

STEPTOE & JOHNSON LLP
One Market Plaza, Spear Tower, Suite 3900
San Francisco, CA 94105

Laurie Edelstein (CA Bar #164466)
STEPTOE & JOHNSON LLP
One Market Plaza
Spear Tower, Suite 3900
San Francisco, CA 94105
Telephone: (415) 365-6700
Facsimile: (415) 365-6699
ledelstein@steptoe.com

James R. Nuttall (*admitted pro hac vice*)
Michael Dockterman (*pro hac vice* to be filed)
Tron Fu (*pro hac vice* to be filed)
Robert F. Kappers (*pro hac vice* to be filed)
STEPTOE & JOHNSON LLP
227 West Monroe Street, Suite 4700
Chicago, IL 60606
Telephone: (312) 577-1300
Facsimile: (312) 577-1370
jnuttall@steptoe.com
mdockterman@steptoe.com
tfu@steptoe.com
rkappers@steptoe.com

Christopher A. Suarez (*pro hac vice* to be filed)
STEPTOE & JOHNSON LLP
1330 Connecticut Ave., NW
Washington, DC 20036
Telephone: (202) 429-3000
Facsimile: (202) 429-3902
csuarez@steptoe.com

Timothy Devlin (#4241)
DEVLIN LAW FIRM LLC
1306 N. Broom Street, 1st Floor
Wilmington, Delaware 19806
Telephone: (302) 449-9010
Facsimile: (302) 353-4251
tdevlin@devlinlawfirm.com

Counsel for Plaintiff Express Mobile, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

EXPRESS MOBILE, INC.,

Plaintiff,

v.

WIX.COM, LTD. and WIX.COM, INC.,

Defendants.

Case No. 19 Civ. 06559 (RS)

**JOINT STIPULATION REGARDING
WAIVER OF SERVICE OF
SUMMONS, EXTENSION OF
DEFENDANTS' TIME TO RESPOND
TO COMPLAINT PURSUANT TO
LOCAL CIVIL RULE 6-1(a), AND
RESCHEDULING OF INITIAL CASE
MANAGEMENT CONFERENCE**

[Proposed Order filed concurrently]

Action Filed: October 11, 2019

STEPTOE & JOHNSON LLP
One Market Plaza, Spear Tower, Suite 3900
San Francisco, CA 94105

Plaintiff Express Mobile, Inc. (“Express Mobile”) and Defendants Wix.com, Ltd. and Wix.com, Inc. (collectively, “Defendants”) hereby stipulate and agree as follows:

WHEREAS, Express Mobile filed this action against Defendants on October 11, 2019;

WHEREAS, Defendant Wix.com, Ltd. is an Israeli corporation with a principal place of business in Tel Aviv, Israel and Defendant Wix.com, Inc. is a corporation organized and existing under the laws of Delaware and is a resident of this District with a place of business at 500 Terry Francois Boulevard, San Francisco, CA 94158;

WHEREAS, on October 17, 2019, pursuant to Rule 4 of the Federal Rules of Civil Procedure, Express Mobile sent to the Corporation Trust Company, Wix.com, Inc.’s registered agent for service of process in California, a Notice of a Lawsuit and Request to Waive Service of Summons, a Waiver of Service of Summons form, and a copy of Express Mobile’s complaint and supporting documents, including case opening documents;

WHEREAS, counsel for Defendants agreed on behalf of both Defendants – Wix.com, Ltd. and Wix.com, Inc. – to waive service of a summons and Express Mobile’s complaint while expressly reserving the right to assert any and all defenses, including to jurisdiction and venue;

WHEREAS, counsel for Express Mobile and counsel for Defendants agreed that Defendants shall have until February 13, 2020 to answer or otherwise respond to Express Mobile’s complaint and extending the time for Defendants to answer or otherwise respond to Express Mobile’s complaint does not affect any existing dates already fixed by the Court;

WHEREAS, this Court has set an Initial Case Management Conference for January 30, 2020, and the parties agree that the interests of judicial efficiency and conservation of the parties’ and the Court’s resources would be best served by continuing the date of the Initial Case Management Conference until after Defendants respond to the Complaint;

WHEREAS, there have been no previous extensions in this case;

THEREFORE, pursuant to Local Civil Rule 6-1(a), Express Mobile and Defendants, by and through their respective counsel, stipulate and agree that the deadline for Defendants to answer or otherwise respond to Express Mobile’s complaint is February 13, 2020; and

The parties hereby request that the Court reschedule the Initial Case Management Conference originally set for January 30, 2020 to a date after February 13, 2020, the deadline for Defendants to respond to the complaint.

IT IS SO STIPULATED.

Dated: December 3, 2019

STEPTOE & JOHNSON LLP

By: /s/ Laurie Edelstein

Laurie Edelstein (CA Bar #164466)
STEPTOE & JOHNSON LLP
One Market Plaza
Spear Tower, Suite 3900
San Francisco, CA 94105
Telephone: (415) 365-6700
Facsimile: (415) 365-6699
ledelstein@steptoe.com

James R. Nuttall (admitted *pro hac vice*)
Michael Dockterman (*pro hac vice* to be filed)
Tron Fu (*pro hac vice* to be filed)
Robert F. Kappers (*pro hac vice* to be filed)
STEPTOE & JOHNSON LLP
227 West Monroe Street, Suite 4700
Chicago, IL 60606
Telephone: (312) 577-1300
Facsimile: (312) 577-1370
jnuttall@steptoe.com
mdockterman@steptoe.com
tfu@steptoe.com
rkappers@steptoe.com

Christopher A. Suarez (*pro hac vice* to be filed)
STEPTOE & JOHNSON LLP
1330 Connecticut Ave., NW
Washington, DC 20036
Telephone: (202) 429-3000
Facsimile: (202) 429-3902
csuarez@steptoe.com

Timothy Devlin (#4241)
DEVLIN LAW FIRM LLC
1306 N. Broom Street, 1st Floor
Wilmington, Delaware 19806
Telephone: (302) 449-9010
Facsimile: (302) 353-4251
tdevlin@devlinlawfirm.com

Counsel for Plaintiff Express Mobile, Inc.

STEPTOE & JOHNSON LLP
One Market Plaza, Spear Tower, Suite 3900
San Francisco, CA 94105

STEPTOE & JOHNSON LLP
One Market Plaza, Spear Tower, Suite 3900
San Francisco, CA 94105

1 Dated: December 3, 2019

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

3 By: /s/ Jeffrey D. Smyth

4 Jeffrey D. Smyth (CA Bar No. # 280665)
5 FINNEGAN, HENDERSON, FARABOW,
6 GARRETT & DUNNER, LLP
7 Stanford Research Park
8 3300 Hillview Avenue, 2nd Floor
9 Palo Alto, CA 94304-120
10 Telephone: (650) 849-6618
11 Facsimile: (650) 849-6666
12 jeffrey.smyth@finnegan.com

13 Gerson S. Panitch (*pro hac vice* to be filed)
14 Luke J. McCammon (*pro hac vice* to be
15 filed)
16 Christina Ji-Hye Yang (CA Bar #317039)
17 FINNEGAN, HENDERSON, FARABOW,
18 GARRETT & DUNNER, LLP
19 901 New York Avenue, N.W.
20 Washington, D.C. 20001-4413
21 Telephone: (202) 408-4000
22 Facsimile: (202) 408-4400
23 gerson.panitch@finnegan.com
24 luke.mccammon@finnegan.com
25 christina.yang@finnegan.com

26 *Counsel for Defendants Wix.com, Ltd. and*
27 *Wix.com, Inc.*

FILER'S ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each of the other signatories shown above and that all signatories have authorized placement of their electronic signature on this document.

By: /s/ Laurie Edelstein
Laurie Edelstein

STEPTOE & JOHNSON LLP
One Market Plaza, Spear Tower, Suite 3900
San Francisco, CA 94105

STEPTOE & JOHNSON LLP
One Market Plaza, Spear Tower, Suite 3900
San Francisco, CA 94105

Laurie Edelstein (CA Bar #164466)
STEPTOE & JOHNSON LLP
One Market Plaza
Spear Tower, Suite 3900
San Francisco, CA 94105
Telephone: (415) 365-6700
Facsimile: (415) 365-6699
ledelstein@steptoe.com

James R. Nuttall (*admitted pro hac vice*)
Michael Dockterman (*pro hac vice* to be filed)
Tron Fu (*pro hac vice* to be filed)
Robert F. Kappers (*pro hac vice* to be filed)
STEPTOE & JOHNSON LLP
227 West Monroe Street, Suite 4700
Chicago, IL 60606
Telephone: (312) 577-1300
Facsimile: (312) 577-1370
jnuttall@steptoe.com
mdockterman@steptoe.com
tfu@steptoe.com
rkappers@steptoe.com

Christopher A. Suarez (*pro hac vice* to be filed)
STEPTOE & JOHNSON LLP
1330 Connecticut Ave., NW
Washington, DC 20036
Telephone: (202) 429-3000
Facsimile: (202) 429-3902
csuarez@steptoe.com

Timothy Devlin (#4241)
DEVLIN LAW FIRM LLC
1306 N. Broom Street, 1st Floor
Wilmington, Delaware 19806
Telephone: (302) 449-9010
Facsimile: (302) 353-4251
tdevlin@devlinlawfirm.com
Counsel for Plaintiff Express Mobile, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

EXPRESS MOBILE, INC.,

Plaintiff,

v.

WIX.COM, LTD. and WIX.COM, INC.,

Defendants.

Case No. 19 Civ. 06559 (RS)

**[PROPOSED] ORDER GRANTING
STIPULATED REQUEST TO
RESCHEDULE INITIAL CASE
MANAGEMENT CONFERENCE**

Action Filed: October 11, 2019

STEPTOE & JOHNSON LLP
One Market Plaza, Spear Tower, Suite 3900
San Francisco, CA 94105

1 WHEREAS, Express Mobile filed this action against Defendants Wix.com, Ltd. and
2 Wix.com, Inc. on October 11, 2019;

3 WHEREAS, counsel for Express Mobile and counsel for Defendants agreed that
4 Defendants shall have until February 13, 2020 to answer or otherwise respond to Express
5 Mobile's complaint and extending the time for Defendants to answer or otherwise respond to
6 Express Mobile's complaint does not affect any existing dates already fixed by the Court;

7 WHEREAS, this Court has set an Initial Case Management Conference for January 30,
8 2020, and the parties agree that the interests of judicial efficiency and conservation of the parties'
9 and the Court's resources would be best served by continuing the date of the Initial Case
10 Management Conference until after Defendants respond to the Complaint;

11 WHEREAS, there have been no previous extensions in this case;

12 THEREFORE, good cause having been shown, IT IS HEREBY ORDERED that the
13 Initial Case Management Conference originally set for January 30, 2020 is rescheduled to
14 _____, a date after Defendants' response to the complaint is due on February
15 13, 2020.

16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

17
18 Dated: December __, 2019

19
20 The Honorable Richard G. Seeborg
United States District Court Judge