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8 *Attorneys for Defendant & Counterclaimant*
 9 ETILIZE, INC.

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

13
 14 CBS INTERACTIVE INC.,

15 Plaintiff,

16 vs.

17 ETILIZE, INC.,

18 Defendant.

Case No. C 06-5378 (MHP)

**STIPULATION AND [PROPOSED]
 ORDER CONTINUING THE DATE FOR
 FILING PRETRIAL CONFERENCE
 STATEMENT FROM JANUARY 23, 2009
 TO JANUARY 27, 2009 TO FACILITATE
 INFORMAL RESOLUTION OF
 EVIDENTIARY DISPUTES**

CIVIL L.R. 6-2 AND 7-12

19
 20 AND RELATED COUNTERCLAIMS

21
 22 Pursuant to Civil L.R. 6-2 and 7-12, Plaintiff CBS Interactive Inc. (“CBSi”) and
 23 Defendant Etilize, Inc. (“Etilize”), through their counsel of record, stipulate as follows:

24 WHEREAS, on April 30, 2008 the Court entered a Stipulation And Order Modifying The
 25 Schedule Set Forth In The Joint Case Management Order (*See* Docket No. 86) (“April 2008
 26 Scheduling Order”); and

27 WHEREAS, the April 2008 Scheduling Order is the only previous modification of the
 28 case schedule relating to the present matter; and

1 WHEREAS, the April 2008 Scheduling Order did not modify the originally scheduled
2 dates for the Pretrial Conference, set for approximately February 6, 2009, and for the Trial, set to
3 begin approximately February 16, 2009 (*see* April 2008 Scheduling Order, pp. 2-4); and

4 WHEREAS, the April 2008 Scheduling Order provides, *inter alia*, that the last day to file
5 the Pretrial Conference statement is January 23, 2009; and

6 WHEREAS, in preparation for filing the Pretrial Conference statement, and in accordance
7 with the Trial Requirements document provided to both parties by the Court’s clerk, the parties
8 have exchanged witness lists, exhibit lists and objections thereto, deposition designations and
9 objections and counter-designations thereto, and proposed jury instructions, and have met and
10 conferred in an effort to resolve evidentiary matters before the pretrial conference; and

11 WHEREAS, the parties have made substantial progress toward reducing the number of
12 unresolved disputes for the Court to decide and believe that the additional time requested herein
13 will facilitate further reduction in the number of unresolved disputes to be presented in the
14 Pretrial Conference statement;

15 WHEREAS, continuing the date for filing the Pretrial Conference statement as requested
16 herein will not change the previously scheduled dates for the Pretrial Conference, Trial or any
17 other dates in the April 2008 Scheduling Order;

18 NOW, THEREFORE, the parties respectfully submit this Stipulation And [Proposed]
19 Order Modifying Date For Filing Pretrial Conference Statement and request the Court to enter an
20 Order that the last day to file the Pretrial Conference statement **is continued from January 23,**
21 **2009 to January 27, 2009.**

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IT IS SO STIPULATED.

Dated: January 22, 2009

MANATT, PHELPS & PHILLIPS, LLP

WINSTON & STRAWN LLP

By: /s/ Shawn G. Hansen
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J. Bruce McCubbrey
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ETILIZE, INC.

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CBS INTERACTIVE INC.

Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, Shawn G. Hansen hereby attests that concurrence in the filing of this document has been obtained.

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: 1/23/2009



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