

1 [PURSUANT TO LOCAL RULE 3-4(a)(1),
2 NAMES AND ADDRESSES OF COUNSEL
AND NAMES OF PARTIES APPEAR ON
SIGNATURE PAGE]
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8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 SONY COMPUTER ENTERTAINMENT
AMERICA INC., a Delaware corporation,

12 Plaintiff,

13 v.
14

15 DIVINEO INC., a Canadian corporation;
16 DIVINEO U.K., an entity of unknown form;
17 DIVINEO S.A.R.L., a French corporation,
doing business as Divineo Online; FREDERIC
18 LEGAULT, individually and doing business as
Divineo Inc.; MAX LOUARN, individually and
doing business as Divineo U.K., Divineo
S.A.R.L., and Divineo Online; and DOES 1
through 10,
19

20 Defendants.

Case No. C 04-4200 CW

E-FILING

**STIPULATION AND ORDER TO EXTEND
MEDIATION DEADLINE**

Judge: Hon. Claudia Wilken
Courtroom: 2, 4th Floor

1 Plaintiff Sony Computer Entertainment America Inc. ("SCEA") and Defendants Divineo
 2 Inc. and Frederic Louarn (collectively "Divineo") hereby request a three-month continuance of
 3 the mediation deadline to March 31, 2006. As set forth in the Court's Order to Extend
 4 Mediation Deadline dated November 1, 2005, the current deadline for the parties to conduct a
 5 mediation is December 31, 2005. SCEA and Divineo have engaged in settlement discussions
 6 over the past several months and have exchanged settlement documents. In an effort to
 7 continue the progress toward settlement, SCEA and Divineo propose extending the
 8 December 31 mediation deadline by three months. The parties have verified that an agreed-
 9 upon mediator has availability to conduct a mediation between now and March 31, 2006. The
 10 parties previously obtained two extensions to the mediation deadline, and the requested
 11 modification would have no effect on the schedule for the case.

12 IT IS, THEREFORE, STIPULATED by SCEA and Divineo Inc., through their
 13 undersigned counsel and subject to the approval of the Court, that the deadline to conduct
 14 mediation shall be extended by three months – from December 31, 2005 to March 31, 2006.

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

16 1/9/06

/s/ CLAUDIA WILKEN

17 DATED: _____

18 HON. CLAUDIA WILKEN
 United States District Judge

19 The undersigned hereby stipulate to the entry of the above Order.

20 DATED: December 29, 2005

21
 22 By: /s/ Angus M. MacDonald
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**Attorneys for Defendants Divineo Inc.
and Frederic Legault**

GENERAL ORDER 45 ATTESTATION

I, Angus M. MacDonald, am the ECF user whose ID and password are being used to file this Stipulation And [Proposed] Order To Extend Mediation Deadline. In compliance with General Order 45, X.B., I hereby attest that David E. Weslow has concurred in this filing.

/s/ Angus M. MacDonald
Angus M. MacDonald

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PROOF OF SERVICE

[C.C.P. §§ 1011 and 1013, C.R.C. § 2008, F.R.C.P. Rule 5, F.R.A.P. 25]

I declare that I am employed in the City and County of San Francisco, California; I am over the age of 18 years and not a party to the within action; my business address is Two Embarcadero Center, Eighth Floor, San Francisco, California, 94111. On the date set forth below, I served a true and accurate copy of the document(s) entitled:

STIPULATION AND [PROPOSED] ORDER TO EXTEND MEDIATION DEADLINE

on the party(ies) in this action by placing said copy(ies) in a sealed envelope each addressed as follows:

Via Electronic Transmission

Patricia B. Cunningham
Sutherland Asbill & Brennan LLP
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Via Electronic Transmission & U.S. Mail

U.S. District Court – ADR Unit
450 Golden Gate Avenue, 16th Floor
San Francisco, CA 94102
Tel: 415-522-2199
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Email: ADR@cand.uscourts.gov

[By First Class Mail] I am readily familiar with my employer's practice for collecting and processing documents for mailing with the United States Postal Service. On the date listed herein, following ordinary business practice, I served the within document(s) at my place of business, by placing a true copy thereof, enclosed in a sealed envelope, with postage thereon fully prepaid, for collection and mailing with the United States Postal Service where it would be deposited with the United States Postal Service that same day in the ordinary course of business.

[By Overnight Courier] I caused each envelope to be delivered by a commercial carrier service for overnight delivery to the offices of the addressee(s).

[By Hand] I directed each envelope to the party(ies) so designated on the service list to be delivered by courier this date.

[By Facsimile Transmission] I caused said document to be sent by facsimile transmission to the fax number indicated for the party(ies) listed above.

[By Electronic Transmission] I caused said document to be sent by electronic transmission to the e-mail address(es) indicated for the party(ies) listed above.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this date at San Francisco, California.

Dated: December 29, 2005

/s/Diane G. Sunnen
Diane G. Sunnen