ns, inc	. v. New Power Plasma Case3:09-cv-02297-JSW Document60 File	408/04/00	Do Do	
		000/04/09	rager of 5	
1	UNITED STATES DISTRICT COURT			
2	NORTHERN DISTRICT OF CALIFORNIA			
3	SAN FRANCISCO DIVISION			
4				
5	MKS INSTRUMENTS, INC.,	CASE NO	0. C 09-02297 JSW	
6	Plaintiff,	-	SED] STIPULATED	
7	vs.))	INTERIM	I ORDER	
8	NEW POWER PLASMA and DOES 1-10, inclusive,)	Date: Time:		
9	Defendants.	Location:	Courtroom 11	
10)		United States Courthouse 450 Golden Gate Avenue	
11)	1	San Francisco, Cal. 94102	
12				
13				
14	The parties, MKS Instruments, Inc. ("MKS") and New Power Plasma ("NPP"), pursuant			
15	to the Court's suggestion at the July 31, 2009 hearing, and subject to the Court's endorsement,			
16	have stipulated to the following terms of an interim order:			
17	1. Pending disposition of the present litigation on the merits, NPP agrees not to			
18	make, use (including use in testing or qualification pro	cesses), offer	r to sell, or sell its products in	
19	the U.S., import its products into the U.S., or to provide such products to third parties for testing			
20	or qualification processes in the U.S.			
21				
22	2. The accused NPP devices are to remain in storage and not used for any purpose at			
23	Applied Materials, Inc. until the disposition of the pres	-	-	
24	if Applied Materials, Inc. will not continue its storage	of the NPP d	evices in this jurisdiction,	
25	NPP will store the devices at its expense within the Court's jurisdiction.			
26				
27 28				
20	[PROPOSED] STIPULATED INTERIM ORDER 1 Case No. C 09-02297-JSW			
			Dockets.Justia	

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1	3. This Court shall reta	ain jurisdiction of this matter for enforcement of this			
2	stipulation through trial and disposition of this case on the merits.				
3					
4	IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.				
5					
6	DATED: August 4, 2009	/s/ Christopher D. Sullivan			
		Attorneys for Plaintiff			
7		MKS INSTRUMENTS, INC.			
8		Christopher D. Sullivan, SBN 148083 csullivan@mcgranegreenfield.com			
9		MCGRANE GREENFIELD, LLP			
10		1 Ferry Bldg Ste 220			
11		San Francisco, CA 94111 Telephone: (415) 283-1776			
12		Facsimile: (415) 283-1777			
13	Steven M. Bauer*				
		sbauer@proskauer.com Kimborly A. Mottley*			
14		Kimberly A. Mottley* kmottley@proskauer.com			
15		PROSKAUER ROSE LLP			
16	One International Place Boston, Massachusetts 02110-2600 Telephone: (617) 526-9600 Facsimile: (617) 526-9899 *admitted <i>pro hac vice</i>				
17					
18					
19		·			
20	DATED: August 4, 2009	/s/ Paul Grandinetti			
21		Attorneys for Defendants NEW POWER PLASMA and DOES 1-10			
22		John H. Patton, SBN 69,261			
23		jpatton@mcnicholsbeers.com			
24		David M. Austin, SBN 215,371 daustin@mcnicholsbeers.com			
25		MCNICHOLS BEERS LLP			
26		6600 Koll Center Parkway, Suite 250 Pleasanton, California 94566-8058			
		Telephone (925) 600-1800			
27 28	[PROPOSED] STIPULATED INT	ERIM ORDER			
	Case No. C 09-02297-JSW				

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1	Paul Grandinetti* Rebecca J. Stempien*
2	Levy & Grandinetti
3	1156 Fifteenth Street, N.W., Suite 603 Washington, D.C. 20005
4	Telephone (202) 429-4560 Facsimile (202) 429-4564
5	<u>mail@levygrandinetti.com</u> *admitted <i>pro hac vice</i>
6	PURSUANT TO STIPULATION, IT IS SO ORDERED.
7	
8	August 4, 2009
9	JEFFRAY S. WHYTE
10	United States District Court Judge
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28	[PROPOSED] STIPULATED INTERIM ORDER Case No. C 09-02297-JSW