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

KARL STORZ ENDOSCOPY-AMERICA,  
INC.  
  
Plaintiff,  
  
v.  
  
FEMSUITE, LLC  
  
Defendant.

**Case No. C 08-3210 (VRW)**  
**STIPULATION AND ~~PROPOSED~~**  
**ORDER TAKING CASE DEADLINES**  
**OFF CALENDER AND SETTING CMC**  
**IN LIGHT OF SETTLEMENT**  
**EFFORTS**

1 Pursuant to the Civil Local Rule 7-12 and as suggested by the Deputy Clerk of Chief Judge  
2 Vaughn R. Walker, Plaintiff Karl Storz Endoscopy-America, Inc. (“KSEA”) and Defendant  
3 FemSuite, LLC (“FemSuite”), hereby jointly state the following:

4 On March 25, 2009, KSEA and FemSuite held a mediation of this matter before Chief  
5 Magistrate Judge James Larson.

6 As a result of that mediation, the parties decided to explore a business settlement but need  
7 an opportunity to conduct due diligence. Accordingly, the parties would like to undertake a  
8 “stand-still” of litigation efforts and suspend the current case schedule until approximately May  
9 8, 2009. Subsequently, the parties anticipate reporting the status of the settlement efforts to  
10 Judge Walker in a Case Management Conference under Civil Local Rules 16-10(c) and (d).

11 The parties further note that in a January 8, 2009 Civil Pretrial Minute Order (Document  
12 No. 66) attached as Exhibit A to this document, the Court has set forth case scheduling deadlines  
13 which would be necessarily effected by any such “stand-still” agreement.

14 Accordingly, the parties hereby stipulate to and request that the Court enter an order as  
15 follows:

- 16 1. The deadlines set forth in Exhibit A, with the exception of the  
17 May 15, 2009 “Deadline for amending the pleadings” are taken  
18 off calendar.  
19 July 2, 2009
- 20 2. On ~~June 18, 2009~~, a Case Management Conference (“CMC”)  
21 be held before ~~this Court~~ at 3:30 PM.  
22 June 25, 2009
- 23 3. On or before ~~June 8, 2009~~, the parties will file a joint CMC  
24 statement reporting progress on the settlement and, if  
25 applicable, suggest any further proposed changes in case  
26 related deadlines.

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Respectfully submitted,

Dated: April 13, 2009

\_\_\_\_\_/s/Alfredo Bismonte\_\_\_\_\_  
Alfredo A. Bismonte, Esq.  
Beck, Ross, Bismonte & Finley, LLP

Benjamin J. Lehberger (*pro hac vice*)  
St. Onge Steward Johnston & Reens LLC

Attorneys for Plaintiff Karl Storz Endoscopy-  
America, Inc.

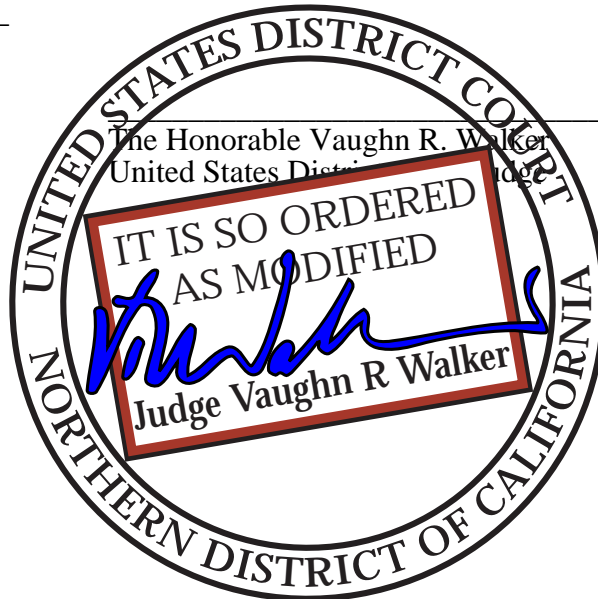
Respectfully submitted,

Dated: April 13, 2009

By: \_\_\_\_/s/\_ Jeffrey M. Ratinoff <sup>1</sup>\_\_\_\_  
Jeffrey M. Ratinoff, Esq..  
Mintz Levin Cohn Ferris Glovsky and Popeo, PC  
Attorneys for Defendant FemSuite, LLC

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

Dated: April 14, 2009



<sup>1</sup> Pursuant to General Order No. 45, Section X, the filer of this document attests that concurrence in the filing of this document has been obtained from Jeffrey M. Ratinoff.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CIVIL PRETRIAL MINUTES

VAUGHN R. WALKER

United States District Chief Judge

Date : January 8, 2009

C 08-3210 VRW

KARL STORZ ENDOSCOPY-AMERICA INC v FEMSUITE LLC

Attorneys : For Plaintiff(s): Ben Lehberger, Alfredo Bismonte

For Defendant(s): Robert Taylor, Dean Bostock (participated by phone)

Deputy Clerk: Cora Klein

Reporter: Not reported

PROCEEDINGS:

Case Management Conference - Held

SCHEDULE:

|                                      |                                   |
|--------------------------------------|-----------------------------------|
| Deadline for amending the pleadings  | May 15, 2009                      |
| Deadline for designation of experts  | April 15, 2009                    |
| Fact discovery deadline              | May 15, 2009                      |
| Initial experts reports              | April 15, 2009                    |
| Rebuttal expert reports              | May 7, 2009                       |
| Expert discovery deadline            | May 15, 2009                      |
| Deadline to file dispositive motions | May 21, 2009                      |
| Dispositive motions hearing          | June 25, 2009 at 2:30 PM.         |
| Pretrial Conference                  | August 6, 2009 at 3:30 PM.        |
| <b>Jury selection</b>                | <b>August 11, 2009 at 8:30 AM</b> |
| <b>Jury trial</b>                    | <b>August 17, 2009 at 8:30 AM</b> |

Order to be prepared by: Plntf\_\_\_\_\_ Deft\_\_\_\_\_ Court\_x\_