

1 **HENNIGAN, BENNETT & DORMAN LLP**
RODERICK G. DORMAN (SBN 96908)
2 **dormanr@hbdlawyers.com**
ALAN P. BLOCK (SBN 143783)
3 **blocka@hbdlawyers.com**
MARC MORRIS (SBN 183728)
4 **morrism@hbdlawyers.com**
865 South Figueroa Street, Suite 2900
5 **Los Angeles, California 90017**
Telephone: (213) 694-1200
6 **Fax: (213) 694-1234**

7 Attorneys for Plaintiff
8 SPEEDTRACK, INC.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 SPEEDTRACK, INC.,)

13 Plaintiff,)

14 vs.)

15 AMAZON.COM, INC.; COSTCO)
16 WHOLESALE CORPORATION; 1-800-)
17 FLOWERS.COM, INC.;)
18 BARNESANDNOBLE.COM, LLC;)
19 BARNESANDNOBLE.COM, INC.; THE)
20 HOME DEPOT, INC.; NIKE, INC.;)
21 NORTHERN TOOL & EQUIPMENT)
22 CATALOG CO., INC.; J & R ELECTRONICS,)
23 INC.; DELL, INC.; BEST BUY CO.; BEST)
24 BUY.COM, LLC; SYSTEMAX, INC.;)
25 OFFICEMAX, INC.; MACY'S, INC.;)
26 MACYS.COM, INC.; OVERSTOCK.COM,)
27 INC.; RECREATIONAL EQUIPMENT, INC.;)
28 VALUE VISION INTERNATIONAL, INC.,)
DBA SHOPNBC.COM; B & H FOTO &)
ELECTRONICS CORP.; HEWLETT-)
PACKARD COMPANY; REDCATS USA,)
INC.; RETAIL CONVERGENCE, INC., DBA)
SMARTBARGAINS.COM,)

Defendants.)

Case No. 09-CV-04479-JSW

JOINT STIPULATION AND
[PROPOSED] ORDER STAYING
ACTION PENDING RESOLUTION
OF THE REEXAMINATION
PROCEEDING AND ENTRY OF
JUDGMENT OR DISMISSAL OF
SPEEDTRACK, INC. V. WAL-MART
STORES, INC., ET. AL., CASE NO.
06-CV-07336-PJH

HENNIGAN, BENNETT & DORMAN LLP
LAWYERS
LOS ANGELES, CALIFORNIA

HENNIGAN, BENNETT & DORMAN LLP
LAWYERS
LOS ANGELES, CALIFORNIA

1 WHEREAS, Plaintiff SpeedTrack, Inc. ("SpeedTrack") filed the case of *SpeedTrack, Inc. v.*
2 *Wal-Mart Stores, Inc., et. al.*, Case No. 06-CV-07336-PJH ("the Wal-Mart Action") for
3 infringement of SpeedTrack's U.S. Patent No. 5,544,360 ("the '360 patent") on November 29, 2006.

4 WHEREAS, Plaintiff SpeedTrack filed another action, *SpeedTrack, Inc. v. Office Depot,*
5 *Inc., et. al.*, Case No. 07-CV-03602-PJH ("the Office Depot Action"), also for infringement of the
6 '360 patent, on July 12, 2007.

7 WHEREAS, on August 13, 2007, the Court held that the Office Depot Action and the Wal-
8 Mart Action are related actions.

9 WHEREAS, on October 10, 2007, the Court granted the Defendants' motion to stay the
10 Office Depot Action pending the resolution of the Wal-Mart Action and, whereas, the Office Depot
11 Action is currently stayed.

12 WHEREAS, on January 12, 2009, the United States Patent and Trademark Office granted the
13 Request for Reexamination of the '360 patent filed by Endeca Technologies, Inc.

14 WHEREAS, on February 5, 2009, the Court granted the Defendants' motion to stay the Wal-
15 Mart Action pending the resolution of the reexamination of the '360 patent.

16 WHEREAS, SpeedTrack filed this Action ("the Amazon Action") for infringement of the
17 '360 patent on September 23, 2009.

18 WHEREAS, the parties to this Action agree that this Action should be stayed until such time
19 as both (i) the reexamination of the '360 patent is resolved and (ii) judgment in the Wal-Mart Action
20 or an order dismissing the Wal-Mart Action is entered, and that, at that time, the Court, with input
21 from the parties, should then determine how the individual Defendants in this Action are to be tried.

22 IT IS HEREBY STIPULATED by and between the parties or through their respective
23 counsel of record (as indicated below), THAT:

24 ///

25 ///

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28

1 Subject to the Court's approval, all proceedings in this Action, including discovery, shall be
2 stayed until such time as both (i) the reexamination of the '360 patent is resolved and (ii) judgment
3 in the Wal-Mart Action or an order dismissing the Wal-Mart Action is entered.

4 SO STIPULATED.

5
6 DATED: 11/16/09

HENNIGAN BENNETT & DORMAN LLP

7
8 By 

Roderick G. Dorman
Alan P. Block
Marc Morris

9
10 Attorneys for Plaintiff
SpeedTrack, Inc.

11 DATED:

AMAZON.COM, INC.

12
13 By 

Kathryn Sheehan (SBN 223339)

14 Attorneys for Defendant
Amazon.com, Inc.

15
16 DATED:

PERKINS COIE LLP

17
18 By _____

Gigi C. Hoang (SBN 241182)

19 Attorneys for Defendant
Costco Wholesale Corporation

20
21 DATED:

1-800-FLOWERS, INC.

22
23 By _____

Thomas E. Plastaras

Hennigan, Bennett & Dorman LLP
Lawyers
1000 S. Main Street, Suite 1000
San Jose, California 95128

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3 in the Wal-Mart Action or an order dismissing the Wal-Mart Action is entered.

4 SO STIPULATED.

6 DATED: HENNIGAN, BENNETT & DORMAN LLP

7 By _____
8 Roderick G. Dorman
9 Alan P. Block
10 Marc Morris

11 Attorneys for Plaintiff
12 SpeedTrack, Inc.

12 DATED: AMAZON.COM, INC.

13 By _____
14 Kathryn Sheehan

15 Attorneys for Defendant
16 Amazon.com, Inc.

16 DATED: PERKINS COIE LLP

17 By /s/ Gigi C. Hoang
18 Gigi C. Hoang (SBN 241182)

19 Attorneys for Defendant
20 Costco Wholesale Corporation

21 DATED: 1-800-FLOWERS, INC.

22 By _____
23 Thomas E. Plataras

HENNIGAN, BENNETT & DORMAN LLP
LAWYERS
LOS ANGELES, CALIFORNIA

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3 in the Wal-Mart Action or an order dismissing the Wal-Mart Action is entered.

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DATED:

BARNESANDNOBLE.COM, LLC AND
BARNESANDNOBLE.COM, INC.

By Bradley A. Feuer
Bradley A. Feuer

DATED:

FULBRIGHT & JAWORSKI L.L.P.

By Gilbert A. Greene
Gilbert A. Greene

Attorneys for Defendant
The Home Depot, Inc.

DATED:

NIKE, INC.

By Julianne Davis
Julianne Davis

DATED:

NORTHERN TOOL & EQUIPMENT
CATALOG CO., INC.

By Alan C. Kotula
Alan C. Kotula

DATED:

J & R ELECTRONICS, INC.

By Stuart Kovar
Stuart Kovar

DATED:

FARELLA BRAUN + MARTELL LLP

By /S/ Eugene Y. Mar
Eugene Y. Mar

Attorneys for Defendant
Dell.com, Inc.

Hennigan, Bennett & Dorman LLP
Los Angeles, California

Hennigan, Bennett & Dorman llp
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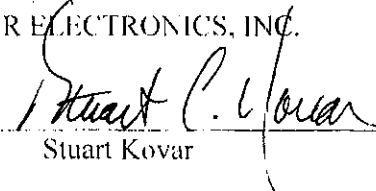
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Eugene Y. Mar

Attorneys for Defendant
Dell.com, Inc.

RECEIVED BY: BARBARA A. SCHUBERT, CLERK
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO, CALIFORNIA

HENNIGAN, BENNETT & DORMAN LLP
LAWYERS
LOS ANGELES, CALIFORNIA

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DATED:

SIDLEY AUSTIN LLP

By /s/ Richard A. Cederoth
Richard A. Cederoth

Attorneys for Defendants
Best Buy Co., Inc. and BestBuy.com, LLC

DATED:

GREENBERG TRAURIG

By _____
Barry J. Schindler

Attorneys for Defendant
Systemax, Inc.

DATED:

WILDMAN HARROLD

By _____
John Letchinger

Attorneys for Defendant
OfficeMax, Inc.

DATED:

AMSTER, ROTHSTEIN & EBENSTEIN LLP

By _____
Anthony F. Lo Cicero

Attorneys for Defendants
Macy's, Inc. and Macys.com, Inc.

DATED:

OVERSTOCK.COM, INC.

By _____
Mark Griffin

Attorneys for Defendant
Overstock.com, Inc.

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DATED:

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Henriqun, Bennett & Dorman LLP
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FARELLA BRAUN + MARTELL LLP

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Eugene Y. Mar

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FIRM:

By _____

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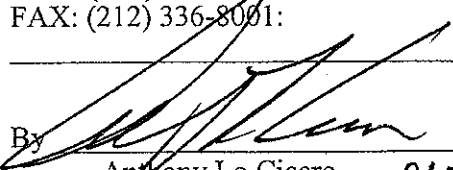
FIRM: _____

By _____

Attorneys for Defendant
Office Max, Inc.

DATED: November 16, 2009

AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK, NEW YORK 10016
TEL.: (212) 336-8000
FAX: (212) 336-8001:

By  _____
Anthony Lo Cicero AL7538

Attorneys for Defendants
Macy's, Inc. and Macys.com, Inc.

Hennigan, Bennett & Dorman LLP
Lawyers
Los Angeles, California

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DATED: 10/29/09

K & L GATES

By C-2
Cristofer I. Leffler
(Admitted Pro Hac Vice)

Attorneys for Defendant
Recreational Equipment, Inc.

DATED:

RADER, FISHMAN & GRAUER, PLLC

By _____
Thomas E. Bejin

Attorneys for Defendant
Value Vision International, Inc., dba,
Shopnbc.com

DATED:

KAYE SCHOLER LLP

By _____
Aaron Stiefel

Attorneys for Defendant
B & H Foto & Electronics Corporation

DATED:

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Hewlett-Packard Company

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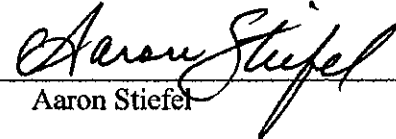
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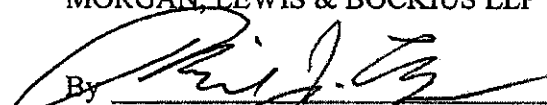
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/S/ Karen Boyd

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DATED: November 13, 2009

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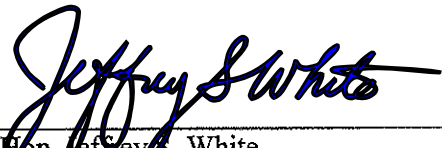
By 
Michael J. Bettinger

Attorneys for Defendant
Retail Convergence, Inc., dba,
Smartbargains.com

PURSUANT TO STIPULATION, THE COURT ORDERS AS FOLLOWS:

All proceedings in this Action, including discovery, shall be stayed until such time as both (i) the reexamination of the '360 patent is resolved and (ii) judgment or an order dismissing the Wal-Mart Action is entered. After final resolution of the reexamination of the '360 patent and an entry of judgment in the Wal-Mart Action or an order dismissing the Wal-Mart Action, the Court will determine, with input from the parties, how the individual Defendants in this Action are to be tried. Until then, this Action shall trail the Wal-Mart Action.

DATED: November 30, 2009


Hon. Jeffrey S. White
United States District Judge

Hennigan, Bennett & Dorman LLP
Los Angeles, California