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6 Attorneys for Plaintiff,
 E-PASS TECHNOLOGIES, INC.
 7

8 **IN THE UNITED STATES DISTRICT COURT**
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN FRANCISCO DIVISION**

12 E-PASS TECHNOLOGIES, INC., a Delaware
 Corporation,
 13

14 Plaintiff,

15 vs

16 MOSES & SINGER, LLP, a New York Limited
 Partnership; STEPHEN N. WEISS, ESQ., an
 Individual; and DOES 1 through 50 inclusive,
 17

18 Defendants.

Case No.: 3:09-cv-05967-EMC

**JOINT STIPULATION AND
 [PROPOSED] ORDER TO SHOW
 CAUSE WHY DOCUMENTS
 SUBJECT TO PROTECTIVE
 ORDERS IN UNDERLYING
 ACTIONS SHOULD NOT BE
 SUBJECT TO PRODUCTION IN
 THE INSTANT CASE**

Assigned to the Honorable Magistrate
 Judge Edward M. Chen

Date: 12/22/10
 Time: 10:30 a.m.
 Courtroom: C

Complaint Filed: December 21, 2009

1 Plaintiff E-Pass Technologies, Inc. ("E-Pass"), and Defendants Moses & Singer, LLP
2 and Stephen N. Weiss, Esq. (collectively, "Defendants"), hereby submit the following Joint
3 Stipulation relating to the above-captioned action:

4 WHEREAS, E-Pass was the plaintiff in the related civil actions entitled: (1) *E-Pass*
5 *Technologies, Inc. v. 3COM Corporation, et al.*, U.S. District Court for the Northern District
6 of California, Case No. 00-CV-2255 (the "3Com Action"); (2) *E-Pass Technologies, Inc. v.*
7 *Visa International Service Association, et al.*, U.S. District Court for the Northern District of
8 California, Case No. 03-CV-4747 (the "Visa Action"); (3) *E-Pass Technologies, Inc. v.*
9 *PalmOne, et al.*, U.S. District Court for the Northern District of California, Case No. 04-CV-
10 0528 (the "PalmOne Action"). (The 3Com Action, Visa Action and the PalmOne Action
11 shall be referred to collectively as the "Related Actions");

12 WHEREAS, E-Pass was also the plaintiff in the unrelated action entitled *E-Pass*
13 *Technologies, Inc. v. Microsoft Corporation, et al.*, U.S. District Court for the Southern
14 District of Texas Case No. Civ A.H. 02 0439 (the "Microsoft Action"). (The Related Actions
15 and the Microsoft Action shall be referred to collectively as the "Underlying Actions"). E-
16 Pass sued the various defendants in the Underlying Actions for infringement of E- Pass'
17 patent;

18 WHEREAS, Defendants represented E-Pass in the Underlying Actions;

19 WHEREAS, during the course of the Underlying Actions, E-Pass and defendants in
20 the Related Actions entered into various Protective Orders relating to the parties' respective
21 confidential business and trade secret documents. Ultimately, On August 16, 2005, the Court
22 entered a single operative Protective Order in the Related Actions whereby the parties agreed
23 that certain documents designated as "Confidential" by the parties would be protected from
24 disclosure subject to the provisions of the Protective Order. Attached hereto as Exhibit "A"
25 is a true and correct copy of the August 16, 2005 Protective Order;

26 WHEREAS, on August 2, 2002, E-Pass and the defendants to the Microsoft Action
27 entered into a Protective Order in the Microsoft Action whereby the parties agreed that
28 certain documents designated as "Confidential" by the parties would be protected from

