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14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 SAN JOSE DIVISION

17 TECHNOLOGY LICENSING COMPANY,  
 INC.,  
 18  
 Plaintiff,  
 19  
 v.  
 20 MUSTEK, INC.,  
 21  
 Defendant.  
 22

CASE NO. 5:08-cv-04253-PVT  
**SECOND STIPULATION AND**  
**[XXXXXXXXXXXX] ORDER CONTINUING**  
**CASE MANAGEMENT CONFERENCE**  
**(BY ONE WEEK)**  
 Magistrate Judge Patricia V. Trumbull  
 Current Case Management Conference:  
 Date: February 10, 2009  
 Time: 2:00 p.m.  
 Ctrm: 5  
 Proposed Case Management Conference:  
 Date: February 17, 2009  
 Time: 2:00 p.m.  
 Ctrm: 5

24 and related counterclaim.  
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 26  
 27  
 28

McDERMOTT WILL & EMERY LLP  
 ATTORNEYS AT LAW  
 IRVINE

1 Pursuant to Local Rules 6-2 and 7-12, Plaintiff Technology Licensing Company, Inc. and  
2 Defendant Mustek, Inc. jointly request that the Court continue the case management conference,  
3 now scheduled in this case for February 10, 2009.

4 The following facts are relevant to this request:

5 1. Defendant Mustek, Inc. has been duly served in this action, filing an answer and  
6 counterclaim on December 29, 2008.

7 2. Plaintiff Technology Licensing Company's response to the counterclaim is due  
8 January 20, 2009.

9 3. The parties are engaged in an informal exchange of information and discussions  
10 regarding possible settlement and are hopeful that these discussions will bear fruit.

11 4. This case was originally set for a Case Management Conference on  
12 January 20, 2009 at 2:00 p.m. Pursuant to a prior stipulation, the Court moved the Case  
13 Management Conference to February 10, 2009. Due to circumstances beyond his control,  
14 counsel for Plaintiff Technology Licensing Company has discovered that he will not be in the San  
15 Francisco Bay Area on February 10 as previously planned. The Case Management Statement has  
16 been filed.

17 5. The parties agree that the Case Management Conference should be postponed.

18  
19 Based on the foregoing, THE PARTIES HEREBY STIPULATE to the following:

20 1. The initial Case Management Conference currently scheduled for February  
21 10, 2009, should be continued to February 17, 2009 (or such other date as the  
22 Court may designate) at 2:00 p.m. in Courtroom 5 of the United States Courthouse  
23 located at 280 South First Street, San Jose, California 95113.

1 Before the filing of this stipulation, there was only one change to the Court ordered  
2 deadlines or dates in this case (as noted above). The effect on the schedule for this case depends  
3 on the timing and outcome of the parties settlement negotiations.

4 **IT IS SO STIPULATED.**

5 TECHNOLOGY LICENSING COMPANY, INC.

6  
7 By: /s/ Matthew Weil for Mr. Carpenter  
John Wade Carpenter

8 Attorneys for Plaintiff/Counterdefendant  
9 TECHNOLOGY LICENSING COMPANY, INC.

10 Dated: February 4, 2009

McDERMOTT WILL & EMERY LLP

11  
12 By: /s/ Matthew F. Weil  
Matthew F. Weil

13 Attorneys for Defendant/Counterclaimant  
14 MUSTEK, INC.

15 ATTESTATION OF E-FILED SIGNATURE

16 I, Matthew Weil, attest that signatory John Carpenter has read and approved the  
17 STIPULATION AND [PROPOSED] ORDER CONTINUING CASE MANAGEMENT  
18 CONFERENCE and consents to its filing in this action.  
19

20 /s/ Matthew F. Weil  
21 Matthew F. Weil

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

23  
24 Dated: February 4, 2009



25 PATRICIA V. TRUMBULL  
26 UNITED STATES MAGISTRATE JUDGE

27 ORC 455439-1.082851.0012