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 8 d/b/a/ Globaltrak, and Richard C. Meyers

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

13 IMPEVA LABS, INC.,  
 14 Plaintiff,  
 15 vs.  
 16 SYSTEM PLANNING  
 CORPORATION, SYSTEM  
 17 PLANNING CORPORATION D/B/A  
 GLOBALTRAK, AND RICHARD C.  
 18 MEYERS  
 19 Defendants.

Civil Action No. 5:12-cv-00125-EJD

**~~PROPOSED~~ ORDER GRANTING  
 SECOND EXTENSION OF TIME  
 FOR CASE MANAGEMENT  
 CONFERENCE AND RELATED  
 DATES**

21 IT IS HEREBY STIPULATED by and between the parties hereto pursuant to  
 22 Local Rule 7-12, and with the approval of this Court, that the ADR deadlines, Case  
 23 Management Conference and related dates, be extended from their presently noticed  
 24 dates based upon the following:

25 WHEREAS, on or about March 6, 2012 the parties submitted their first  
 26 stipulation to extend the time for the ADR deadlines as well as the Case  
 27 Management Conference (“CMC”) and related dates, (Dkt. 21), and, on March 7,  
 28 2012, the Court denied the request on the grounds that Plaintiff’s First Amended

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1 Complaint rendered Defendants' motion to dismiss  
2 moot; and

3 WHEREAS, thereafter on or about April 3, 2012 this Court, in response to the  
4 parties' stipulation, granted the parties' request that the ADR deadlines and CMC  
5 and related filing dates be continued due to the proximity with the hearing on  
6 Defendants' Motion to Dismiss the First Amended Complaint and the CMC, both  
7 scheduled for April 27, 2012 (Dkt. 25); and

8 WHEREAS, as a result, the Court continued the CMC from April 27 to June  
9 1, the ADR deadlines from April 6 to May 13 and the date for filing the Rule 26  
10 Report, submission of the Initial Disclosures and the Case Management Statement  
11 from April 20 to May 26, 2012; and

12 WHEREAS, on April 25, 2012 the Court continued the hearing on the  
13 motion to dismiss from April 27 to May 11, 2012 (Dkt. 28) and, thereafter, on May  
14 8, 2012, vacated the hearing and took the motion under submission without oral  
15 argument (Dkt. 29); and

16 WHEREAS, under the present schedule, the parties are to meet and confer  
17 regarding the Case Management Statement on or before May 11, submit the ADR  
18 Certification and Stipulation re ADR by May 14 (May 13 falling on a Sunday);  
19 prepare and file the Rule 26 Report, Initial Disclosures and Case Management  
20 Statement by May 26; and

21 WHEREAS, it is still the parties belief that preparation of the Case  
22 Management Statement, Initial Disclosures and Rule 26 Report is premature at this  
23 juncture for the following reasons: (1) the Court's decision with respect to  
24 Defendants' motion to dismiss will have an impact upon virtually all of the filings in  
25 preparation for the Case Management Conference insofar as the claims that will be  
26 at issue, the discovery required as between the parties as well as third parties and  
27 possibly the ADR that the parties would select as being the most efficacious; (2)  
28 Defendants have not filed an answer to the First Amended Complaint, so any

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1 affirmative defenses it may assert must await the Court's decision on the motion; (3)  
 2 Defendants have made no determination as to any counterclaims or possible third  
 3 party complaints as such would await the decision of the Court on the motion to  
 4 dismiss; (4) the Court's determination of the motion to dismiss would also affect the  
 5 application of this Court's local patent rules to this action in the event that the Court  
 6 grants or denies the motion with respect to Plaintiff's causes of action for  
 7 declaratory relief as to non-infringement and invalidity of the patents of Defendant  
 8 System Planning Corporation;

9 Accordingly, even if the Court rules on the motion in the very near future, the  
 10 foregoing issues, including the need for Defendants' responsive pleading, lead the  
 11 parties to believe that to conserve judicial resources the CMC, should be continued  
 12 so as to permit this Court to rule on Defendants' motion and, thereafter, allow the  
 13 parties to prepare for the CMC based upon this Court's ruling and the pleading  
 14 placing the matter at issue.

15 The parties therefor respectfully request that the Case Management  
 16 Conference, and related filing deadlines as well as the ADR deadlines be revised as  
 17 set forth below:

19	Event	Present Date	New Date
20	CMC	June 1, 2012	<del>August 3, 2012</del> August 10, 2012
22	ADR Deadlines	May 13, 2012	July 13, 2012
24	Rule 26(f) Report;		
25	Initial Disclosures;		
26	Case Management		
27	Statement.	May 26, 2012	<del>July 27, 2012</del> August 3, 2012

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**IT IS SO STIPULATED.**

DATED: May 14, 2012

MICHAEL E. DERGOSITS  
IGOR SHOIKET  
DERGOSITS & NOAH LLP

By:           /s/ Michael E. Dergosits  
Michael E. Dergosits  
Attorneys for Plaintiff Impeva Labs, Inc.

DATED: May 14, 2012

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Thomas S. Kiddé  
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Corporation, System Planning Corporation  
d/b/a/ Globaltrak, and Richard C. Meyers

**ORDER**

GOOD CAUSE APPEARING, IT IS ORDERED that the Case Management Conference, Initial Disclosure, Rule 26 Report and ADR deadlines are extended as set forth in the above Stipulation.

Dated: May 15, 2012

  
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Honorable Edward J. Davila  
U.S. District Court Judge