RENO, NV 89511 SECOND FLOOR

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

	Nevada Bar No. 7164
2	HOLLAND & HART LLP
	5441 Kietzke Lane, Second Floor
3	Reno, NV 89511
	Phone: (775) 327-3000
4	Fax: (775) 786-6179
_	rcryan@hollandhart.com
5	
	Christopher B. Hadley
6	(Pro hac vice to be filed)
اہ	HOLLAND & HART LLP
1/	222 South Main St., Suite 2200
	Salt Lake City, UT 84101
8	Phone: (801) 799-5873
	Fax: (801) 618-4238
9	cbhadley@hollandhart.com
10	
10	Attorneys for PTT, LLC d/b/a High 5 Games

Robert C. Ryan

## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

KONAMI GAMING, INC., a Nevada corporation,

Plaintiff,

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

v.

Defendant.

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

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

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

## MEMORANDUM OF POINTS AND AUTHORITIES

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

7444352\_2

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

answer or otherwise plead in response to the Complaint was October 13, 2014 pursuant to Fed.

- 2. On December 12, 2014, the parties stipulated to extending the time to file a responsive pleading to the Complaint to January 12, 2015. (Dkt. No. 8). Later that same day United States Magistrate Judge Nancy J. Koppe ordered that extension. (Dkt. No. 9). This extension was the parties' first requested extension of time.
- High 5 Games' response is due today, January 12, 2015, and as such this request 3. is made before the expiration of time allowed under the Federal Rules of Civil Procedure for High 5 Games to respond. See Fed. R. Civ. P. 6(b).
- 4. Within several weeks of service of the Complaint on High 5 Games, the parties commenced discussing settlement; and pursuant to these discussions, High 5 Games began collecting information, particularly source code for several dozen gaming products, related to the accusations made in the Complaint. High 5 Games has been diligently working on collecting this information in a format understandable to Konami Gaming for purposes of settlement and without waiting for discovery requests in this matter.
- 5. The anticipated time to collect and process the source code and other information for several dozen High 5 Games' games required much more work and was far more voluminous than anticipated.
- 6. The parties engaged in good-faith settlement discussions and negotiations and High 5 Games initiated significant efforts to collect and provide pre-discovery information to Konami Gaming in an effort to resolve this dispute. However, additional time is necessary to complete collection of the pertinent information as the parties previously agreed and stipulated to.
- 7. Given the ongoing nature and substantial information to be exchanged between the parties pursuant to settlement discussions, High 5 Games requests two weeks of additional time, up to and including January 26, 2015, to file a responsive pleading in this matter.

HOLLAND & HART LLP 5441 KIETZKE LANE

SECOND FLOOR

8.	Konami Gaming will not be prejudiced by such a brief extension.	Konami
Gaming is not	seeking any immediate or emergency relief against High 5 Games	in the
Complaint.		

9. This is the second requested extension of time. This request is made in good faith and not in an attempt to delay proceedings.

DATED this 12th day of January, 2015.

### **HOLLAND & HART LLP**

By /s/Robert C. Ryan
Robert C. Ryan, Esq.
5441 Kietzke Lane, Second Floor
Reno, NV 89511
Phone: (775) 327-3000
Fax: (775) 786-6179

Christopher B. Hadley, Esq. (*Pro hac vice to be filed*)
HOLLAND & HART LLP
222 South Main St., Suite 2200
Salt Lake City, UT 84101
Phone: (801) 799-5873
Fax: (801) 618-4238
cbhadley@hollandhart.com

Attorneys for Defendant

IT IS SO ORDERED. DATED: January 13, 2015

NANCY J. KOPPE

United States Magistrate Judge

# HOLLAND & HART LLP

## 5441 KIETZKE LANE SECOND FLOOR RENO, NV 89511

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 12th day of January, 2015, a true and correct copy of the foregoing DEFENDANT'S MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING TO COMPLAINT [SECOND REQUEST] was served by electronically filing the foregoing with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

> Kimberly P. Stein, Esq. Wells Fargo Tower, Suite 1000 3800 Howard Hughes Parkway Las Vegas, NV 89169-5980 Telephone: (702) 257-1483 Facsimile: (702) 567-1568

Email: KStein@HowardandHoward.com

Patrick M. McCarthy (Michigan Bar No. P49100) (pro hac vice to be filed) One North Main Building, Suite 410 101 North Main Street Ann Arbor, Michigan 48104-1475 Telephone: (734) 222-1483 Fax: (734) 761-5957 PMcCarthy@HowardandHoward.com

Attorneys for Plaintiff

/s/Robert C. Ryan Robert C. Ryan