

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

MKS INSTRUMENTS, INC.,

Plaintiff,

No. C 09-02297 JSW

v.

NEW POWER PLASMA and DOES 1-10,  
inclusive,

Defendants.

**ORDER SETTING BRIEFING  
AND HEARING SCHEDULE ON  
MOTION FOR TEMPORARY  
RESTRAINING ORDER**

This matter comes before the Court upon consideration of the application for a temporary restraining order filed by Plaintiff MKS Instruments, Inc.

Defendant New Power Plasma is HEREBY ORDERED to e-file its response to Plaintiff's application not exceed fifteen pages by no later than 3:00 p.m. on Friday, June 19, 2009, and shall hand deliver a copy of its response to the Court's chambers by no later than 4:00 p.m. on that date.

Plaintiff may file and serve a reply brief not to exceed ten pages by no later than 10:00 a.m. on Monday, June 22, 2009, and shall cause a copy of that brief to be hand-delivered to the Court's chambers by no later than 11:00 a.m. on that date.

The Court FURTHER ORDERS that this matter shall be set for a hearing on Wednesday, June 24, 2009 at 11:00 a.m., but reserves the right to vacate the hearing if, after considering the parties papers it determines that a hearing is not warranted.

Plaintiff is FURTHER ORDERED to serve a copy of this Order on Defendant by 4:00

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

p.m. on June 17, 2009 and to file proof of such service with the Court.

**IT IS SO ORDERED.**

Dated: June 17, 2009

  
\_\_\_\_\_  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE