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 19 THE STANLEY WORKS

20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

22 ZIRCON CORPORATION, a California
 23 corporation,

24 Plaintiff,

25 v.

26 THE STANLEY WORKS, a Connecticut
 27 corporation,

28 Defendant.

Case No. 4:09-cv-00042 PJH

**STIPULATION AND [PROPOSED]
 ORDER TO PROCEED BEFORE
 MAGISTRATE JUDGE ELIZABETH D.
 LAPORTE**

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

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

3 WHEREAS, the parties both previously declined to proceed before a Magistrate Judge in
4 the above-captioned matter;

5 WHEREAS, at the parties’ recent Initial Case Management Conference on October 15,
6 2009, the parties jointly requested that the court schedule an early summary judgment motion as to
7 the infringement of the asserted patent in the above-captioned matter;

8 WHEREAS, the court denied the parties’ request but invited the parties to reconsider
9 proceeding instead before a U.S. Magistrate Judge of the parties’ choice in this District;

10 WHEREAS, Magistrate Judge Elizabeth D. Laporte has been consulted regarding the
11 parties’ proposal to schedule an early summary judgment motion and has indicated her willingness
12 to accommodate the parties’ proposal; and

13 WHEREAS, the parties now jointly consent to proceed before Magistrate Judge Laporte
14 for all purposes;

15 NOW THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE, through
16 their respective counsel of record, to refer the above-captioned matter to Magistrate Judge
17 Elizabeth D. Laporte to conduct all further proceedings, and hereby respectfully request that an
18 Initial Case Management Conference be scheduled promptly before Magistrate Judge Laporte.

19
20 IT IS SO STIPULATED.

21 DATED: November 9, 2009

HAYNES AND BOONE, LLP

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23 By /s/ Clark S. Stone
24 Clark S. Stone
25 Attorneys for Plaintiff
ZIRCON CORPORATION

26 DATED: November 9, 2009

PILLSBURY WINTHROP SHAW PITTMAN LLP

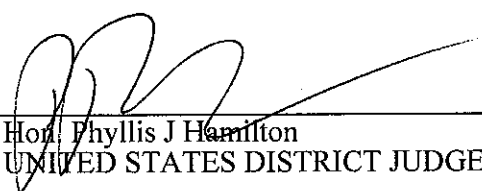
27 By /s/ Bryan P. Collins
28 Bryan P. Collins
Attorneys for Defendant
THE STANLEY WORKS

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Filer's Attestation: Pursuant to General Order No. 45, Section X.B. regarding non-filing signatories, Clark S. Stone hereby attests that concurrence in the filing of this Stipulation has been obtained from Bryan P. Collins

IT IS SO ORDERED.

DATED: 11/12/09, 2009



Hon. Phyllis J. Hamilton
UNITED STATES DISTRICT JUDGE