

1 Timothy J. Burke (SBN 181866)  
 2 STULL, STULL & BRODY  
 3 10940 Wilshire Blvd., Suite 2300  
 4 Los Angeles, CA 90024  
 (301) 209-2468  
 (301) 209-2087  
[service@ssbla.com](mailto:service@ssbla.com)

5 Gary S. Graifman  
 6 KANTROWITZ, GOLDHAMER &  
 7 GRAIFMAN, PC  
 210 Summit Ave.  
 8 Montvale, NJ 07645  
 Email: [ggraifman@kgglaw.com](mailto:ggraifman@kgglaw.com)  
 Phone: 201-391-7000  
 Facsimile: 201-307-1086

9 Michael S. Green  
 10 GREEN & ASSOCIATES, LLC  
 522 Route 18  
 11 P.O. Box 428  
 East Brunswick, NJ 08816  
 12 Email: [green@msgreenlaw.com](mailto:green@msgreenlaw.com)  
 Phone: 732-390-0480  
 13 Facsimile: 732-390-0481

14 Attorneys for Plaintiff  
 15 BRIAN GRAIFMAN

Tod L. Gamlen, State Bar No. 83458  
 Irene V. Gutierrez, State Bar No. 252927  
**BAKER & MCKENZIE LLP**  
 660 Hansen Way  
 Palo Alto, CA 94304-1044  
 Telephone: +1 650 856 2400  
 Facsimile: +1 650 856 9299  
 Email: [tod.gamlen@bakermckenzie.com](mailto:tod.gamlen@bakermckenzie.com)  
 Email: [irene.gutierrez@bakermckenzie.com](mailto:irene.gutierrez@bakermckenzie.com)

Mark D. Taylor (*pro hac vice*)  
 Matthew McCrary (*pro hac vice*)  
**BAKER & MCKENZIE LLP**  
 2300 Trammell Crow Center  
 Dallas, TX 75201  
 Telephone: 214 978 3000  
 Facsimile: 214 978 3099  
 Email: [mark.taylor@bakermckenzie.com](mailto:mark.taylor@bakermckenzie.com)  
 Email: [matthew.mccrary@bakermckenzie.com](mailto:matthew.mccrary@bakermckenzie.com)

Attorneys for Defendant  
 TREND MICRO, INC. (USA) sued herein as  
 TREND MICRO CORPORATION

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

19 BRIAN GRAIFMAN, on Behalf of Himself, All  
 20 Others Similarly Situated, and the General  
 21 Public,

Plaintiff,

v.

23 TREND MICRO CORPORATION, and DOES  
 24 1 through 10, Inclusive,

25 Defendants.

**Case No. CV11-02488 RMW**

**STIPULATION AND ORDER  
 [ ] EXTENDING TIME TO  
 RESPOND TO FIRST AMENDED  
 COMPLAINT AND DISCOVERY**

**Complaint Filed: March 2, 2011**

**STIPULATION**

1  
2 Plaintiff BRIAN GRAIFMAN (including any and all other persons that he may be  
3 determined to represent) (“Plaintiff”) and Defendant TREND MICRO INC. (USA)(“Trend Micro”),  
4 by and through their respective counsel, enter into this Stipulation.

5 WHEREAS, on November 9, 2011 the Court granted Plaintiff leave to file an Amended  
6 Class Action Complaint (“FAC”) in this action (Dkt. No.48) and such FAC was deemed filed on  
7 November 9, 2011.

8 WHEREAS, absent an extension of time and pursuant to the Stipulation and Order Regarding  
9 Filing of Amended Class Action Complaint (Dkt. No. 46), Trend Micro is to respond to the FAC on  
10 or before December 9, 2011.

11 WHEREAS, on November 10, 2011 Plaintiff served a revised First Request for Production of  
12 Documents (“Plaintiff’s November 10 Document Request”) and a revised First Set of Interrogatories  
13 (“Plaintiff’s November 10 Interrogatories”).

14 WHEREAS, absent an extension of time, Trend Micro is to respond to Plaintiff’s November  
15 10 Document Request and Plaintiff’s November 10 Interrogatories on or before December 14, 2011.

16 WHEREAS, certain events have occurred which have led to Trend Micro needing additional  
17 time in order to respond to the FAC, Plaintiff’s November 10 Document Request and Plaintiff’s  
18 November 10 Interrogatories , including, but not limited to, extensive discussions as to the scope and  
19 interpretation of Plaintiff’s November 10 Document Request and whether Plaintiff would be  
20 amending the class definition set forth in ¶ 30 of the FAC.

21 WHEREAS, the Plaintiff is agreeable to granting Trend Micro the extensions set forth in ¶¶ 1  
22 and 2 below to respond to the FAC, Plaintiff’s November 10 Document Request, and Plaintiff’s  
23 November 10 Interrogatories but requests that the dates set forth in ¶ 1.a. – g., of the Court’s  
24 September 30, 2011 Initial Case Management and Scheduling Order (Dkt. No. 44)(“ September 30  
25 Scheduling Order”) be extended by the the time set forth in ¶ 3; and, Trend Micro is agreeable to  
26 such request.

27 //

28 //

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

IT IS THEREFORE STIPULATED that:

1. The time for Trend Micro to respond to the FAC is hereby extended up to and including December 28, 2011.
2. The time for Trend Micro to respond to the Plaintiff's November 10 Document Request and Plaintiff's November 10 Interrogatories is hereby extended up to and including December 28, 2011.
3. The dates and deadlines for the class certification phase of this action and as set forth in the September 30 Scheduling Order at ¶ 1.a.-g., are extended as follows:
  - a. Designation of Class Certification Experts – from December 30, 2011 to **January 13, 2012;**
  - b. Designation of Rebuttal Class Certification Experts – from January 20, 2012 to **February 3, 2012 ;**
  - c. Close of Class Certification Discovery – from February 10, 2012 to **February 24, 2012;**
  - d. Filing of Class Certification motion –from February 28, 2012 to **March 13, 2012;**
  - e. Filing of Opposition to Class Certification motion – from March 29, 2012 to **April 12, 2012;**
  - f. Filing of Reply to Class Certification motion – from April 30, 2012 to **May 7, 2012;**

//  
//  
//  
//  
//  
//  
//

1 g. Hearing on class certification motion – from May 18, 2012 to **June 1, 2012**.

2  
3 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

4  
5 Dated: December 9, 2011

BAKER & MCKENZIE LLP

6  
7 By: /s/ Tod L. Gamlen

8 Tod L. Gamlen  
9 Attorneys for Defendant  
TREND MICRO, INC. (USA) sued herein  
as TREND MICRO, CORPORATION

10 Dated: December 9, 2011

STULL, STULL & BRODY

11  
12 By: /s/ Timothy J. Burke

13 Timothy J. Burke  
14 Attorneys for Plaintiff  
BRIAN GRAIFMAN

15 **ATTESTATION OF CONCURRENCE BY TOD L. GAMLEN**

16  
17 I, Tod L. Gamlen, hereby attest that I am one of the attorneys for Trend Micro Incorporated  
18 (USA), and, as the ECF user and filer of this document, I attest that, pursuant to General Order No.  
19 45(X)(B), concurrence in the filing of this document has been obtained from Timothy J. Burke, the  
20 above signatory.

21  
22 Dated: December 9, 2011

By: /s/ Tod L. Gamlen

23  
24 **ORDER []**

25 Pursuant to stipulation IT IS SO ORDERED.

26 Dated:

*Ronald M. Whyte*