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19 *Attorneys for Defendant*  
20 SPECIALTY SALES LLC

21 **UNITED STATES DISTRICT COURT**  
22 **EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION**

23 \* \* \*

24 Eakin Enterprises, Inc., a Washington  
25 Corporation

26 *Plaintiff,*

27 v.

28 Specialty Sales, LLC, a California limited  
29 liability company

30 *Defendant.*

31 Specialty Sales, LLC, a California limited  
32 liability company

33 *Counter-Plaintiff,*

34 v.

35 Eakin Enterprises, Inc., a Washington  
36 corporation, and John W. Eakin, an  
37 individual

38 *Counter-Defendants.*

Case No. 1:11-cv-02008-LJO-SKO

**STIPULATION AND ORDER REGARDING  
DISCLOSURES AND DISCOVERY  
RELATED TO UNFAIR COMPETITION  
CLAIMS**

1 Plaintiff and Counterdefendant Eakin Enterprises, Inc., Counterdefendant John W. Eakin  
2 (collectively, “Counterdefendants”), and Defendant and Counterclaimant Specialty Sales, LLC  
3 (“Defendant”), through their respective counsel, hereby stipulate as follows:

4 WHEREAS, the April 11, 2012 Scheduling Order in this case (ECF Docket No. 37) calls  
5 for the parties to exchange initial disclosures related to unfair competition by June 25, 2012; and

6 WHEREAS the Scheduling Order includes a schedule for claims construction  
7 culminating in a *Markman* claims construction hearing currently set for November 7, 2012; and

8 WHEREAS no trial date or general discovery cutoff date has yet been set; and

9 WHEREAS the parties desire to focus their efforts on the patent-related issues in the case  
10 prior to the *Markman* claims construction hearing, and delay disclosures and discovery related to  
11 the unfair competition issues in the case until after the *Markman* hearing.

12 NOW THEREFORE, the parties, through their respective counsel, hereby stipulate and  
13 agree as follows:

14 1. That the June 25, 2012 deadline for initial disclosures related to the unfair  
15 competition claims in this case be continued until thirty (30) days following a ruling by the court  
16 on issues presented at the *Markman* claims construction hearing; and

17 2. That all discovery related to the unfair competition claims in this case be  
18 suspended until thirty (30) days following a ruling by the court on issues presented at the  
19 *Markman* claims construction hearing.

20 Dated: June 12, 2012

STRATTON LAW & MEDIATION P.S.

21 By /Rex B. Stratton

22 Rex B. Stratton

23 *Attorneys for Plaintiff/Counter-Defendants*

24 Eakin Enterprises, Inc. and John W. Eakin

25 Dated: June 13, 2012

SIERRA IP LAW, PC

26 By /s/ Mark D. Miller

27 Mark D. Miller

28 *Attorneys for Defendant/Counter-Plaintiff*

SPECIALTY SALES LLC

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**ORDER**

Based on the Stipulation of Counsel and good cause being demonstrated through the accompanying declaration of plaintiff's counsel,

**IT IS HEREBY ORDERED:**

1. That the June 25, 2012, deadline for initial disclosures related to the unfair competition claims in this case be continued until thirty (30) days following a ruling by the court on issues presented at the *Markman* claims construction hearing; and

2. That all discovery related to the unfair competition claims in this case be suspended until thirty (30) days following a ruling by the court on issues presented at the *Markman* claims construction hearing.

IT IS SO ORDERED.

Dated: June 13, 2012

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE