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   CORPORATION and VENDIO SERVICES, INC.
12
   [*Additional counsel listed on signature page*]
13

14   UNITED STATES DISTRICT COURT

15   NORTHERN DISTRICT OF CALIFORNIA

16   SAN JOSE DIVISION

17 AUCTION ACCELERATION CORP.,
                                              Case No.   5:14-CV-04045 EJD
18   Plaintiff,   Case No.   5:14-CV-04046 EJD

19   v.   **STIPULATION AND [PROPOSED]**
                                              ORDER TO FURTHER CONTINUE CASE
20 EBAY, INC., and AUCTIVA CORPORATION,   **MANAGEMENT CONFERENCE**
                                              PENDING SETTLEMENT
21   Defendants.
                                              Date: May 28, 2015
22 ─────────────────────────────────   Time: 10:00 a.m.
   AUCTION ACCELERATION CORP.,   Judge: Hon. Edward J. Davila
23   Courtroom: 4
                          Plaintiff,
24
             v.
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   EBAY, INC., and VENDIO SERVICES, INC.,
26
                          Defendants.
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STIPULATION AND [PROPOSED] ORDER TO FURTHER CONTINUE CASE
MANAGEMENT CONFERENCE PENDING SETTLEMENT; CASE NO. 5:14-CV-04045
EJD AND 5:14-CV-04046 EJD

1   Pursuant to Civ. L.R. 6-2, Plaintiff Auction Acceleration Corp. and Defendants eBay Inc.,

2   Auctiva Corporation, and Vendio Services, Inc. by and through their attorneys of record, enter into

3   this Stipulation and Proposed Order to Continue the Case Management Conference currently set for

4   Thursday, May 28, 2015 at 10:00 a.m. in Courtroom 4, on the 5th Floor of the above-captioned court,

5   before the Honorable Judge Edward J. Davila.

6   Plaintiff and Defendants previously reached an agreement in principle to resolve all remaining

7   issues in the case including Plaintiff's claims for damages, royalties, and costs claimed in the lawsuit

8   against Defendants. Counsel for all parties have engaged in diligent efforts to reach a written

9   settlement agreement that resolves all remaining disputes in this case, but the parties have not yet

10   finalized the settlement agreement. Accordingly, Defendants and Plaintiff have stipulated to further

11   continue the Case Management Conference by one month, to provide the parties additional time to

12   seek to document and finalize the settlement agreement.

13   Defendant and Plaintiff request that the Court continue the Case Management Conference in

14   this matter to June 25, 2015 at 10:00 a.m., with joint case management statements to be filed with the

15   Court by June 18, 2015. In the event settlement is reached by the parties and dismissals are filed with

16   the Court on or before June 25, 2015, the Case Management Conference will automatically be

17   removed from the Court's calendar.

18   **IT IS SO STIPULATED.**

19

20   Dated: May 22, 2015   By: /s/ *Michael E. Zeliger*

                                                 Michael E. Zeliger
21   David Simons
                                                 Jackson Ho
22   Ranjini Acharya

23   K&L GATES LLP

24   Attorneys for Defendants AUCTIVA
                                                 CORPORATION and VENDIO SERVICES,
25   Inc.

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Dated: May 22, 2015

/s/ Jennifer S. Coleman

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Attorneys for Defendant EBAY INC.

Dated: May 22, 2015

/s/ Joseph P. Oldaker

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Attorneys for Plaintiff AUCTION
ACCELERATION CORP.

CERTIFICATION PURSUANT TO CIV. L.R. 5-1(i)(3)

Pursuant to Civil Local Rule 5-1(i)(3), I hereby certify that concurrence in the filing of this

document has been obtained from the signatories for whom a signature is indicated by a conformed

signature (/s/). I have on file records to support this concurrence for production for the Court if so
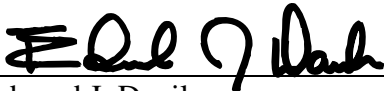
ordered.

Dated: May 22, 2015

/s/ Ranjini Acharya

Ranjini Acharya

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**STIPULATION AND [PROPOSED] ORDER TO FURTHER CONTINUE CASE
MANAGEMENT CONFERENCE PENDING SETTLEMENT; CASE NO. 5:14-CV-04045
EJD AND 5:14-CV-04046 EJD**

PURSUANT TO STIPULATION, IT IS SO ORDERED:

The Case Management Conference currently scheduled for May 28, 2015 is continued to June 25, at 10:00 a.m., with joint case management statements to be filed with the Court by June 18, 2015. In the event settlement is reached by the parties and dismissals are filed with the Court on or before June 25, 2015, the Case Management Conference will automatically be removed from the Court's calendar.

Date: 5/22/2015   By: _____

Edward J. Davila
United States District Judge

STIPULATION AND [PROPOSED] ORDER TO FURTHER CONTINUE CASE MANAGEMENT CONFERENCE PENDING SETTLEMENT; CASE NO. 5:14-CV-04045 EJD AND 5:14-CV-04046 EJD