

1 ANDREW E. MONACH (CA SBN 087891)

[AMonach@mofo.com](mailto:AMonach@mofo.com)

2 MORRISON & FOERSTER LLP

425 Market Street

3 San Francisco, California 94105-2482

Telephone: 415.268.7000

4 Facsimile: 415.268.7522

5 COLETTE R. VERKUIL (CA SBN 263630)

[CVerkuil@mofo.com](mailto:CVerkuil@mofo.com)

6 JANA G. GOLD (CA SBN 154246)

[JGold@mofo.com](mailto:JGold@mofo.com)

7 RICHARD S. BALLINGER (CA SBN 223655)

[RBallinger@mofo.com](mailto:RBallinger@mofo.com)

8 JEFFREY E. DANLEY (CA SBN 238316)

[JDanley@mofo.com](mailto:JDanley@mofo.com)

9 MORRISON & FOERSTER LLP

755 Page Mill Road

10 Palo Alto, California 94304-1018

Telephone: 650.813.5600

11 Facsimile: 650.494.0792

12 Attorneys for Defendants

ADOBE SYSTEMS, INC. AND ADOBE MACROMEDIA

13 SOFTWARE LLC

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 SAN FRANCISCO DIVISION

18 THINKVILLAGE-KIWI, LLC,

19 Plaintiff,

20 v.

21 ADOBE SYSTEMS, INC. and ADOBE

22 MACROMEDIA SOFTWARE LLC,

23 Defendants.

Case No. C 08-04166 SI

**STIPULATION AND  
PROPOSED ORDER**

1 The parties hereto, through their respective counsel, hereby provide notice to the Court  
2 that they have agreed to the terms of a settlement of this action that they will memorialize in a  
3 more detailed and formal written agreement, and stipulate as follows:

4 1. That the trial set for June 14, 2010 and all pretrial filing deadlines and the Pretrial  
5 Conference set for June 2, 2010 be taken off calendar;

6 2. That all pending motions by both sides be withdrawn; and

7 3. That a further Case Management Conference be set for July 2, 2010 at 3:00 p.m.,  
8 to be held only in the event that the parties have not filed a Notice of Dismissal prior to that date.

9 Dated: May 13, 2010

MORRISON & FOERSTER LLP

11 By:

12 /s/ Andrew E. Monach

13 Attorneys for Defendants  
14 ADOBE SYSTEMS, INC. AND  
15 ADOBE MACROMEDIA  
16 SOFTWARE LLC

16 Dated: May 13, 2010

NIRO, HALLER & NIRO

18 By:

19 /s/ David J. Sheikh

20 Attorneys for Plaintiffs  
21 THINKVILLAGE-KIWI, LLC

22  
23 **SO ORDERED:**

24 Dated:

25 

26 The Honorable Susan Illston

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**GENERAL ORDER 45 ATTESTATION**

I, Andrew E. Monach, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER on behalf of David J. Sheikh. In compliance with General Order 45, X.B., I hereby attest that David J. Sheikh has concurred in this filing.

\_\_\_\_\_  
/s / Andrew E. Monach  
Andrew E. Monach