

1 MICHAEL ASCHENBRENER (SBN 277114)
2 mja@aschenbrenerlaw.com
3 ASCHENBRENER LAW, P.C.
4 795 Folsom Street, First Floor
5 San Francisco, CA 94107
6 Telephone: (415) 813-6245
7 Facsimile: (415) 813-6246



8 *ATTORNEYS FOR PLAINTIFF*

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

12 THINK COMPUTER CORPORATION, a
13 Delaware Corporation,

14 Plaintiff,

15 v.

16 DWOLLA, INC. *et al.*,

17 Defendants.

) Case No. 5:13-cv-02054-EJD
)
) **STIPULATION TO ENLARGE TIME TO**
) **RESPOND TO COMPLAINT AND TO**
) **ENLARGE BRIEFING SCHEDULE ON**
) **ANTICIPATED MOTIONS TO DISMISS**
) **PLAINTIFF'S FIRST AMENDED**
) **COMPLAINT**
)
) Judge Edward J. Davila
)

1 **STIPULATION**

2 Pursuant to Civil L.R. 6-1 and 6-2, Plaintiff Think Computer Corporation ("Think
3 Computer") and the following defendants ("Defendants") hereby stipulate and agree as follows:

- 4 - A-Grade Investments, LLC;
- 5 - A-Grade Investments II, LLC;
- 6 - Airbnb, Inc.;
- 7 - Balanced, Inc.;
- 8 - Coinbase, Inc.;
- 9 - Coinlab, Inc.;
- 10 - Dwolla, Inc.;
- 11 - Facebook, Inc.;
- 12 - Facebook Payments, Inc.;
- 13 - Gumroad, Inc.;
- 14 - Square, Inc.;
- 15 - Stripe, Inc.;
- 16 - Union Square Ventures LLC;
- 17 - Union Square Ventures Opportunity Fund, LP;
- 18 - Union Square Ventures 2012 Fund, LP;
- 19 - Brian Chesky;
- 20 - Yishan Wong;
- 21 - Andreessen Horowitz Fund I, LP;
- 22 - Andreessen Horowitz Fund I-A, LP;
- 23 - Andreessen Horowitz Fund I-B, LP;
- 24 - Andreessen Horowitz Fund II, LP;
- 25 - Andreessen Horowitz Fund II-A, LP;
- 26 - Andreessen Horowitz Fund II-B, LP;
- 27 - Andreessen Horowitz Fund III, LP;

- 1 - Andreessen Horowitz Fund III (AIV), LP;
- 2 - Andreessen Horowitz Fund III-A, LP;
- 3 - Andreessen Horowitz Fund III-B, LP;
- 4 - Andreessen Horowitz Fund III-Q, LP;
- 5 - Y Combinator, LLC;
- 6 - Y Combinator Fund I, LP;
- 7 - Y Combinator Fund I GP, LLC;
- 8 - Y Combinator Fund II, LP;
- 9 - Y Combinator Fund II GP, LLC;
- 10 - Y Combinator RE, LLC;
- 11 - Y Combinator S2012, LLC;
- 12 - Y Combinator W2013, LLC;
- 13 - Sequoia Capital, LLC;
- 14 - SC XII Management, LLC;
- 15 - Sequoia Capital New Projects, LLC;
- 16 - Sequoia Capital Scout Fund I, LLC;
- 17 - Sequoia Capital Scout Fund II, LLC;
- 18 - Sequoia Capital U.S. Scout Fund III, LLC;
- 19 - Sequoia Capital U.S. Scout Seed Fund 2013 LP;
- 20 - Sequoia Capital XII Principals Fund, LLC;
- 21 - Sequoia Capital XII, LP;
- 22 - Sequoia Technology Partners XII, LP;
- 23 - Kleiner Perkins Caufield & Byers, LLC;
- 24 - Kleiner Perkins Caufield & Byers XIII, LLC;
- 25 - Kleiner Perkins Caufield & Byers XIII Founders Fund, LLC;
- 26 - Kleiner Perkins Caufield & Byers XIV, LLC;
- 27 - Kleiner Perkins Caufield & Byers XV, LLC;

28

- 1 - The Board of Trustees of the Leland Stanford Junior University;
- 2 - Digital Sky Technologies, Limited;
- 3 - DSTG-2 2011 Advisors, LLC;
- 4 - DSTG-2 2011 Investors DLP, LLC;
- 5 - DSTG-2 2011 Investors Onshore, LP; and,
- 6 - Yuri Milner.

7 Plaintiff and Defendants, by and through undersigned counsel, hereby stipulate that:

- 8 - Defendants shall have until August 8, 2013 in which to answer or otherwise respond
- 9 to Think Computer's First Amended Complaint.;
- 10 - Plaintiff shall have until September 23, 2013 to respond to any responsive pleadings
- 11 or motions to dismiss the First Amended Complaint; and,
- 12 - Defendants shall have until October 14, 2013 to file any replies in support of any
- 13 motions to dismiss Plaintiff's First Amended Complaint.

14 The parties seek this enlargement of time in order to better coordinate response deadlines

15 among the large number of defendants and because Plaintiff anticipates needing more than the

16 standard fourteen (14) days to respond to any responsive pleadings or motions filed by

17 Defendants. (Asch. Decl. ¶ 2.) This enlargement of time will increase efficiency for the parties

18 and for the Court. (Asch. Decl. ¶ 3.) In addition, Plaintiff anticipates that Defendants will file

19 either (a) multiple motions to dismiss; or, (b) an omnibus motion to dismiss covering multiple

20 defendants. (Asch. Decl. ¶ 4.)

21 There has been one prior time modification in this case, which was by stipulation. (Dkt

22 nos. 73 & 74; Asch. Decl. ¶ 5.)

23 The proposed time modification will not affect the schedule of the case. (Asch. Decl.

24 ¶ 6.) The parties do not seek to alter any existing hearings. (Asch. Decl. ¶ 7.) And the proposed

25 enlargement should have no effect on the expected hearing date on the motion(s) to dismiss.

26 (Asch. Decl. ¶ 8.)

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

Respectfully submitted,

Dated: July 31, 2013

By: s/ Michael Aschenbrener
Michael Aschenbrener
Aschenbrener Law, P.C.
One of the Attorneys for Plaintiff

Dated: July 31, 2013

By: s/ Gus Coldebella
Gus Coldebella (admitted pro hac vice)
W. Kyle Tayman (admitted pro hac vice)
Goodwin Procter LLP
901 New York Avenue, NW
Washington, DC 20001
Telephone: (202) 346-4034
Facsimile: (202) 346-4444
gcoldabella@goodwinprocter.com
ktayman@goodwinprocter.com

Juan Suarez (CA Bar No. 268859)
601 South Figueroa Street
41st Floor
Los Angeles, CA 90017
Telephone: (213) 426-2500
Facsimile: (213) 623-1673
jsuarez@goodwinprocter.com

Attorneys for Defendants:
Digital Sky Technologies, Limited;
DSTG-2 2011 Advisors, LLC;
DSTG-2 2011 Investors DLP, LLC;
DSTG-2 2011 Investors Onshore, LP;
and,
Yuri Milner.

1 Dated: July 31, 2013

By: s/ Rocky C. Tsai

Rocky C. Tsai

Ropes & Gray

One of the Attorneys for Defendants:

Sequoia Capital, LLC;

SC XII Management, LLC;

Sequoia Capital New Projects, LLC;

Sequoia Capital Scout Fund I, LLC;

Sequoia Capital Scout Fund II, LLC;

Sequoia Capital U.S. Scout Fund III,
LLC;

Sequoia Capital U.S. Scout Seed Fund
2013 LP;

Sequoia Capital XII Principals Fund,
LLC;

Sequoia Capital XII, LP;

Sequoia Technology Partners XII, LP;

Kleiner Perkins Caufield & Byers, LLC;

Kleiner Perkins Caufield & Byers XIII,
LLC;

Kleiner Perkins Caufield & Byers XIII
Founders Fund, LLC;

Kleiner Perkins Caufield & Byers XIV,
LLC; and,

Kleiner Perkins Caufield & Byers XV,
LLC.

16 Dated: July 31, 2013

By: s/ Judy Jennison

Judy Jennison

Perkins Coie LLP

One of the Attorneys for Defendant:

Coinlab, Inc.

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

Dated: July 31, 2013

By: Thomas P. Brown
Thomas P. Brown
Paul Hastings LLP
One of the Attorneys for Defendants:
A-Grade Investments, LLC;
A-Grade Investments II, LLC;
Airbnb, Inc.;
Balanced, Inc.;
Coinbase, Inc.;
Dwolla, Inc.;
Facebook, Inc.;
Facebook Payments, Inc.;
Gumroad, Inc.;
Square, Inc.;
Stripe, Inc.;
Union Square Ventures LLC;
Union Square Ventures Opportunity
Fund, LP;
Union Square Ventures 2012 Fund, LP;
Brian Chesky; and,
Yishan Wong.

Dated: July 31, 2013

By: s/ Sarah Flanagan
Sarah Flanagan
Pillsbury Winthrop Shaw Pittman LLP
One of the Attorneys for Defendant:
The Board of Trustees of the Leland
Stanford Junior University

1 Dated: July 31, 2013

By: s/ Kenneth G. Hausman

Kenneth G. Hausman

Arnold & Porter LLP

One of the Attorneys for Defendants:

Andreessen Horowitz Fund I, LP;

Andreessen Horowitz Fund I-A, LP;

Andreessen Horowitz Fund I-B, LP;

Andreessen Horowitz Fund II, LP;

Andreessen Horowitz Fund II-A, LP;

Andreessen Horowitz Fund II-B, LP;

Andreessen Horowitz Fund III, LP;

Andreessen Horowitz Fund III (AIV),
LP;

Andreessen Horowitz Fund III-A, LP;

Andreessen Horowitz Fund III-B, LP;

Andreessen Horowitz Fund III-Q, LP;

Y Combinator, LLC;

Y Combinator Fund I, LP;

Y Combinator Fund I GP, LLC;

Y Combinator Fund II, LP;

Y Combinator Fund II GP, LLC;

Y Combinator RE, LLC;

Y Combinator S2012, LLC; and,

Y Combinator W2013, LLC.

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

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

CERTIFICATE OF SERVICE

The undersigned certifies that, on August 1, 2013, he caused this document to be electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of filing to counsel of record for each party.

Dated: August 1, 2013

ASCHENBRENER LAW, P.C.

By: s/ Michael Aschenbrener
Michael Aschenbrener