

1 Michael T. Jones (SBN 290660)
2 *mjones@goodwinprocter.com*
3 Nicole L. Chessari (SBN 259970)
4 *nchessari@goodwinprocter.com*
5 **GOODWIN PROCTER LLP**
6 135 Commonwealth Drive
7 Menlo Park, California 94025-1105
8 Tel.: 650.752.3100
9 Fax.: 650.853.1038

6 **Attorneys for Defendant**
7 **NUANCE COMMUNICATIONS, INC.**

8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 THE PHOENIX INSURANCE
12 COMPANY, a Connecticut corporation;
13 THE TRAVELERS INDEMNITY
14 COMPANY, a Connecticut corporation;
15 THE TRAVELERS INDEMNITY
16 COMPANY OF CONNECTICUT, a
17 Connecticut corporation; TRAVELERS
18 PROPERTY CASUALTY COMPANY OF
19 AMERICA, a Connecticut corporation,

17 Plaintiffs and Counter-
18 Defendants,

19 v.

20 INFINITY CONTACT, INC., an Iowa
21 corporation; and NUANCE
22 COMMUNICATIONS, INC., a Delaware
23 corporation,

23 Defendants and Counter-
24 Claimants

CASE NO. 5:13-cv-05905-BLF

FOURTH JOINT STIPULATION AND
~~PROPOSED~~ ORDER TO REVISE
BRIEFING SCHEDULE FOR
OPPOSITION AND REPLY TO
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT

DEMAND FOR JURY

Courtroom: 3
Judge: Hon. Beth Labson Freeman
Floor: 5

1 Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rules 6-1(b) and 6-2, Defendant
2 NUANCE COMMUNICATIONS, INC. (“Defendant”) and Plaintiffs THE PHOENIX
3 INSURANCE COMPANY, THE TRAVELERS INDEMNITY COMPANY, THE TRAVELERS
4 INDEMNITY COMPANY OF CONNECTICUT, and TRAVELERS PROPERTY CASUALTY
5 COMPANY OF AMERICA (collectively, “Plaintiffs”) (together, with Defendant, the “Parties”),
6 through their undersigned counsel, hereby file the following stipulated request to extend the briefing
7 schedules with respect to Plaintiffs’ Motion for Summary Judgment Against Defendant Nuance
8 Communications, Inc., Docket Entry No. 52 (“Motion”), so that Defendant’s opposition to the
9 Motion will be filed on or before October 29, 2014, and Plaintiffs’ reply brief in support of the
10 Motion will be filed on or before November 24, 2014. In support of this request, the Parties stipulate
11 as follows:

12 WHEREAS, on June 2, 2014, the Court issued a Case Management Order, Docket Entry No.
13 46 (“Order”) setting forth the following schedule with respect to motions for summary judgment:

14 Parties to file Cross-Motion for Summary Judgment	June 30, 2014
15 Response to Motion for Summary Judgment	July 30, 2014
16 Reply to Motion for Summary Judgment	August 20, 2014
17 Motion for Summary Judgment Hearing	November 6, 2014 at 9:00 a.m.

18 WHEREAS, on June 30, 2014, Plaintiffs filed their Motion with this Court;

19 WHEREAS, on July 15, 2014, the Parties initiated discussions relating to potential settlement
20 of this action;

21 WHEREAS, to further explore potential settlement of this action, the Parties stipulated on
22 July 18, 2014 to extend Defendant’s deadline to file its opposition to the Motion until Friday, August
23 15, 2014 and Plaintiffs’ deadline to file their reply to the Motion until Friday, September 5, 2014;

24 WHEREAS, to further explore potential settlement of this action, the Parties stipulated on
25 August 28, 2014 to extend Defendant’s deadline to file its opposition to the Motion until September
26 29, 2014 and Plaintiffs’ deadline to file their reply to the Motion until October 22, 2014;

1 WHEREAS, the Parties have reached a settlement, in principal, and are in the process of
2 preparing an agreement to memorialize the settlement;

3 WHEREAS, to provide the Parties with sufficient time to prepare and enter into the
4 settlement agreement, the Parties have agreed to extend Defendant's deadline to file its opposition to
5 the Motion until Wednesday, October 29, 2014;

6 WHEREAS, the Parties have further agreed to extend Plaintiffs' deadline to file its reply to
7 the Motion until Monday, November 24, 2014;

8 WHEREAS, if the settlement agreement is not effectuated, the Parties agree that the Court
9 should hold a hearing on the Motion on Thursday, December 18, 2014 at 9:00a.m.;

10 WHEREAS, on September 29, 2014, the Parties notified the Court via telephone and via
11 email that they would like to vacate the November 6, 2014 hearing date and reserve the December
12 18, 2014 date for the hearing on the Motion and the Court confirmed telephonically that the hearing
13 would be reset for December 18, 2014;

14 WHEREAS, no Party will be prejudiced by the relief requested in the stipulation;

15 WHEREAS, this stipulation is without prejudice to, or waiver of, any rights or defenses
16 otherwise available to the Parties in this action;

17 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between the parties
18 hereto that:

- 19 1) Defendant Nuance Communications, Inc., shall have through and including **October 29,**
20 **2014**, to file its opposition to Plaintiffs' Motion for Summary Judgment;
- 21 2) Plaintiffs shall have through and including **November 24, 2014**, to file their reply in
22 support of Plaintiffs' Motion for Summary Judgment; and
- 23 3) The hearing on Plaintiffs' Motion for Summary Judgment shall be vacated and
24 rescheduled for Thursday, **December 18, 2014 at 9:00a.m.**

1 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

2
3 Dated: September 29, 2014

Respectfully submitted,

4
5 By: /s/ Mark D. Peterson

Mark D. Peterson

CATES PETERSON LLP

4100 Newport Place, suite 230

Newport Beach, CA 92660

Tel: (949) 724-1180

Fax: (949) 724-1190

Email: markpeterson@catespeterson.com

6
7
8
9 *Attorneys for Plaintiffs*

*The Phoenix Insurance Company, The
Travelers Indemnity Company, The Travelers
Indemnity Company of Connecticut, and
Travelers Property Casualty Company of
America*

10
11
12
13 Dated: September 29, 2014

Respectfully submitted,

14
15 By: /s/ Nicole L. Chessari

Michael T. Jones (SBN 661336)

Nicole L. Chessari (SBN 259970)

GOODWIN PROCTER LLP

135 Commonwealth Drive

Menlo Park, California 94025-1105

Tel.: 650.752.3100

Fax.: 650.853.1038

16
17
18
19 *Attorneys for Defendant*

Nuance Communications, Inc.

20
21
22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23
24 DATED: September 30, 2014

25 
26 HONORABLE BETH LABSON FREEMAN
27 United States District Judge
28