, 2010.

5 Respectfully submitted,

6 Dated: 9/13/2010



Paul S. Devine

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8 Dated: 9/13/2010

O'MELVENY & MYERS LLP



Sharon M. Bunzel
 Counsel for Apple Inc.

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