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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 KONAMI GAMING, INC., a Nevada  
 14 corporation,

15 Plaintiff,

16 v.

17 PTT, LLC d/b/a HIGH 5 GAMES, a  
 Delaware limited liability company,

18 Defendant.

Case No.: 2:14-cv-01483-RFB-NJK

19 **ORDER GRANTING**  
**DEFENDANT'S MOTION FOR**  
**EXTENSION OF TIME TO FILE**  
**RESPONSIVE PLEADING TO COMPLAINT**  
**[SECOND REQUEST]**

20 Pursuant to LR 6-1 and Rule 6(b) of the Federal Rules of Civil Procedure, Defendant  
 21 PTT, LLC d/b/a High 5 Games ("High 5 Games"), by and through its attorney, Robert C. Ryan,  
 22 Esq., of the law firm Holland & Hart LLP, moves for a second extension of time to file a  
 23 responsive pleading to the Complaint. This Motion is based upon the pleadings and papers on  
 24 file herein and the attached Memorandum of Points and Authorities.

25 **MEMORANDUM OF POINTS AND AUTHORITIES**

26 1. This is an action for patent infringement. Konami Gaming filed its Complaint on  
 27 or about September 12, 2014. (Dkt. No. 1). Konami Gaming served High 5 Games with process  
 28 in this matter on September 22, 2014. (Dkt. No. 7). The original due date for High 5 Games to

1 answer or otherwise plead in response to the Complaint was October 13, 2014 pursuant to Fed.  
2 R. Civ. P. 12. During settlement discussions, Konami Gaming agreed not to object to High 5  
3 Games filing a responsive pleading by December 12, 2014.

4 2. On December 12, 2014, the parties stipulated to extending the time to file a  
5 responsive pleading to the Complaint to January 12, 2015. (Dkt. No. 8). Later that same day  
6 United States Magistrate Judge Nancy J. Koppe ordered that extension. (Dkt. No. 9). This  
7 extension was the parties' first requested extension of time.

8 3. High 5 Games' response is due today, January 12, 2015, and as such this request  
9 is made before the expiration of time allowed under the Federal Rules of Civil Procedure for  
10 High 5 Games to respond. *See* Fed. R. Civ. P. 6(b).

11 4. Within several weeks of service of the Complaint on High 5 Games, the parties  
12 commenced discussing settlement; and pursuant to these discussions, High 5 Games began  
13 collecting information, particularly source code for several dozen gaming products, related to the  
14 accusations made in the Complaint. High 5 Games has been diligently working on collecting  
15 this information in a format understandable to Konami Gaming for purposes of settlement and  
16 without waiting for discovery requests in this matter.

17 5. The anticipated time to collect and process the source code and other information  
18 for several dozen High 5 Games' games required much more work and was far more voluminous  
19 than anticipated.

20 6. The parties engaged in good-faith settlement discussions and negotiations and  
21 High 5 Games initiated significant efforts to collect and provide pre-discovery information to  
22 Konami Gaming in an effort to resolve this dispute. However, additional time is necessary to  
23 complete collection of the pertinent information as the parties previously agreed and stipulated  
24 to.

25 7. Given the ongoing nature and substantial information to be exchanged between  
26 the parties pursuant to settlement discussions, High 5 Games requests two weeks of additional  
27 time, up to and including January 26, 2015, to file a responsive pleading in this matter.  
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