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 VENTURE CORPORATION, LTD., AND
 CEBELIAN HOLDING PTE, LTD.

13 UNITED STATES DISTRICT COURT
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

16 FITEQ, INC.,
 17 Plaintiff,
 18 v.
 19 VENTURE CORPORATION, LTD., and
 20 CEBELIAN HOLDING PTE, LTD.
 21 Defendants.

Case No. 13-cv-1946 BLF (PSG)

**STIPULATION AND ~~PROPOSED~~
 ORDER EXTENDING PLAINTIFF'S
 TIME IN WHICH TO FILE AN
 OPPOSITION, AND DEFENDANTS'
 TIME IN WHICH TO FILE A REPLY,
 TO DEFENDANTS' MOTION TO
 EXCLUDE TESTIMONY ABOUT
 FITEQ'S ALLEGED LOST PROFITS
 AND ENTERPRISE VALUE**

Courtroom: 3, Fifth Floor
 The Honorable Beth Labson Freeman

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 STIPULATION AND ~~PROPOSED~~ ORDER
 EXTENDING TIME TO FILE OPPOSITION
 AND REPLY TO DEFENDANTS' MOTION TO EXCLUDE

Case No. 13-cv-1946 BLF (PSG)

1 Plaintiff FiTeq, Inc. (“Plaintiff” or “FiTeq”) and defendants Venture Corporation
2 Ltd., and Cebelian Holding PTE, Ltd. (collectively “Defendants” or “Venture”), hereby
3 stipulate through their respective counsel of record as follows:

4 WHEREAS, Defendants will file on September 17, 2015 Defendants’ Motion to
5 Exclude Testimony About FiTeq’s Alleged Lost Profits and Enterprise Value (“Defendants’
6 Motion to Exclude”) (*see* Dkt. No. 296 at 3), and the hearing date for that motion is reserved
7 for December 10, 2015;

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9 WHEREAS, pursuant to Civil Local Rule 7-3 FiTeq’s Opposition to Defendants’
10 Motion to Exclude (the “Opposition”) would be due October 1, 2015 and Defendants Reply
11 in Support of Defendants’ Motion to Exclude (the “Reply”) would be due October 8, 2015;

12 WHEREAS, key counsel for Plaintiff are out of the country for much of the second
13 half of September;

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15 WHEREAS, key counsel for Defendants are out of office for various days in mid-to-
16 late October;

17 WHEREAS, in light of counsel’s schedules, and as a mutual accommodation, the
18 parties agree that the due date for the Opposition is extended to October 20, 2015, and the
19 due date for the Reply is extended to November 3, 2015;

20
21 WHEREAS, the parties have not previously received extensions of time for filing the
22 Opposition and Reply; and

23 WHEREAS, the parties do not believe that the requested extensions will affect or
24 change the other dates currently scheduled by the Court;

25 WHEREFORE IT IS HEREBY STIPULATED BY THE PARTIES:

26 (1) That Defendants will serve and file their Motion to Exclude by September 17,
27 2015;

1 (2) That FiTeq will have to and including October 20, 2015 to serve and file its
2 Opposition; and

3 (3) That Defendants will have to and including November 3, 2015 to serve and
4 file their Reply.

5 Dated: September 16, 2015

HOSIE RICE LLP

6 By: /s/ Darrell R. Atkinson

7 Darrell R. Atkinson

8 *Attorneys for Plaintiff FiTeq, Inc.*

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10 SNELL & WILMER L.L.P.

11 By: /s/ David Barker

12 David Barker

13 *Attorneys for Defendants Venture Corp. and*
14 *Cebelian Holding Pte, Ltd.*

15 I hereby attest pursuant to Civil Local Rule 5-1(i)(3) that concurrence in the
16 electronic filing of this document has been attained from the other signatories.

17
18 Dated: September 16, 2015

19 By: /s/ Darrell R. Atkinson

20 Darrell R. Atkinson

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT:

(1) Defendants will serve and file their Motion to Exclude Testimony About FiTeq's Alleged Lost Profits and Enterprise Value by September 17, 2015;

(2) FiTeq will have to and including October 20, 2015 to serve and file its Opposition to Defendants' Motion to Exclude Testimony About FiTeq's Alleged Lost Profits and Enterprise Value; and

(3) Defendants will have to and including November 3, 2015 to serve and file their Reply in Support of their Motion to Exclude Testimony About FiTeq's Alleged Lost Profits and Enterprise Value.

IT IS SO ORDERED.

Dated: September 17, 2015



Honorable Beth Labson Freeman
United States District Judge

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10 *FITEQ, INC.*

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12 UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14
15 FITEQ, INC.,

16 Plaintiff,

17 v.

18 VENTURE CORPORATION, LTD., and
CEBELIAN HOLDING PTE, LTD.

19 Defendants.
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Case No. 13-cv-1946 BLF (PSG)

DECLARATION OF DARRELL R. ATKINSON IN SUPPORT OF STIPULATION AND ~~PROPOSED~~ ORDER EXTENDING PLAINTIFF'S TIME IN WHICH TO FILE AN OPPOSITION, AND DEFENDANTS' TIME IN WHICH TO FILE A REPLY, TO DEFENDANTS' MOTION TO EXCLUDE TESTIMONY ABOUT FITEQ'S ALLEGED LOST PROFITS AND ENTERPRISE VALUE

Courtroom: 3, Fifth Floor
The Honorable Beth Labson Freeman

1 I, Darrell R. Atkinson, declare as follows:

2 1. I am one of the attorneys of record in this matter for Plaintiff FiTeq, Inc.
3 (“Plaintiff” or “FiTeq”). I make this declaration of my own personal knowledge. If called
4 upon to do so I could and would testify competently to the matters stated herein.

5
6 2. Key counsel for Plaintiff are out of the country for much of the second half of
7 September. Additionally, key counsel for Defendants are out of office for a number of days
8 in mid-to-late October. Given the absence of key counsel for both parties in the months of
9 September and October, including the absence of key plaintiff counsel during the period
10 under Civil Local Rule 7-3 in which Plaintiff would have to prepare its Opposition to
11 Defendants’ Motion to Exclude Testimony About FiTeq’s Alleged Lost Profits and
12 Enterprise Value if the motion is filed on September 17, 2015, and the absence of key
13 defense counsel during the period under Civil Local Rule 7-3 in which Defendants would
14 have to prepare their Reply in Support of their motion if Plaintiff’s time to oppose is
15 extended, the parties require additional time to prepare their respective papers.

16
17 3. The parties have not previously received extensions of time for filing the
18 opposition to, or reply in support of, Defendants’ Motion to Exclude Testimony About
19 FiTeq’s Alleged Lost Profits and Enterprise Value.

20
21 4. The parties do not believe that the requested extensions will affect or change
22 the other dates currently scheduled by the Court.

23 I declare under penalty of perjury that the foregoing is true and correct, and this
24 declaration is executed at San Francisco, California on September 16, 2015.

25 /s/ Darrell R. Atkinson
26 Darrell R. Atkinson