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13 SPEEDTRACK, INC.,

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

12 SPEEDTRACK, INC.,) Case No.09-CV-04479-JSW
13 Plaintiff,)
14 vs.)
15 AMAZON.COM, INC.; COSTCO)
16 WHOLESALE CORPORATION; 1-800-)
17 FLOWERS.COM, INC.;)
18 BARNESANDNOBLE.COM, LLC;)
19 BARNESANDNOBLE.COM, INC.; THE)
20 HOME DEPOT, INC.; NIKE, INC.;)
21 NORTHERN TOOL & EQUIPMENT)
22 CATALOG CO., INC.; J & R)
23 ELECTRONICS, INC.; DELL, INC.; BEST)
24 BUY CO.; BEST BUY.COM, LLC;)
25 SYSTEMAX, INC.; OFFICEMAX, INC.;)
26 MACY'S, INC.; MACYS.COM, INC.;)
OVERSTOCK.COM, INC.;)
RECREATIONAL EQUIPMENT, INC.;)
VALUE VISION INTERNATIONAL, INC.,)
DBA SHOPNBC.COM; B & H FOTO &)
ELECTRONICS CORP.; HEWLETT-)
PACKARD COMPANY; REDCATS USA,)
INC.; RETAIL CONVERGENCE, INC.,)
DBA SMARTBARGAINS.COM,)
Defendants.)

Hennigan, Bennett & Dorman LLP
Attorneys for Plaintiff,
SPEEDTRACK, INC.,
Los Angeles, California

1 WHEREAS, Plaintiff SpeedTrack, Inc. ("SpeedTrack") filed this action for infringement of
2 SpeedTrack's U.S. Patent No. 5,544,360 ("the '360 patent") on September 23, 2009;

3 WHEREAS, SpeedTrack has served its Complaint on Defendant Overstock.com, Inc.
4 ("Overstock") on October 2, 2009;

5 WHEREAS, SpeedTrack and Overstock previously filed a stipulation under Local Rule 6-
6 1(A) on October 16, 2009 (Docket No. 17) agreeing to extend the time for Overstock to answer or
7 otherwise respond to SpeedTrack's Complaint by 30 days to November 23, 2009;

8 WHEREAS SpeedTrack and each Defendant to this action including Overstock have filed a
9 Joint Stipulation on November 16, 2009 asking the Court to stay this litigation until such time as
10 both (i) the reexamination of the '360 patent is resolved and (ii) judgment in the Wal-Mart Action or
11 an order dismissing the Wal-Mart Action is entered (Docket No. 48);

12 WHEREAS, the Court has not yet acted on the parties' Joint Stipulation to stay;

13 WHEREAS, the resolution of both the reexamination of the '360 patent and Wal-Mart
14 Action may substantially narrow the issues involved in this action;

15 WHEREAS, Overstock has requested an extension of time to respond to SpeedTrack's
16 Complaint until at least 21 days after the date of the Court's Order lifting any stay that may be
17 granted in this action, without prejudice to Overstock seeking further extensions as appropriate;

18 WHEREAS, Overstock's request for an extension is not made for the purpose of delay;

19 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties THAT:

20 The date by which Overstock must answer or otherwise respond to SpeedTrack's Complaint
21 shall be extended as follows: If the Court grants a stay of this litigation pursuant to the parties' Joint
22 Stipulation or otherwise, then Overstock shall have 21 days to answer or otherwise respond to
23 SpeedTrack's Complaint from the date of the Court's order lifting the stay, without prejudice to
24 Overstock seeking further extensions as appropriate. If the Court denies the parties' request to stay,
25 then Overstock shall have 21 days to answer or otherwise respond from the date of the Court's
26 order, without prejudice to Overstock seeking further extensions as appropriate.

27 SO STIPULATED.

1 DATED: November 20, 2009

HENNIGAN, BENNETT & DORMAN LLP

2 By /s/

Roderick G. Dorman
Alan P. Block
Marc Morris
Omer Salik

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7 Attorneys for Plaintiff,
8 SPEEDTRACK, INC.,

DATED: November 20th, 2009

9 OVERSTOCK.COM, INC.

10 By /s/

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Mark Griffin

[Proposed] Order

PURSUANT TO STIPULATION, IT IS SO ORDERED:

The date by which Overstock must answer or otherwise respond to SpeedTrack's Complaint shall be extended as follows: If the Court grants a stay of this litigation pursuant to the parties' Joint Stipulation or otherwise, then Overstock shall have 21 days to answer or otherwise respond to SpeedTrack's Complaint from the date of the Court's order lifting the stay, without prejudice to Overstock seeking further extensions as appropriate. If the Court denies the parties' request to stay, then Overstock shall have 21 days to answer or otherwise respond from the date of the Court's order, without prejudice to Overstock seeking further extensions as appropriate.

DATED: November 30, 2009

By /s/

Jeffrey S. White
United States District Judge