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 14 THE STANLEY WORKS

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA  
 17 SAN FRANCISCO DIVISION

18 ZIRCON CORPORATION, a California  
 19 corporation,

20 Plaintiff,

21 v.

22 THE STANLEY WORKS, a Connecticut  
 23 corporation,

24 Defendant.

Case No. C 09-0042 PJH

**STIPULATION AND [PROPOSED]  
 ORDER TO ENLARGE DEFENDANT'S  
 TIME TO RESPOND TO COMPLAINT  
 AND TO RESCHEDULE THE INITIAL  
 CASE MANAGEMENT CONFERENCE  
 AND ASSOCIATED DATES**

Judge: Honorable Phyllis J. Hamilton  
 Date Comp. Filed: January 6, 2009  
 Trial Date: None set

1 This stipulation is entered into by and between Defendant The Stanley Works (“Stanley”)  
2 and Plaintiff Zircon Corporation (“Zircon”) through their counsel of record as follows:

3 WHEREAS, Stanley was served with the Summons and Complaint in this matter on May  
4 4, 2009;

5 WHEREAS, Stanley’s answer or other response to the Complaint is due on May 26, 2009;

6 WHEREAS, this Court issued an Order Setting Case Management Conference on May 13,  
7 2009, setting the date of the initial case management conference for June 4, 2009, with a joint case  
8 management statement due on May 28, 2009;

9 WHEREAS, the parties have been and are currently actively engaged in negotiations to  
10 reach a resolution of their dispute without further litigation, the parties intend to continue to said  
11 negotiations, and said negotiations would greatly benefit from an extension of time to permit the  
12 parties to work out the details of a possible settlement without the need to concurrently meet  
13 imminent litigation deadlines; and

14 WHEREAS, neither party has previously requested an extension of time in this action;

15  
16 NOW THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE, through  
17 their respective counsel of record, that:

18 1) Pursuant to Civil L.R. 6-1(a), the deadline for Stanley to answer or otherwise  
19 respond to the Complaint shall be extended sixty (60) days, to Monday, July 27, 2009;

20 2) Pursuant to Civil L.R. 6-1(b) and this Court’s Order Setting Case Management  
21 Conference, the initial case management conference shall be postponed from June 4, 2009 to  
22 August 6, 2009, at 2:30 p.m. in Courtroom 5, 17<sup>th</sup> Floor, Federal Building, 450 Golden Gate  
23 Avenue, San Francisco, California or the next available date for the Court; and

24 3) The parties shall file both the (a) joint initial case management conference  
25 statement addressing each of the items listed in the “Standing Order For All Judges of the  
26 Northern District -- Contents of Joint Case Management statement” and (b) the necessary ADR  
27 filings as required by Civil L.R. 16-8(b)-(c) and ADR L.R. 3-5(b) (*e.g.*, ADR certification and  
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1 either the ADR process selection stipulation or notice for a phone conference) seven (7) calendar  
2 days before the date of the rescheduled conference.

3 IT IS SO STIPULATED.

4 DATED: May 15, 2009

PILLSBURY WINTHROP SHAW PITTMAN LLP

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6 By /s/ Dianne L. Sweeney  
Dianne L. Sweeney  
7 Attorneys for Defendant  
THE STANLEY WORKS

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9 DATED: May 15, 2009

HAYNES AND BOONE, LLP

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11 By /s/ Clark S. Stone  
Clark S. Stone  
12 Attorneys for Plaintiff  
ZIRCON CORPORATION

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14 I hereby attest that I have the concurrence of Clark S. Stone to file this document.

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By /s/ Dianne L. Sweeney  
Dianne L. Sweeney

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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DATED: May 19, 2009

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Hon. Phyllis J. Hamilton  
United States District Court

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