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September 17, 2009

VIA ELECTRONIC FILINGHon. Charles R. Breyer
U.S. District Court for the
Northern District of California
U.S. Courthouse
450 Golden Gate Avenue
San Francisco, CA 94102Re: *Plantronics, Inc. v. Aliph, Inc. and AliphCom, Inc.*,
Case No. 3:09-CV-01714 (CRB)

Dear Judge Breyer:

At the case management conference on September 4, 2009, the parties agreed to explore consenting to adjudication of this case by either Magistrate Judge Seeborg or Magistrate Judge Chen. The parties have had three conversations regarding this possibility, and although the parties could not reach agreement on proceeding before either Judge Seeborg or Judge Chen, they have made substantial progress toward an agreement that would allow the case to proceed before a magistrate judge. In particular, the parties have agreed upon a procedure that they believe will enable them to select and consent to a mutually agreeable magistrate judge.

In order to implement this procedure, the parties seek a one-week continuance of the case management conference currently scheduled for September 18, 2009. The parties are optimistic that they will be able to agree upon a magistrate judge by September 25, 2009.

Very truly yours,

/s/ Samuel K. Lu
Samuel K. Lu
Counsel for Plantronics, Inc.

/s/ Susan V. Vaughan
Susan V. Vaughan
Counsel for Aliph, Inc. and AliphCom, Inc.

SKL:pp

Signed: Sept. 17, 2009

