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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FORTINET, INC.,

Plaintiff,

vs.

FIREEYE, INC.,

Defendant.

Case No. 5:13-cv-02496-EJD-PSG

**STIPULATION AND [PROPOSED] ORDER
EXTENDING THE DEADLINE TO
RESPOND TO SECOND AMENDED
COMPLAINT**

Complaint Filed: August 22, 2012
Trial Date: None

1 WHEREAS, on September 30, 2014, the Court issued an order granting-in-part and denying-
2 in-part Defendant FireEye, Inc.'s ("FireEye") Motion to Dismiss Plaintiff Fortinet, Inc.'s ("Fortinet")
3 First Amended Complaint, and also granting Fortinet leave to file a second amended complaint, Dkt.
4 No. 70;

5 WHEREAS, on October 15, 2014, Fortinet filed a Second Amended Complaint, Dkt. No. 71;

6 WHEREAS, under the Federal Rules of Civil Procedure, Rule 15(a)(3), FireEye's response to
7 Fortinet's Second Amended Complaint would be due on October 29, 2014;

8 WHEREAS the parties have agreed to extend FireEye's time to respond to Fortinet's Second
9 Amended Complaint until November 21, 2014;

10 AND WHEREAS extending FireEye's time to respond to November 21, 2014 will not affect
11 any other deadline currently scheduled in this matter;

12 THEREFORE, the parties stipulate to and request an extension of the deadline for FireEye to
13 file its response to Fortinet's Second Amended Complaint from October 29, 2014 to and including
14 Friday, November 21, 2014.

15
16 Dated: October 28, 2014

Respectfully submitted,

17 K&L GATES LLP

18
19 By: /s/ Shane Brun

MICHAEL J. BETTINGER (SBN 122196)

20 SHANE BRUN (SBN 179079)

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25 Attorneys for Defendant

26 FIREEYE, INC.

1 Dated: October 28, 2014

Respectfully submitted,

2
3 By: /s/ John Neukom
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10 Attorneys for Plaintiff
FORTINET, INC.

11
12 **CERTIFICATION PURSUANT TO GENERAL ORDER 45**

13 Pursuant to General Order 45X.B, I, Shane Brun, attest that the above signatories have
14 concurred and consented to the filing of this document.

15 Dated: October 28, 2014

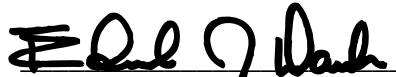
16 /s/ Shane Brun
Shane Brun

1 **ORDER**

2 Pursuant to the stipulation, this Court GRANTS the parties' request to extend FireEye's
3 deadline to respond to Fortinet's Second Amended Complaint to November 21, 2014.

4 IT IS SO ORDERED.

5
6 DATED: 10/30/2014


EDWARD J. DAVILA
United States District Judge