

1 RODGER R. COLE (CSB No. 178865)
 rcole@fenwick.com
 2 FENWICK & WEST LLP
 Silicon Valley Center
 3 801 California Street
 Mountain View, CA 94041
 4 Telephone: 650.988.8500
 Facsimile: 650.938.5200

5 *Attorneys for Defendant Superfish, Inc.*

6 *Additional counsel listed on the signature page*

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA
 9 SAN JOSE DIVISION

FENWICK & WEST LLP
 ATTORNEYS AT LAW
 MOUNTAIN VIEW

11 BILL CULLIFER, LIZ EDWARDS, DOUGLAS
 IRWIN, JOSEPH GUERRA, AUSTIN ARDMAN,
 12 HANK BAUMER, THOMAS BEHRENDT,
 13 ALLAN BOGH, RICHARD BROOKS, JILL
 CAZAUBON, JENNIFER COLE, LAUREN
 14 DANNHEIM, JENNIFER DAVIS, EDWARD
 DRESSEL, CHRISTOPHER DUNN, DONALD
 15 GEARHART, KENG GEE, BRIAN UTTERMAN,
 HEATHER HARE, JOSE HIDALGO, NEERAJ
 16 KALRA, RYAN KEMPER, JIM KOPPS,
 17 RAJKUMAR KOTHAPA, MICHELE LARGÉ ,
 ARUL LOUIS, THOMAS LUCAS, TOM MILLER,
 18 ERIC MORETTI, TREVOR MURDOCK, TRAVIS
 PALMER, ELIZABETH PRATT, ROBERT
 19 QAKISH, TINA RICHMAN, CANDACE ROSE,
 DANIELLE ROUGIER, RAY SCHMALZER,
 20 ZESHAN SHEIKH, CHRIS SHOUTS, ALICE
 SPALITTA, ZACHARY STEIN, CONNIE
 21 SUPERNAULT, RUSS TAKLE, NATE TALLEY,
 22 NIKOLAS THERIOT, ARIELLA VASQUEZ,
 KATE WOODS, KYLE YOUNGS, AND
 23 LIANGFANG ZHAO, INDIVIDUALLY AND ON
 BEHALF OF ALL OTHERS SIMILARLY
 24 SITUATED,

25 Plaintiffs,

26 vs.

27 SUPERFISH, INC., and LENOVO (UNITED
 STATES), INC.

28 Defendants.

CASE NO. 5:15-CV-01496-RMW

**STIPULATION FOR CONTINUANCE
 OF TIME FOR DEFENDANTS TO
 RESPOND TO COMPLAINT AND
 [] ORDER**

1 WHEREAS the above-referenced Plaintiffs filed the above-captioned case;

2 WHEREAS 26 other complaints have been filed to-date in federal district courts
3 throughout the United States by Plaintiffs purporting to bring consumer class actions on behalf of
4 purchasers of computers manufactured by Defendant Lenovo (United States), Inc. (“Lenovo”)
5 containing software manufactured by Defendant Superfish, Inc. (“Superfish”) (collectively,
6 including the above-captioned matter, the “*In re Lenovo Adware Litig.* cases”);

7 WHEREAS a motion is pending before the Judicial Panel on Multidistrict Litigation
8 (“JPML”) to transfer the *In re Lenovo Adware Litig.* cases for coordinated and consolidated
9 pretrial proceedings pursuant to 28 U.S.C. Sec. 1407 (“MDL Motion”), and has not yet been set
10 for hearing before the JPML;

11 WHEREAS the next JPML hearing session is scheduled for May 28, 2015;

12 WHEREAS the parties anticipate that one or more consolidated complaints will be filed
13 following transfer and consolidation of the *In re Lenovo Adware Litig.* cases;

14 WHEREAS Plaintiffs and Defendants Superfish and Lenovo have agreed that an orderly
15 schedule for any response to the pleadings in the *In re Lenovo Adware Litig.* cases would be more
16 efficient for the parties and for the Court;

17 WHEREAS Plaintiffs agree that the deadline for Defendants Superfish and Lenovo to
18 answer, move, or otherwise respond to their complaint shall be extended until forty-five days
19 after the JPML issues an order deciding the MDL Motion, or as otherwise ordered by the MDL
20 transferee Court if the MDL Motion is granted;

21 WHEREAS Plaintiffs and Defendants agree that preservation of evidence in the case is
22 vital, that Defendants have received litigation hold letters, that they are complying with and will
23 continue to comply with all of their evidence preservation obligations under governing law;

24 WHEREAS this Stipulation does not constitute a waiver by the parties of any of their
25 respective claims, defenses or any other rights or positions they may have with respect to the
26 same, including, with respect to Defendants, the defenses of lack of personal jurisdiction, lack of
27 subject matter jurisdiction, improper venue, sufficiency of process or service of process;

28 Now, therefore, pursuant to Local Rule 7-12, Plaintiffs and Defendants, by and through

1 their respective counsel of record, hereby stipulate as follows:

2 1. The deadline for Defendants Superfish and Lenovo to answer, move, or otherwise
3 respond to the complaint shall be extended until forty-five days after the JPML issues an order
4 deciding the MDL Motion, or as otherwise ordered by the MDL transferee Court if the MDL
5 Motion is granted;

6 2. This Stipulation does not constitute a waiver by the parties of any of their
7 respective claims, defenses or any other rights or positions they may have with respect to the
8 same, including, with respect to Defendants, the defenses of lack of personal jurisdiction, lack of
9 subject matter jurisdiction, improper venue, sufficiency of process, or service of process.

10 3. The parties agree that they are complying with and will continue to comply with
11 all evidentiary preservation obligations under governing law.

12 4. Nothing herein precludes any of the parties from moving to lift the stay prior to the
13 extended deadlines requested herein.

14
15 Dated: April 28, 2015

By: /s/ Rodger R. Cole

Rodger R. Cole (CSB No. 178865)
rcole@fenwick.com
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Ph: (650) 988-8500
Fax: (650) 938-5200

Attorneys for Defendant Superfish, Inc.

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

By: /s/ Laurence M. Rosen

Laurence M. Rosen
lrosen@rosenlegal.com
THE ROSEN LAW FIRM, P.A.
Los Angeles, CA 90071
Tel: (213) 785-2610
Fax: (213) 226-4684

Phillip Kim
pkim@rosenlegal.com
THE ROSEN LAW FIRM, P.A.
275 Madison Avenue, 34th Floor
New York, NY 10016
Tel: (212) 686-1060

Christopher S. Hinton
chinton@hintonlegal.com
THE HINTON LAW FIRM
275 Madison Ave., 34th Floor
New York, NY 10016
Tel: (646) 723-3377
Fax: (212) 202-3827

Attorneys for Plaintiffs

By: /s/ Daniel J. Stephenson

Daniel J. Stephenson
DYKEMA GOSSETT LLP
333 South Grand Avenue, Suite 2100
Los Angeles, CA 90071
Phone: (213) 457-1800
Fax: (213) 457-1850
dstephenson@dykema.com

Attorneys for Defendant Lenovo (United States), 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

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:



Honorable Ronald M. Whyte
United States District Judge

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

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

ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)

I, Rodger R. Cole, am the ECF User whose identification and password are being used to file this **STIPULATION FOR CONTINUANCE OF TIME FOR DEFENDANTS TO RESPOND TO COMPLAINT AND [PROPOSED] ORDER**. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all signatories have concurred in this filing.

Dated: April 28, 2015

/s/ Rodger R. Cole
Rodger R. Cole

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

I HEREBY CERTIFY THAT on the 28th day of April, 2015, I caused the foregoing document to be filed with the Court, and have caused a copy to be served on:

<p>Laurence M. Rosen <i>lrosen@rosenlegal.com</i> THE ROSEN LAW FIRM, P.A. Los Angeles, CA 90071 Tel: (213) 785-2610 Fax: (213) 226-4684</p> <p>Phillip Kim <i>pkim@rosenlegal.com</i> THE ROSEN LAW FIRM, P.A. 275 Madison Avenue, 34th Floor New York, NY 10016 Tel: (212) 686-1060</p> <p>Christopher S. Hinton <i>chinton@hintonlegal.com</i> THE HINTON LAW FIRM 275 Madison Ave., 34th Floor New York, NY 10016 Tel: (646) 723-3377 Fax: (212) 202-3827</p> <p>Attorneys for Plaintiffs</p>	<p><input checked="" type="checkbox"/> By CM/ECF <input type="checkbox"/> United States Mail, First Class <input type="checkbox"/> By Messenger <input type="checkbox"/> By Facsimile <input type="checkbox"/> By Overnight Courier <input type="checkbox"/> By Email</p>
<p>Daniel J. Stephenson DYKEMA GOSSETT LLP 333 South Grand Avenue, Suite 2100 Los Angeles, CA 90071 Phone: (213) 457-1800 Fax: (213) 457-1850 <i>dstephenson@dykema.com</i></p> <p>Attorneys for Defendant Lenovo (United States), Inc.</p>	<p><input type="checkbox"/> By CM/ECF <input type="checkbox"/> United States Mail, First Class <input type="checkbox"/> By Messenger <input type="checkbox"/> By Facsimile <input type="checkbox"/> By Overnight Courier <input checked="" type="checkbox"/> By Email</p>