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7 Attorneys for Defendants
8 THUNDERWOOD HOLDINGS, INC.,
BRIAN DUNNING, and BRIANDUNNING.COM
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 EBAY INC.,)

14 Plaintiff,)

15 vs.)

16 DIGITAL POINT SOLUTIONS, INC.;)
17 SHAWN HOGAN; KESSLER's FLYING)
CIRCUS; THUNDERWOOD HOLDINGS,)
18 INC.; TODD DUNNING; DUNNING)
ENTERPRISES, INC.; BRIAN DUNNING;)
19 BRIANDUNNING.COM; and DOES 1-20,)

20 Defendants.)
21

CASE NO. CV 08-4052 JF (PVT)

**STIPULATION TO EXTEND TIME
FOR DEFENDANTS TO RESPOND TO
SECOND AMENDED COMPLAINT;
ORDER THEREON**

Honorable Jeremy Fogel, Judge presiding

22 TO THE HONORABLE JEREMY FOGEL, JUDGE OF THE UNITED STATES DISTRICT
23 COURT:

24 The parties to this action, by and through their attorneys of record, hereby agree
25 and stipulate based on the following recitals:

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1 **RECITALS**

2 A. Plaintiff EBAY INC. commenced this action on August 25, 2008.

3 B. Plaintiff filed its First Amended Complaint on October 7, 2008 ("FAC").

4 C. All Defendants to the action filed Motions to Dismiss the FAC.
5 Defendants' Motions were heard on December 12, 2008.

6 D. On February 24, 2009 Defendants' Motions to Dismiss the FAC were
7 granted with leave to amend and/or granted in part with leave to amend, such that Plaintiff was
8 given 30 days to file a second amended complaint.

9 E. Plaintiff filed its Second Amended Complaint on March 26, 2009
10 ("SAC").

11 F. Defendants contend that they require more than the statutory 10-day
12 period to respond to the SAC.

13 G. The parties agree that Defendants shall have 30 days to respond to the
14 SAC such that Defendants' responses to the SAC shall be filed and served on or before
15 April 27, 2009.

16 **WHEREFORE**, the Parties agree as follows:

17 1. Defendants shall have until April 27, 2009 to file and serve a response to
18 the SAC.

19 2. Defendants shall coordinate so that to the extent more than one
20 Defendant files a motion in response to the SAC, such motions shall be set for hearing on the
21 same date.

22 3. The Stipulation may be executed in one or more counterparts.

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24 DATED: April 6, 2009

O'MELVENY & MYERS

25
26 By: David R. Eberhart

David R. Eberhart

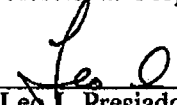
Sharon M. Bunzel

Colleen M. Kennedy

Attorneys for Plaintiff eBay, Inc.

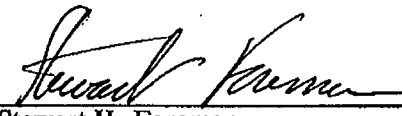
1 DATED: April 3, 2009

RUS, MILIBAND & SMITH
A Professional Corporation

2
3 By: 
Leo J. Presiado
Attorneys for Defendants
Thunderwood Holdings, Inc., Brian Dunning
and BrianDunning.com

4
5
6
7 DATED: April 3, 2009

FREELAND, COOPER & FOREMAN, LLP

8
9 By: 
Stewart H. Foreman
Daniel Bernhard
Attorneys for Defendants Todd Dunning
and Dunning Enterprises, Inc.

10
11
12
13 DATED: April __, 2009

COAST LAW GROUP, LLP

14
15 By: _____
Seyamack Kouretchian
Ross Campbell
Attorneys for Digital Point Solutions, Inc.
and Shawn Hogan

16
17
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19 DATED: April __, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

20
21 By: _____
Patrick K. McClellan
Attorney for Kessler's Flying Circus

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24 IT IS SO ORDERED.


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26 DATED: 4/9/09


HONORABLE JEREMY FOGEL
JUDGE OF THE UNITED STATES DISTRICT COURT

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DATED: April 3, 2009

RUS, MILIBAND & SMITH
A Professional Corporation

By: 
Leo J. Presiado
Attorneys for Defendants
Thunderwood Holdings, Inc., Brian Dunning
and BrianDunning.com

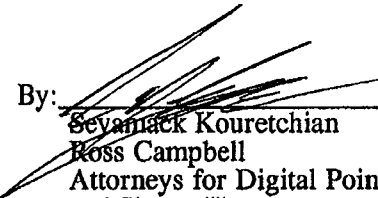
DATED: April __, 2009

FREELAND, COOPER & FOREMAN, LLP

By: _____
Stewart H. Foreman
Daniel Bernhard
Attorneys for Defendants Todd Dunning
and Dunning Enterprises, Inc.

DATED: April 5, 2009

COAST LAW GROUP, LLP

By: 
Sevaniack Kouretchian
Ross Campbell
Attorneys for Digital Point Solutions, Inc.
and Shawn Hogan

DATED: April __, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

By: _____
Patrick K. McClellan
Attorney for Kessler's Flying Circus

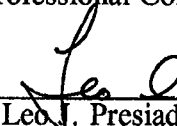
IT IS SO ORDERED.

DATED:

HONORABLE JEREMY FOGEL
JUDGE OF THE UNITED STATES DISTRICT COURT

1 DATED: April 3, 2009

RUS, MILIBAND & SMITH
A Professional Corporation

2
3 By: 
Leo J. Presiado
Attorneys for Defendants
Thunderwood Holdings, Inc., Brian Dunning
and BrianDunning.com

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7 DATED: April __, 2009

FREELAND, COOPER & FOREMAN, LLP

8
9 By: _____
Stewart H. Foreman
Daniel Bernhard
Attorneys for Defendants Todd Dunning
and Dunning Enterprises, Inc.

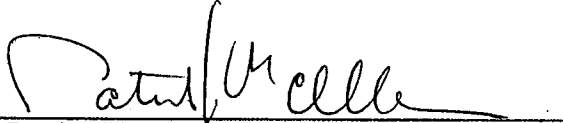
10
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12
13 DATED: April __, 2009

COAST LAW GROUP, LLP

14
15 By: _____
Seyamack Kouretchian
Ross Campbell
Attorneys for Digital Point Solutions, Inc.
and Shawn Hogan

16
17
18
19 DATED: April 3, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

20
21 By: 
Patrick K. McClellan
Attorney for Kessler's Flying Circus

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24 IT IS SO ORDERED.

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26 DATED:

27 _____
HONORABLE JEREMY FOGEL
JUDGE OF THE UNITED STATES DISTRICT COURT

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing:

STIPULATION TO EXTEND TIME FOR DEFENDANTS TO RESPOND TO SECOND AMENDED COMPLAINT; ORDER THEREON was filed with the Court's Electronic Filing System on April 6, 2009 and may be accessed electronically.

s/ Leo J. Presiado
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Attorneys for Defendants Thunderwood Holdings, Inc., Brian Dunning and Briandunning.com