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 19 THE STANLEY WORKS

20 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 21 SAN FRANCISCO DIVISION

Case No. 4:09-cv-00042 EDL

22 ZIRCON CORPORATION, a California
 23 corporation,

24 Plaintiff,

25 v.

26 THE STANLEY WORKS, a Connecticut
 corporation,

27 Defendant.

**STIPULATION AND ~~PROPOSED~~
 ORDER TO CONTINUE HEARING ON
 DEFENDANT'S MOTION FOR
 SUMMARY JUDGMENT OF NON-
 INFRINGEMENT AS MODIFIED**

28

1 This stipulation is entered into by and between Plaintiff Zircon Corporation (“Zircon”) and
2 Defendant The Stanley Works (“Stanley”) (collectively, “the Parties”), through their counsel of
3 record, on the following bases:

4
5 1. The Parties in this matter jointly requested that the Court schedule an early
6 summary judgment motion as to the infringement of the asserted patent in the above-captioned
7 matter and to that end, on December 14, 2009 Stanley filed a Notice of Motion and Motion for
8 Summary Judgment of Non-Infringement which noticed the hearing for the motion for March 16,
9 2010 at 9:00 a.m. before Magistrate Judge Laporte;

10 2. On December 15, 2009 the Parties appeared before Magistrate Judge Laporte for a
11 Case Management Conference (“CMC”) wherein the Court limited discovery to the issues raised
12 in the Motion for Summary Judgment of Non-Infringement as memorialized in the Civil Minutes;

13 3. At the time of the CMC, the Parties advised the Court that they would cooperate to
14 move the hearing date on the Motion for Summary Judgment of Non-Infringement, if necessary,
15 based on the actual progress made in the collection of limited discovery relevant to said motion;

16 4. Since the CMC, the Parties have been cooperating in the discovery process. The
17 Parties are, however, still working through discovery issues with a third party in Hong Kong
18 (Solar Wide Industrial Ltd.) and need to complete the deposition of an individual who resides in
19 Hong Kong as well as the collection of all documents relevant to said deposition; and

20 5. Counsel for the Parties jointly request that the hearing date be rescheduled for May
21 4, 2010 so that all discovery relevant to the Motion for Summary Judgment of Non-Infringement
22 can be collected. No opposition has yet been filed in response to said motion.

23 NOW THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE that:

24 Pursuant to Civil Local Rule 6-1(b), the hearing on Stanley's Motion for
25 Summary Judgment of Non-Infringement shall be continued to ~~May 4~~^{MAY 7}, 2010 at 9:00 a.m. before
26 the Honorable Magistrate Judge Laporte. Opposition and reply papers shall be filed ~~in accordance~~

27 ///

~~with the Local Rules.~~ ON APRIL 13 AND APRIL 20, 2010, RESPECTIVELY.

IT IS SO STIPULATED.

DATED: February 23, 2010

PILLSBURY WINTHROP SHAW PITTMAN, LLP

By


Dianne L. Sweeney
Attorneys for Defendant
THE STANLEY WORKS

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 Dianne L. Sweeney

DATED: February 23, 2010

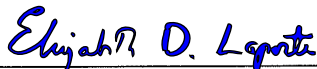
HAYNES AND BOONE, LLP

By /s/ Clark S. Stone

Clark S. Stone
Attorneys for Plaintiff
ZIRCON CORPORATION

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: February 24, 2010



Hon. Elizabeth D. Laporte
UNITED STATES MAGISTRATE DISTRICT
JUDGE