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14 Attorneys for Defendant
 15 EASTMAN KODAK COMPANY

16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
 18 **SAN JOSE DIVISION**

| | | | |
|----|---------------------------------------|---|---|
| 19 | APPLE INC., a California Corporation, |) | Case No. 5:10-CV-04145-JW-PSG |
| 20 | |) | |
| 21 | Plaintiff, |) | AGREED STIPULATION AND |
| 22 | |) | [PROPOSED] ORDER PURSUANT TO |
| 23 | v. |) | FED. R. CIV. P. 6(b)(1)(A) EXTENDING |
| 24 | |) | KODAK'S TIME TO FILE ITS REPLY |
| 25 | EASTMAN KODAK COMPANY, a New |) | IN SUPPORT OF MOTION TO |
| 26 | Jersey Corporation, |) | DISMISS UNTIL JANUARY 18, 2011 |
| 27 | |) | |
| 28 | Defendant. |) | Courtroom: 8, Fourth Floor |
| | |) | Judge: Hon. James Ware |
| | |) | |
| | |) | |
| | |) | |

STIPULATION AND [PROPOSED] ORDER EXTENDING KODAK'S TIME TO FILE ITS REPLY IN SUPPORT OF MOTION TO DISMISS UNTIL JANUARY 18, 2011; Case No. 5:10-CV-04145-JW-PGS

1 WHEREAS, on October 8, 2010, Eastman Kodak Company (“Kodak”) filed a Motion to
2 Dismiss, Or In The Alternative, Transfer Venue to the Western District of New York, and noticed
3 its motion for November 15;

4 WHEREAS, on October 12, 2010, the Court continued the hearing on Kodak’s Motion to
5 Dismiss, Or In The Alternative, Transfer Venue to the Western District of New York to January
6 31, 2011;

7 WHEREAS, on November 15, 2010, Kodak filed an Amended Motion to Dismiss, Or In
8 The Alternative, Transfer Venue to the Western District of New York, And Motion to Stay
9 Discovery, noticed for January 31, 2011;

10 WHEREAS, Apple timely filed its Opposition papers on January 10, 2011;

11 WHEREAS, Kodak’s Reply and supporting papers are due “at least 14 days before” the
12 January 31, 2011 hearing, Civil L.R. 7-3, which, because January 17, 2011 is a Court holiday,
13 falls on Friday, January 14, 2011;

14 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES, pursuant to Fed.
15 R. Civ. P. 6(b)(1)(A), and Civil L.R. 6-2 and 7-12 and 16-2(e), to request that Kodak’s time to file
16 its reply is extended to **January 18, 2011**.

17 Dated: January 13, 2011

K&L GATES LLP

18 By: /s/ Mikal J. Condon
19 Michael J. Bettinger
20 Shane Brun
21 Rachel R. Davidson
22 Mikal J. Condon

Attorneys for Defendant
Eastman Kodak Company

23 Dated: January 13, 2011

WEIL, GOTSHAL & MANGES LLP

24 By: /s/ Liani G. Kotcher
25 Matthew D. Powers
26 Steven S. Cherenky
27 Gregory D. Hull
28 Liani G. Kotcher

Attorneys for Plaintiff
Apple Inc.

1 I, Mikal J. Condon, attest that concurrence in e-filing this Stipulation and Proposed Order
2 has been obtained from signatory Liani G. Kotcher.

3 Dated: January 13, 2011

Respectfully submitted,

4 By: /s/ Mikal J. Condon

5 Mikal J. Condon

6 ~~PROPOSED~~ **ORDER**

7 PURSUANT TO THE STIPULATION, the time for Kodak to reply to its Amended
8 Motion to Dismiss or, in the Alternative, Transfer Venue and Motion to Stay is hereby extended
9 to January 18, 2011.

10 IT IS SO ORDERED.

11
12
13 Dated: January 14, , 2011

14 James Ware
Hon. James Ware, District Court Chief Judge