

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 By: /s/ Luann L. Simmons
19 Luann L. Simmons

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

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26 Attorneys for Plaintiff
27 ARTIFEX SOFTWARE, INC.

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

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
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7 By /s/Luann L. Simmons
Luann L. Simmons

8 Attorneys for Defendants
9 Attorneys for Plaintiff
ARTIFEX SOFTWARE, INC.
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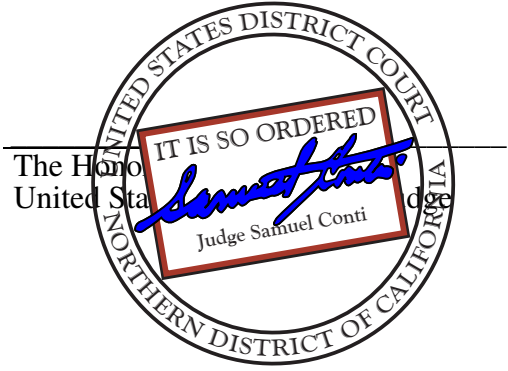
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~~[PROPOSED]~~ ORDER

Pursuant to the parties' joint request, the Case Management Conference is hereby postponed until May 29, 2009.

IT IS SO ORDERED

Dated: March 30, 2009



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