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

WPENGINE, INC., a Delaware corporation,

Plaintiff,

vs.

AUTOMATTIC INC., a Delaware
corporation; and MATTHEW CHARLES
MULLENWEG, an individual,

Defendants.

Case No. 3:24-cv-06917-AMO

**JOINT STIPULATION AND
[PROPOSED] ORDER FOR EXTENSION
OF TIME TO RESPOND TO AMENDED
COMPLAINT AND TO ESTABLISH
ASSOCIATED BRIEFING SCHEDULE**

Judge: Hon. Araceli Martinez-Olguín

JOINT STIPULATION

Pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, Defendants Automattic Inc. and Matthew Charles Mullenweg (together “Defendants”) and Plaintiff WP Engine Inc. (“Plaintiff”) (Plaintiff and Defendants referred to collectively as “the Parties”) hereby stipulate and agree as follows:

WHEREAS, Plaintiff filed an Amended Complaint (ECF 51) on November 14, 2024, adding nine additional claims, as well as adding new factual allegations for alleged antitrust and other violations;

WHEREAS, Defendants intend to file Motions to Dismiss and to Strike (“the Motions”) in response to Plaintiff’s Amended Complaint;

WHEREAS, Plaintiff will oppose both Motions;

WHEREAS, Defendants intend to notice the Motions to be heard on the next available hearing date on the Court’s calendar (currently in April 2025);

WHEREAS, in order to accommodate briefing of these Motions for Defendants, which fall over the Thanksgiving holiday period, Defendants have requested that Plaintiff stipulate to a three week extension of time for Defendants to respond to the Amended Complaint;

WHEREAS, Plaintiff has agreed to accommodate Defendants’ request, provided that any such extension is reciprocal, since Defendants’ requested extension will cause Plaintiff’s opposition to be briefed over the Winter holiday period;

WHEREAS, Defendants have also requested an extension of five days to file their replies in support of the Motions, to accommodate a scheduling conflict they have, which Plaintiff also has agreed to accommodate;

NOW THEREFORE, the Parties accordingly agree and jointly request to extend the briefing on the Motions, as follows:

1. Defendants’ deadline to move, answer, or otherwise respond to Plaintiff’s Amended Complaint (including but not limited to filing a motion to dismiss and a motion to strike) shall be December 19, 2024.

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2. Plaintiff’s deadline to oppose any motion to dismiss and motion to strike filed by Defendants shall be January 24, 2025.

3. Defendants’ deadline to reply in support of any motion to dismiss and motion to strike filed by Defendants shall be February 5, 2025.

The requested extension of these deadlines as set forth above will not affect any date previously ordered by the Court, or the overall schedule in this case. A Declaration pursuant to Rule 6-2 is filed herewith.

IT IS SO STIPULATED.

Dated: November 29, 2024

By: /s/ Michael M. Maddigan
Michael M. Maddigan

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Dated: November 29, 2024

By: /s/ Rachel Kassabian
Rachel Kassabian

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Attorneys for Plaintiff WPEngine, Inc.

E-FILING ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I hereby attest that counsel for Plaintiff has concurred in this filing.

/s/ Michael M. Maddigan
Michael M. Maddigan

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