

Perfect 10, Inc v. Microsoft, Inc et al

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ORIGINAL

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- Priority
- Send
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FILED
 CLERK, U.S. DISTRICT COURT
 AUG 30 2007
 CENTRAL DISTRICT OF CALIFORNIA
 BY [Signature] DEPUTY

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10 Attorneys for Defendant
 MICROSOFT CORPORATION,
 11 erroneously sued as MICROSOFT, INC.

Winston & Strawn LLP
 333 South Grand Avenue
 Los Angeles, CA 90071-1543

12 UNITED STATES DISTRICT COURT
 13 CENTRAL DISTRICT OF CALIFORNIA

14 PERFECT 10, INC., a California
 15 corporation,

16 Plaintiff,

17 MICROSOFT, INC., a corporation; and
 18 DOES 1 through 10, inclusive,

19 Defendants.

Case No. CV 07-5156 CAS (MANx)

STIPULATION RE EXTENSION OF
 TIME TO RESPOND AND TO
 CORRECT CAPTION;

[PROPOSED] ORDER

DOCKETED ON CM
 AUG 31 2007
 BY [Signature] 004

21 Plaintiff Perfect 10, Inc. ("Plaintiff") by and through its counsel, Mausner IP Law, and
 22 Defendant Microsoft Corporation, erroneously sued as Microsoft, Inc. ("Microsoft"), by and
 23 through its counsel, Winston & Strawn, hereby stipulate as follows.
 24

- 25 1. Plaintiff's Complaint was filed on or about August 8, 2007, and served on
- 26 Microsoft on or about August 13, 2007;
- 27 2. The parties stipulate that Microsoft shall have an additional thirty (30) day
- 28 extension of time, from September 4, 2007, in which to file a responsive pleading to and

5

SCANNED

1 including October 4, 2007;

2 3. Microsoft agrees that Plaintiff will have a corresponding thirty (30)-day
3 extension to respond to any responsive motion(s) that Microsoft may file;

4 4. Plaintiff agrees that Microsoft will have a corresponding fifteen (15)-day
5 extension to file reply papers in support of any responsive motion(s);

6 5. Microsoft agrees to answer or respond on behalf of Microsoft Corporation, and
7 stipulates that the erroneously sued entity, Microsoft, Inc., shall be deemed to have been
8 named Microsoft Corporation; and

9 6. The parties agree that the caption shall be corrected to show Defendant as
10 Microsoft Corporation instead of Microsoft, Inc.

11
12 IT IS SO STIPULATED.

Winston & Strawn LLP
333 South Grand Avenue
Los Angeles, CA 90071-1543

14 Dated: August 28, 2007

MAUSNER IP LAW

16 By: Jeffrey N. Mausner
17 Jeffrey N. Mausner
18 Attorneys for Plaintiff
19 PERFECT 10, INC.

20 Dated: August 28, 2007

WINSTON & STRAWN LLP

22 By: Debra J. Albin-Riley
23 Debra J. Albin-Riley
24 Attorneys for Defendant
25 MICROSOFT CORPORATION

FILED

ORDER

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On the Stipulation of the parties recited above, the Court hereby ORDERS as follows:

1. Microsoft shall have until October 4, 2007 to respond to the Complaint;
2. Plaintiff shall have a thirty (30) day extension beyond the time provided in the Local Rules to respond to any responsive motion(s) filed by Microsoft;
3. Microsoft shall have a fifteen (15) day extension beyond the time provided in the Local Rules to file reply papers in support of any responsive motion(s) filed by Microsoft;
4. Microsoft will respond to the Complaint on behalf of Microsoft Corporation, erroneously sued herein as Microsoft, Inc.; and
5. The caption shall be amended to show Defendant's correct name as Microsoft Corporation instead of Microsoft, Inc.

DATED: 8/30/07

Christina A. Snyder
Hon. Christina A. Snyder
United States District Judge

Winston & Strawn LLP
333 South Grand Avenue
Los Angeles, CA 90071-1543

LA:195566.4

PROOF OF SERVICE

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STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

RECEIVED

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Winston & Strawn LLP, 333 South Grand Avenue, Suite 3800, Los Angeles, CA 90071-1543. On August 29, 2007, I served the within documents:

STIPULATION RE EXTENSION OF TIME TO RESPOND AND TO CORRECT CAPTION; [PROPOSED] ORDER

on the interested parties in this action by placing true copies thereon enclosed in a sealed envelope addressed as follows:

Jeffrey N. Mausner Warner Center Towers 21800 Oxnard Street, Suite 910 Woodland Hills, CA 91367 Telephone: 310.617.8100 Fax: 818.716.2773	Daniel J. Cooper Perfect 10, Inc. 72 Beverly Park Drive Beverly Hills, CA 90210 Telephone: 310.205.9817 Fax: 310.205.9638
--	--

VIA MAIL: By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

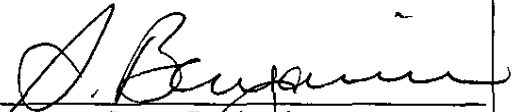
VIA FACSIMILE: On _____, I sent such document(s) from facsimile machine 213-615-1750. I certify that said transmission was completed and that all pages were received and that a report was generated by facsimile machine 213-615-1750 which confirms said transmission and receipt.

VIA OVERNIGHT DELIVERY: By placing the document(s) listed above in a sealed envelope and sent on _____ via Federal Express for overnight delivery to the interested party(ies) in this action.

On _____, I sent such document(s) by electronic mail to the addressees' email addresses indicated above.

I declare that I am employed in the office of a member of the bar of this court whose direction the service was made.

Executed on August 29, 2007, at Los Angeles, California.


Susan Benjamin