

\*E-FILED: May 1, 2013\*

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15 Attorneys for Plaintiff  
 SILICON VALLEY TELECOM EXCHANGE, LLC

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

20 SILICON VALLEY TELECOM EXCHANGE,  
 LLC, a California corporation,

21 Plaintiffs,

22 v.

23 VERIO INC., a Delaware corporation; NTT  
 24 AMERICA, INC., a Delaware corporation; and  
 DOES 1 through 25,

25 Defendants.

Case No. 12-CV-00899 HRL

**STIPULATION AND ~~PROPOSED~~  
 ORDER EXTENDING TIME TO FILE  
 REPLY BRIEFS IN SUPPORT OF  
 VERIO AND NTT AMERICA MOTIONS  
 FOR PARTIAL SUMMARY JUDGMENT  
 AND CONTINUING HEARING DATE**

Dept: Courtroom 12, 19<sup>th</sup> Floor  
 Judge: Hon. Howard R. Lloyd

Date Action Filed: February 23, 2012

1 **STIPULATION**

2 The parties submit this stipulation and proposed order to extend the time to file reply  
3 briefs in support of the motions for partial summary judgment filed by Defendants Verio Inc.  
4 (“Verio”) and NTT America, Inc. (“NTTA”) on April 10, 2013, and to continue the hearing date  
5 on the motions, currently set for May 14, 2013:

6 WHEREAS, plaintiff Silicon Valley Telecom Exchange (“SVTX”) filed its Opposition to  
7 NTTA’s Motion for Partial Summary Judgment on April 29, 2013;

8 WHEREAS, SVTX filed its Opposition to Verio’s Motion for Partial Summary Judgment  
9 on April 30, 2013;

10 WHEREAS, Verio and NTTA’s reply briefs to SVTX’s Oppositions would otherwise be  
11 due to be filed at midnight on May 1, 2013, approximately 48 hours after SVTX’s opposition  
12 briefs were filed;

13 WHEREAS, counsel for SVTX has stipulated to the additional time requested by  
14 Defendants to file their reply briefs;

15 WHEREAS, the parties desire to give the Court the full two weeks to consider the  
16 motions;

17 WHEREAS, the parties understand that the Court has availability on its May 21, 2013 law  
18 and motion calendar and are agreeable to a hearing date of May, 21, 2013;

19 NOW, THEREFORE, and in light of the foregoing, IT IS HEREBY STIPULATED AND  
20 AGREED by and between the respective attorneys for Plaintiffs and Defendants, and subject to  
21 approval by this Court, as follows:

22 The deadline for Defendants to file their reply briefs in support of their Motions for Partial  
23 Summary Judgment is extended up to and including Monday, May 6, 2013; and

24 The hearing date on the Motions for Partial Summary Judgment of Verio and NTTA is  
25 continued from May 14, 2013 to May 21, 2013.

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Dated: April 30, 2013

BRYAN WILSON  
KENNETH A. KUWAYTI  
STEFAN S. SZPAJDA  
MORRISON & FOERSTER LLP

By: /s/ Kenneth A. Kuwayti  
KENNETH A. KUWAYTI

Attorneys for Defendants

Dated: April 30, 2013

EDWARD F. CULLEN  
MARC L. PINCKNEY

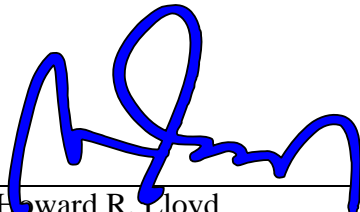
By: /s/ Edward F. Cullen  
EDWARD F. CULLEN

Attorneys for Plaintiff

**ORDER**

IT IS SO ORDERED.

Dated: May 1, 2013

By:   
\_\_\_\_\_  
Hon. Howard R. Lloyd  
U.S. Magistrate Judge