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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Facebook, Inc.,

NO. C 08-05780 JW

Plaintiff,

**ORDER GRANTING MOTION TO
ENLARGE TIME**

v.

Power Ventures, Inc., et al.,

Defendants.

Presently before the Court is Plaintiff’s Motion to Enlarge Time.¹ Plaintiff moves the Court to modify the Case Management Schedule and continue the hearing on Defendants’ Motion for Summary Judgment, along with all related deadlines, until “at least October 24, 2011,” on the ground that Defendant Power Ventures’ failure to provide Plaintiff with the discovery it seeks, and “especially its refusal to produce [Defendant Power Ventures’] source code,” is preventing Plaintiff “from adequately investigating its claims and arguments in opposition to Defendants’ Motion for Summary Judgment.” (Motion at 4-5.) Defendants respond that Plaintiff has done “virtually nothing” in this case since serving document requests and interrogatories on Defendant Power Ventures in October, 2010, and that Plaintiff’s “own negligence” is therefore responsible for any inability Plaintiff may have to oppose Defendants’ Motion for Summary Judgment.²

¹ (Plaintiff Facebook Inc.’s Motion to Enlarge Time Pursuant to Civil Local Rule 6-3 and 16-12, hereafter, “Motion,” Docket Item No. 111.)

² (Defendants’ Memorandum of Points and Authorities in Opposition to Facebook Inc.’s Motion to Enlarge Time Pursuant to Civil Local Rule 6-3 and 16-12 at 1-4, Docket Item No. 114.)

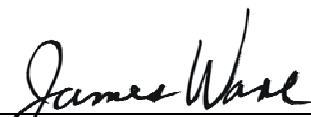
1 The Civil Local Rules provide: “After receiving a motion to enlarge or shorten time and any
2 opposition, the Judge may grant, deny, modify the requested time change or schedule the matter for
3 additional briefing or a hearing.” See Civ. L.R. 6-3(d).

4 Upon review, the Court finds good cause to grant Plaintiff’s Motion to Enlarge Time.
5 Plaintiff contends that, although expert reports in this case are due by July 29, 2011, Defendants
6 have failed to “produce key documents,” and in particular have “refused to produce a copy of
7 [Defendant Power Ventures’] source code as requested by [Plaintiff],” even though these documents,
8 and in particular the source code, are necessary to Plaintiff’s experts’ analysis. (Motion at 2, 4.) In
9 their Opposition, Defendants do not contend that they have produced the source code or other
10 documents requested by Plaintiff. Accordingly, the Court GRANTS Plaintiff’s Motion to Enlarge
11 Time and orders as follows:

- 12 (1) All discovery in this case will close on **November 28, 2011**.
- 13 (2) The last date for hearing dispositive motions shall be **January 30, 2012**.
- 14 (3) The September 19, 2011 hearing on Defendants’ Motion for Summary Judgment is
15 CONTINUED to **October 31, 2011**.
- 16 (4) On or before **September 12, 2011**, Plaintiff shall file its Opposition to Defendants’
17 Motion for Summary Judgment.
- 18 (5) On or before **September 19, 2011**, Defendants shall file their Reply.

19 The Court VACATES the current Preliminary Pretrial Conference. The Court will set a new
20 Conference date in its Order addressing Defendants’ Motion for Summary Judgment.

21
22
23 Dated: July 14, 2011



JAMES WARE
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Alan R Plutzik aplutzik@bramsonplutzik.com
3 Cindy Ann Cohn cindy@eff.org
4 David P. Chiappetta david.chiappetta@corrs.com.au
5 Indra Neel Chatterjee nchatterjee@orrick.com
6 Joseph Perry Cutler Jcutler@perkinscoie.com
7 Lawrence Timothy Fisher ltfisher@bursor.com
8 Morvarid Metanat mmetanat@orrick.com
9 Sarah Nicole Westcot swestcot@bursor.com
10 Scott A. Bursor scott@bursor.com
11 Theresa Ann Sutton tsutton@orrick.com

12 **Dated: July 14, 2011**

Richard W. Wieking, Clerk

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By: /s/ JW Chambers
Susan Imbriani
Courtroom Deputy