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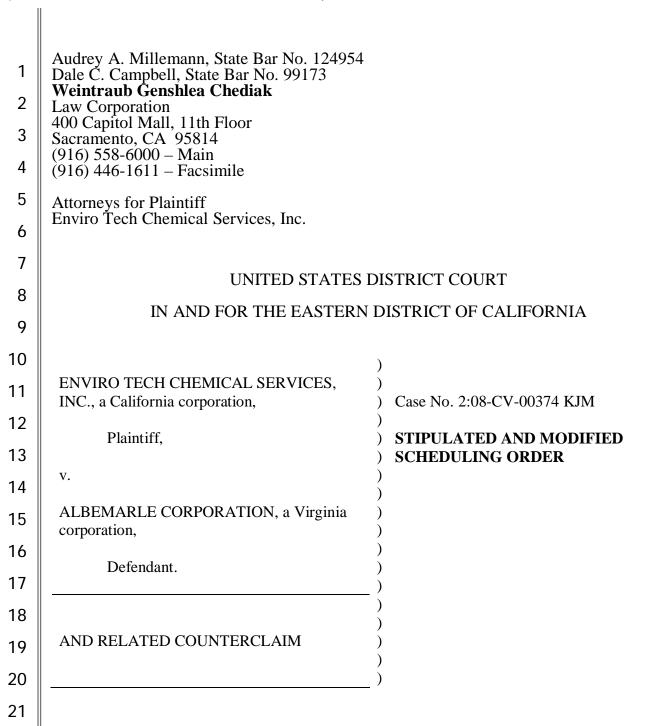
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Plaintiff Enviro Tech Chemical Services, Inc. and defendant Albemarle Corporation, by their undersigned counsel, hereby stipulate, pursuant to Local Rule 83-143, and mutually request a further extension of certain dates established in the current Modified Scheduling Order, document no. 31 filed on November 14, 2008. The parties exchanged initial disclosures on November 7, 2008. The next deadlines in the current Modified Scheduling Order pertain primarily to the claim construction process. The parties request that these dates be continued an additional 60 days to allow further time for

the parties to continue the informal settlement process that is ongoing.

In connection with the informal settlement process, the parties have exchanged confidential technical information and data related to the issue of infringement/non-infringement of the patent-in-suit. Each party's information has been reviewed by counsel for the opposing party and has now also been analyzed by one or more technical persons for the opposing party. The parties need to obtain some additional information from each other and are discussing the parameters of a settlement. Accordingly, the parties request that the current dates be continued approximately 60 days to allow them to continue the settlement process, to conserve judicial resources, and to maximize the efficiency of the litigation.

Respectfully submitted,

MCGLINCHEY STAFFORD, PLLC

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By: /s/ Audrey A. Millemann
Audrey A. Millemann
Attorneys for Plaintiff
Enviro Tech Chemical Services, Inc.

Dated: January 13, 2009

1	<u>ORDER</u>		
2	Pursuant to the fore	going stipulation of the parties, the current scheduling order is	
3	modified as follows:		
4			
5 6	1. March 16, 2009	Plaintiff to file its disclosure of asserted claims and preliminary infringement contentions with supporting documents.	
7		After this date it is necessary to obtain leave of court to add and/or amend infringement contentions.	
8		Join additional parties. It is not necessary to file a	
9		motion to join additional parties before this date. Thereafter, it is necessary to obtain leave of court to join additional parties.	
10		Add new patents and/or claims for patents-in-suit. It is	
11 12		not necessary to file a motion to add additional patents or claims before this date. Thereafter, it is necessary to obtain leave of court to add patents or claims.	
13	2. April 17, 2009	Defendant to file its preliminary invalidity contentions	
14	2. April 17, 2005	with supporting documents. Thereafter, it is necessary to obtain leave of court to add and/or amend invalidity contentions.	
15		Add any inequitable conduct allegations to pleadings.	
16 17		Before this date, it is not necessary to file a motion for leave to add inequitable conduct allegations to pleadings. Thereafter, it is necessary to obtain leave of court to add	
18		inequitable conduct allegations to pleadings.	
19		Deadline for initial document production.	
20	3. May 5, 2009	Parties to exchange proposed terms and claim elements for construction.	
21	4. May 22, 2009	Parties to exchange preliminary claim constructions and	
22		identify extrinsic evidence. Privilege logs to be exchanged by parties (or a letter to the court stating that there are no disputes as to claims of privileged documents).	
23	5 Law 22 2000		
24	5. June 23, 2009	Parties to file their joint claim construction and prehearing statement. The statement is to include expert witness designation and report under Rule 26(a)(2).	
25	6. June 23, 2009	Deadline for amended pleadings.	
26	7. July 7, 2009	Responses to amended pleadings due.	
27 28	8. July 17, 2009	Parties to complete discovery on claim construction, including expert depositions.	
	{8568/16511/AAM/1083112.DOC;}	STIPULATION AND MODIFIED SCHEDULING ORDER	

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2	9.	August 10, 2009
3	10.	August 24, 2009
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5	11.	September 9, 2009
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7	12.	September 21, 2009
8	12 33	N 1 2 2000
9	13.	November 2, 2009
10	If furth	er proceedings are nece
11	set to e	stablish the further disc
12		IT IS SO ORDERED.
13	January	y 20, 2009.
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9.	August 10, 2009	Plaintiff to file its claim construction brief with supporting evidence. Two sets of binders to be provided to the court.
10.	August 24, 2009	Defendant to file its responsive claim construction brief with supporting evidence. Two sets of binders to be provided to the court.
11.	September 9, 2009	Plaintiff to file its reply claim construction brief with supporting evidence. Two sets of binders to be provided to the court.
12.	September 21, 2009	Parties to submit claim construction chart in WordPerfect 8.0 (or higher) format.
13.	November 2, 2009	Markman hearing to be held beginning at 9:00 a.m. before Judge Mueller.

If further proceedings are necessary after the <u>Markman</u> hearing, a further status conference will be set to establish the further discovery, pre-trial and trial schedule.

U.S. MAGISTRATE JUDGE