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6  
7 Attorneys for Defendants  
APURVA PATEL and ORISSA HOLDINGS,  
8 LLC, dba GROUNDWIDGETS  
9

ELECTRONICALLY  
**FILED**  
*Superior Court of California,  
County of San Francisco*  
**07/28/2015**  
**Clerk of the Court**  
BY:CAROL BALISTRERI  
Deputy Clerk

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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12  
13 **COUNTY OF SAN FRANCISCO**

14 DEEM, INC., and GLOBAL GROUND  
15 AUTOMATION, INC.,

16 Plaintiffs,

17 v.

18 APURVA PATEL, an individual, ORISSA  
19 HOLDINGS, LLC, individually and dba  
GROUNDWIDGETS,

20 Defendants.

21 Case No. CGC-15-543482

22 **DEFENDANTS' REPLY MEMORANDUM  
CONCERNING DEMURRER; NOTICE  
OF PARTIES' STIPULATION OF  
DISMISSAL WITHOUT PREJUDICE**

23 Reservation No. 05290804-02

24 Date: August 4, 2015

Time: 9:30 a.m.

Dept: 302

Before: The Hon. Ernest H. Goldsmith

Complaint Filed: January 2, 2015

Trial Date: None Set

25 On May 29, 2015, Defendants Apurva Patel and Orissa Holdings, LLC (collectively  
26 "Defendants") filed their demurrer, wherein Defendants requested that the Court dismiss Plaintiffs  
27 Deem, Inc.'s and Global Ground Automation, Inc.'s (collectively "Plaintiffs") Complaint.

28 On July 23, 2015, Plaintiffs and Defendants stipulated to the dismissal of this action  
without prejudice. For the Court's convenience, another copy of the parties' Joint Stipulation Re  
Dismissal Without Prejudice, which was filed on July 23, 2015, and the [Proposed] Order to grant

1 it are attached hereto as **Exhibits A and B.**

2 Defendants respectfully request that the Court enter the parties' requested [Proposed] Order  
3 Dismissing the Action Without Prejudice before the calendared hearing date of August 4.

4 DATED: July 28, 2015

COBLENTZ PATCH DUFFY & BASS LLP

5 By: /s/ Howard A. Slavitt

6 Howard A. Slavitt

7 Attorneys for Defendants APURVA PATEL and  
8 ORISSA HOLDINGS, LLC, dba  
9 GROUNDWIDGETS

# EXHIBIT A

1 GREENBERG TRAURIG, LLP  
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Global Ground Automation, Inc.  
7

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Telephone: (415) 391-4800  
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14 Attorneys for Defendants Apurva Patel,  
Orissa Holdings, LLC, dba GroundWidgets  
15

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 COUNTY OF SAN FRANCISCO

18  
19 DEEM, INC., and GLOBAL GROUND  
AUTOMATION, INC.,

20 Plaintiffs,

21 v.

22 APURVA PATEL, an individual, ORISSA  
23 HOLDINGS, LLC, individually and dba  
GROUNDWIDGETS,

24 Defendants.

25 Case No. CGC-15-543482

26 **JOINT STIPULATION RE  
DISMISSAL WITHOUT PREJUDICE**

27 Complaint Filed: January 2, 2015  
Trial Date: None

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ELECTRONICALLY  
**FILED**  
*Superior Court of California  
County of San Francisco*  
**07/23/2015**  
**Clerk of the Court**  
BY:MICHAEL RAYRAY  
Deputy Clerk

## STIPULATION

WHEREAS plaintiffs Deem, Inc. and Global Ground Automation, Inc. (collectively, "plaintiffs") filed the Complaint in this action on January 2, 2015 (the "Action");

WHEREAS plaintiffs filed their Request for Entry of Default on February 26, 2015;

WHEREAS defendants Orissa Holdings, GroundWidgets, and Apurva Patel (collectively, "defendants") filed an Unopposed Motion to Set Aside Entry of Default on March 23, 2015;

WHEREAS the Court granted the Unopposed Motion to Set Aside Entry of Default on May 19, 2015;

WHEREAS defendants filed their Demurrer to the Complaint on May 29, 2015;

WHEREAS defendants filed their Motion to Stay Based on Forum Non Conveniens on May 29, 2015;

WHEREAS defendants' Demurrer to the Complaint and Motion to Stay Based on Forum Non Conveniens are both scheduled to be heard on August 4, 2015;

WHEREAS the Case Management Conference has been scheduled for September 23, 2015;

WHEREAS limited discovery has occurred in this action;

WHEREAS no trial date has been set;

NOW, THEREFORE, THE PARTIES, THROUGH THEIR COUNSEL OF RECORD,  
STIPULATE AS FOLLOWS:

1. The Action is hereby dismissed without prejudice, with each side to bear its own attorneys' fees and costs.

2. Plaintiffs shall have 60 days from the date of the Order dismissing the Action to re-file the Action in either the U.S. District Court for the District of New Jersey or New Jersey Superior Court, depending on where subject matter jurisdiction is proper (the “New Jersey action”).

3. The statute of limitations on all of plaintiffs' claims against defendants shall be tolled from January 2, 2015 to the date of filing of the New Jersey action so long as the case is re-filed within 60 days of dismissal of the California Action.

1       4. All parties may commence discovery in the New Jersey action upon service by  
2 plaintiffs of the complaint on defendants. Counsel for defendants in this Action and defendants'  
3 New York attorney, Barry Werbin, Esq., agree to collectively accept service in the New Jersey  
4 action on behalf of defendants. For service of the New Jersey action pursuant to this paragraph  
5 to be effective, plaintiffs shall, on the same day, serve Howard Slavitt via both email and  
6 overnight mail or certified mail, and also Barry Werbin via both email and overnight or certified  
7 mail.

8       5. Discovery produced in the Action shall be deemed produced in the future New  
9 Jersey action after the New Jersey complaint is filed and served, and shall remain subject to the  
10 protective order agreement that the parties' counsel signed in the Action. The parties shall  
11 negotiate an appropriate form of protective order in the New Jersey action that conforms with the  
12 requirements of the New Jersey court in which it is filed.

13       6. Except as and only to the extent otherwise explicitly provided herein, by entering  
14 into this stipulation neither plaintiffs nor defendants waive, and each expressly reserves, all  
15 rights, claims and defenses that each has in the Action and the New Jersey action.

16       7. The parties request that the Case Management Conference scheduled for  
17 September 23, 2015 in the Action be taken off calendar and vacated.

18       IT IS SO STIPULATED.

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20  
21 DATED: July 23, 2015

GREENBERG TRAURIG LLP

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23  
24 By: /s/ Ian C. Ballon

Ian C. Ballon

25 Attorneys for Plaintiffs

26 Global Ground Automation, Inc. and Deem, Inc.

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1  
2 DATED: July 23, 2015

COBLENTZ PATCH DUFFY & BASS LLP

3  
4 By: /s/ Howard A. Slavitt

5 Howard A. Slavitt  
6 Attorneys for Defendants  
7 Apurva Patel, Orissa Holdings, LLC, dba  
8 GroundWidgets

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## PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am employed in the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is **4 Embarcadero Center, Suite 3000, San Francisco, California 94111**.

On the date given below, I served the **JOINT STIPULATION RE DISMISSAL WITHOUT PREJUDICE** on the interested parties in this action as follows:

Jeffrey G. Knowles  
Howard A. Slavitt  
Fredrick C. Crombie  
Coblentz Patch Duffy & Bass LLP  
One Ferry Building, Suite 200  
San Francisco, CA 94111  
Email: [jgk@coblentzlaw.com](mailto:jgk@coblentzlaw.com);  
[hslavitt@cpdb.com](mailto:hslavitt@cpdb.com); [ef-fcc@cpdb.com](mailto:ef-fcc@cpdb.com)

*Defendants APURVA PATEL and ORISSA HOLDINGS, LLC dba GROUNDWIDGETS*

**(BY U.S. MAIL)**  
I placed the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California, addressed as set forth above, or as stated on the attached service list. I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for mailing with United States Postal Service/Express Mail, Federal Express and other overnight mail services. The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at San Francisco, California, in the ordinary course of such business.

**(BY E-MAIL)**  
I caused the documents to be sent to the persons at the e-mail addresses listed above, or as stated on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 23, 2015, at San Francisco, California.

By: /s/ Sharon J. Skandalaris  
Sharon J. Skandalaris

# **EXHIBIT B**

1 GREENBERG TRAURIG, LLP  
2 Ian C. Ballon (SBN 141819)  
ballon@gtlaw.com  
3 Monica A. Hernandez (SBN 280195)  
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4 1900 University Avenue, Fifth Floor  
East Palo Alto, California 94303  
Telephone: (650) 328-8500  
5 Facsimile: (650) 328-8508

6 Attorneys for Plaintiffs Deem, Inc. and  
Global Ground Automation, Inc.  
7

8 COBLENTZ PATCH DUFFY & BASS LLP  
Jeffrey G. Knowles (State Bar No. 129754)  
9 ef-jgk@cpdb.com  
Howard A. Slavitt (State Bar No. 172840)  
10 ef-has@cpdb.com  
Fredrick C. Crombie (State Bar No. 244051)  
11 ef-fcc@cpdb.com  
One Ferry Building, Suite 200  
12 San Francisco, California 94111-4213  
Telephone: (415) 391-4800  
13 Facsimile: (415) 989-1663

14 Attorneys for Defendants Apurva Patel,  
Orissa Holdings, LLC, dba GroundWidgets  
15

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 COUNTY OF SAN FRANCISCO

18  
19 DEEM, INC., and GLOBAL GROUND  
AUTOMATION, INC.,

20 Plaintiffs,

21 v.

22 APURVA PATEL, an individual, ORISSA  
23 HOLDINGS, LLC, individually and dba  
GROUNDWIDGETS,

24 Defendants.

25 Case No. CGC-15-543482

26 **[PROPOSED] ORDER GRANTING  
JOINT STIPULATION RE  
DISMISSAL WITHOUT PREJUDICE**

27 Complaint Filed: January 2, 2015  
28 Trial Date: None

**ORDER**

The Court having considered the parties' Joint Stipulation Re Dismissal Without Prejudice filed on July 22, 2015, hereby orders as follows:

1. This action, case no. CGC-15-543482, (the “Action”) is hereby dismissed without prejudice, with each side to bear its own attorneys’ fees and costs.
  2. Plaintiffs shall have 60 days from the date of this Order to re-file the Action in either the U.S. District Court for the District of New Jersey or New Jersey Superior Court, depending on where subject matter jurisdiction is proper (the “New Jersey action”).
  3. The statute of limitations on all of plaintiffs’ claims against defendants shall be tolled from January 2, 2015 to the date of filing of the New Jersey action so long as the case is re-filed within 60 days of dismissal of this Action.
  4. All parties may commence discovery in the New Jersey action upon service by plaintiffs of the complaint on defendants.
  5. Discovery produced in the Action shall be deemed produced in the future New Jersey action after it is filed and served, and shall remain subject to the protective order agreement that the parties reached in the Action.
  6. Except as and only to the extent otherwise explicitly provided herein, neither plaintiffs nor defendants waive and each expressly reserves, all rights, claims and defenses that each has in the Action and the New Jersey action.
  7. The Case Management Conference in this Action, which was scheduled for September 23, 2015, is hereby taken off calendar and vacated.

## IT IS SO ORDERED.

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1 DATED: \_\_\_\_\_, 2015  
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Judge of the Superior Court

## PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am employed in the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is **4 Embarcadero Center, Suite 3000, San Francisco, California 94111**.

On the date given below, I served the [PROPOSED] ORDER GRANTING JOINT  
STIPULATION RE DISMISSAL WITHOUT PREJUDICE on the interested parties in this  
action as follows:

Jeffrey G. Knowles  
Howard A. Slavitt  
Fredrick C. Crombie  
Coblentz Patch Duffy & Bass LLP  
One Ferry Building, Suite 200  
San Francisco, CA 94111  
Email: [jgk@coblentzlaw.com](mailto:jgk@coblentzlaw.com);  
[hslavitt@cpdb.com](mailto:hslavitt@cpdb.com); [ef-fcc@cpdb.com](mailto:ef-fcc@cpdb.com)

*Defendants APURVA PATEL and ORISSA HOLDINGS, LLC dba GROUNDWIDGETS*

**(BY U.S. MAIL)**  
I placed the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California, addressed as set forth above, or as stated on the attached service list. I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for mailing with United States Postal Service/Express Mail, Federal Express and other overnight mail services. The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at San Francisco, California, in the ordinary course of such business.

**(BY E-MAIL)**  
I caused the documents to be sent to the persons at the e-mail addresses listed above, or as stated on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 23, 2015, at San Francisco, California.

By: /s/ Sharon J. Skandalaris  
Sharon J. Skandalaris

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO**

3 At the time of service, I was over 18 years of age and **not a party to this action**. I am  
4 employed in the County of San Francisco, State of California. My business address is One Ferry  
Building, Suite 200, San Francisco, CA 94111-4213.

5 On July 28, 2015, I served true copies of the following document(s) described as

6 **DEFENDANTS' REPLY MEMORANDUM CONCERNING DEMURRER;  
7 NOTICE OF PARTIES' STIPULATION OF DISMISSAL WITHOUT  
PREJUDICE**

8 on the interested parties in this action as follows:

9 Ian C. Ballon Attorneys for Plaintiffs

Monica A. Hernandez  
Greenberg Traurig LLP  
1900 University Avenue, Fifth Floor  
11 East Palo Alto, CA 94303  
650.328.8500 Fax: 650.328-8508  
12 ballon@gtlaw.com  
hernandezmo@gtlaw.com

13 Valerie W. Ho Attorneys for Plaintiffs

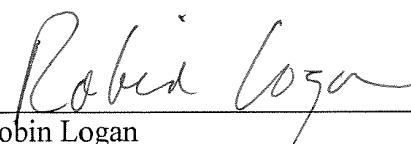
14 Greenberg Traurig LLP  
1840 Century Park East, Suite 1900  
15 Los Angeles, CA 90067  
310.586.7700 Fax: 310.586.7800  
16 HoV@gtlaw.com

17 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons  
at the addresses listed in the Service List and placed the envelope for collection and mailing,  
18 following our ordinary business practices. I am readily familiar with Coblenz Patch Duffy &  
Bass LLP's practice for collecting and processing correspondence for mailing. On the same day  
19 that the correspondence is placed for collection and mailing, it is deposited in the ordinary course  
of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

20 **BY ELECTRONIC SERVICE:** I electronically served the document(s) described above via  
21 LexisNexis File & ServeXpress, on the recipients designated on the Transaction Receipt located  
on the LexisNexis File & ServeXPress website (<https://w3.fileandserve.lexisnexis.com>) pursuant  
22 to the Court Order establishing the case website and authorizing service of documents.

23 I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct.

24 Executed on July 28, 2015, at San Francisco, California.

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27 Robin Logan  
28