1	Counsel Listed on Signature Page	
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8	UNITED STATES	S DISTRICT COURT
9	NORTHERN DISTR	ICT OF CALIFORNIA
10	SAN FRANC	ISCO DIVISION
11		
12	ARTIFEX SOFTWARE INC., a California corporation,	Case No. C 08-04837 SC EMC
13	Plaintiff,	NOTICE OF SETTLEMENT AND JOINT REQUEST TO POSTPONE
14	v.	CASE MANAGEMENT CONFERENCE; [PROPOSED] ORDER
15	DIEBOLD INC., an Ohio corporation, PREMIER ELECTION SOLUTIONS, INC.,	
16	a Delaware corporation,	
17	Defendants.	
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		NOTICE OF SETTLEMENT CASE NO. C 08-04837

1	STIPULATION	
2	WHEREAS, on October 22, 2008, Artifex Software, Inc. ("Plaintiff") filed a complaint	
3	against Diebold Inc. and Premier Election Solutions, Inc. ("Defendants") and alleged violations of	
4	United States Copyright Law;	
5	WHEREAS, the Case Management Conference in this Action is currently scheduled for	
6	April 3, 2009;	
7	WHEREAS, Plaintiff and Defendants have agreed in principle to settle this Action and are	
8	finalizing the language of a settlement agreement that fully and finally resolves all claims,	
9	disputes, and differences in this Action;	
10	WHEREAS, the parties estimate that they will be able to file a stipulation of dismissal	
11	within 30 days; and	
12	WHEREAS, the parties agree that to conserve judicial resources, the Case Management	
13	Conference in this Action should not go forward on April 3, 2009.	
14	THE PARTIES HEREBY JOINTLY REQUEST that the Court postpone the Case	
15	Management Conference in this Action to a date convenient for the Court, at least 30 days after	
16	April 3, 2009.	
17	O'MELVENY & MYERS LLP JONES DAY	
18		
19	By: /s/ Luann L. SimmonsBy: /s/ Gregory L. LippetzLuann L. SimmonsGregory L. Lippetz	
20	Darin W. Snyder (SBN 136003)Tharan Gregory Lanier (SBN 138784)Luann L. Simmons (SBN 203526)Gregory L. Lippetz (SBN 154228)	
21	David S. Almeling (SBN 235449)O'MELVENY & MYERS LLPORegoly E. Elppel2 (SBN 134220)	
22	Two Embarcadero Center, 28th Floor San Francisco, CA 94111-3823Silicon Valley Office 1755 Embarcadero Road	
23	Telephone: 415-984-8700 Palo Alto, CA 94303 Facsimile: 415-984-8701 Telephone: 650-739-3939	
24	Interprinte:GeneralizeGeneralizedsnyder@omm.comFacsimile:650-739-3900lsimmons@omm.comtglanier@jonesday.com	
25	dalmeling@omm.com glippetz@jonesday.com jfroyd@jonesday.com	
26	Attorneys for Plaintiff Attorneys for Defendants	
27	ARTIFEX SOFTWARE, INC. DIEBOLD, INC. and PREMIER ELECTION SOLUTIONS, INC.	
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	2 NOTICE OF SETTLEMENT	

1	Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest
2	under penalty of perjury that concurrence in the filing of the document has been obtained from
3	Gregory L. Lippetz.
4	Dated: March 27, 2009
5	
6	
7	By /s/Luann L. Simmons Luann L. Simmons
8	Attorneys for Defendants
9	Attorneys for Defendants Attorneys for Plaintiff ARTIFEX SOFTWARE, INC.
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	3 NOTICE OF SETTLEMENT CASE NO. C 08-04837

1	[PROPOSED] ORDER
2	Pursuant to the parties' joint request, the Case Management Conference is hereby
3	postponed until <u>May 29</u> , 2009.
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5	TT IS SO ONDERLED
6	Dated: <u>March 30</u> , 2009
7	The Hono II I United Sta Judge Samuel Conti
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	4 NOTICE OF SETTLEME CASE NO. C 08-043