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Attorneys for Plaintiff
 ARTIFEX SOFTWARE, INC.

Attorneys for Defendants
 DIEBOLD INC. and PREMIER ELECTION
 SOLUTIONS, INC.

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

13 ARTIFEX SOFTWARE INC.,
 14 Plaintiff,
 15 v.
 16 DIEBOLD INC., an Ohio corporation,
 17 PREMIER ELECTION SOLUTIONS, INC.,
 18 a Delaware corporation,
 19 Defendants.

Case No. C 08-04837 SC

**STIPULATION CONTINUING THE
 HEARING DATE FOR DEFENDANT
 DIEBOLD INC.'S FRCP 12(B)(6)
 MOTION TO DISMISS PLAINTIFF'S
 CLAIM AGAINST DIEBOLD, INC.**

20 IT IS HEREBY STIPULATED AND AGREED between Plaintiff Artifex Software Inc.
 21 ("Plaintiff") and Defendants Diebold Inc. and Premier Election Solutions, Inc. (together
 22 "Defendants"), by and through their undersigned counsel, that pursuant to Northern District Civil
 23 Local Rules 6-1(a) and 7-7(b), Defendant Diebold's FRCP 12(b)(6) Motion to Dismiss Plaintiff's
 24 Claim Against Diebold, Inc. will be continued from March 6, 2009 at 10:00 a.m. to April 3, 2009
 25 at 10:00 a.m., in the above-entitled Court, located at Courtroom 1, 17th Floor, 450 Golden Gate
 26 Avenue, San Francisco, California, 94102.

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IT IS SO AGREED AND STIPULATED.

Dated: February 20, 2009

JONES DAY

By: /s/ Gregory L. Lippetz
Gregory L. Lippetz

Attorneys for Defendant
DIEBOLD INC. and PREMIER ELECTION
SOLUTIONS, INC.

In accordance with General Order No. 45, Rule X, the above signatory attests that
concurrence in the filing of this document has been obtained from the signatory below.

Dated: February 20, 2009

O'MELVENY & MYERS LLP

By: /s/ Darin W. Snyder
Darin W. Snyder

Attorneys for Plaintiff
ARTIFEX SOFTWARE INC.

