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10 Attorneys for Defendant,  
 11 FEMSUITE, LLC

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN FRANCISCO DIVISION

15 KARL STORZ ENDOSCOPY-AMERICA,  
 Inc.,

16 Plaintiff,

17 vs.

18 FEMSUITE, LLC,

19 Defendant.

Case No. 3:08-CV-03210 VRW

**STIPULATION TO EXTEND TIME FOR  
 DEFENDANT FEMSUITE, LLC TO  
 REPLY TO PLAINTIFF KARL STORZ  
 ENDOSCOPY-AMERICA, INC.'S  
 OPPOSITION TO DEFENDANT'S  
 MOTION TO DISMISS FOR FAILURE  
 TO STATE A CLAIM UPON WHICH  
 RELIEF CAN BE GRANTED OR, IN  
 THE ALTERNATIVE, TO STAY  
 PROCEEDINGS**

Judge: Honorable Vaughn R. Walker  
 Motion Date: December 11, 2008  
 Time: 2:30 p.m.  
 Place: Courtroom 6, 17<sup>th</sup> Floor

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 26 WHEREAS, on September 5, 2008, Defendant FEMSUITE, LLC ("FemSuite") filed its  
 27 Motion to Dismiss Plaintiff's Complaint filed by KARL STORZ ENDOSCOPY-AMERICA, INC.  
 28 ("KSEA") and noticed the Motion to Dismiss for oral argument on December 11, 2008 (Docket No.

1 22);

2 WHEREAS, on November 20, 2008, KSEA filed its Memorandum in Opposition to  
3 Defendant's Motion to Dismiss (the "Opposition") (Docket No. 44);

4 WHEREAS, pursuant to Civil L.R. 7-3(c) and due to the Thanksgiving Holiday, FemSuite  
5 must now file its Reply to the Opposition ("Reply") on or before Wednesday November 26, 2008;

6 WHEREAS, pursuant to Civil L.R. 7-3(c) and due to the Thanksgiving Holiday, FemSuite  
7 now only has four court days to prepare and file a reply brief whereas it would normally have five  
8 court days to prepare a reply.

9 WHEREAS, KSEA has agreed to grant FemSuite a short extension to file its Reply;

10 WHEREAS, this is the first extension sought by a party in relation to FemSuite's Motion to  
11 Dismiss, this extension is not for the purpose of delay, and the parties believe that this short  
12 extension of time will not affect any dates or other deadlines that have been set by the Court,  
13 including the December 11, 2008 hearing date, and is in the interests of fairness.

14 ACCORDINGLY, the parties, by and through their undersigned counsel, HEREBY  
15 STIPULATE that Defendant FemSuite's Reply to Plaintiff KSEA's Opposition, which was

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1 originally due on November 26, 2008, may be electronically filed and served up to and including  
2 December 1, 2008.

3 Dated: November 26, 2008 Respectfully submitted,  
4 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, PC

5  
6 /s/ Bryan J. Sinclair  
By: BRYAN J. SINCLAIR

7 Attorneys for Defendant,  
8 FEMSUITE, LLC

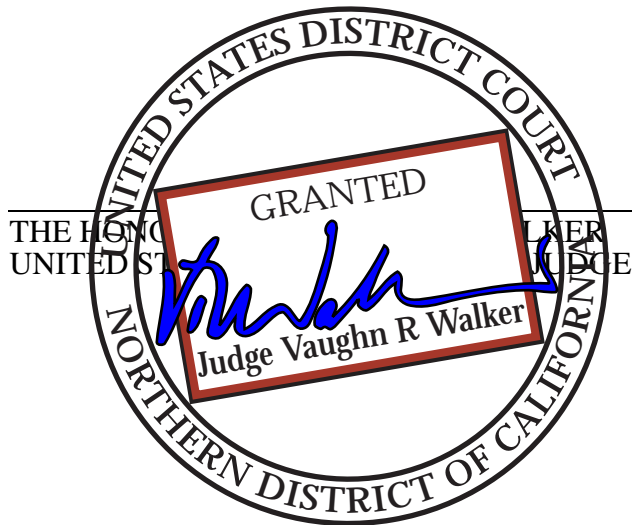
9 Dated: November 26, 2008 Respectfully submitted,  
10 BECK, ROSS, BISMONTE & FINLEY, LLP

11  
12 /s/ Alfredo A. Bismonte  
By: ALFREDO A. BISMONTE

13 Attorneys for Plaintiff,  
14 KARL STORZ ENDOSCOPY-AMERICA, INC.

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17 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

18  
19 Dated: 11/26/2008



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