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 8 Attorneys for Plaintiff Tric Tools, Inc.

9 **IN THE UNITED STATES DISTRICT COURT**

10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION**

11 TRIC TOOLS, INC.,

Case No. CV-10-2569-JCS

12 Plaintiff,

STIPULATION:

13 vs.

(1) FOR PLAINTIFF TO FILE A FIRST AMENDED COMPLAINT;

14 THE CHARLES MACHINE WORKS, INC.,

(2) FOR DEFENDANT THE CHARLES MACHINE WORKS, INC.'S RESPONSIVE PLEADING THERETO, AND COUNTERCLAIM;

15 Defendant.

16 AND

(3) FOR PLAINTIFF TO FILE RESPONSIVE PLEADING TO DEFENDANT'S PLEADING.

17 AND

18 [proposed][
19 ORDER

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23 IT IS HEREBY STIPULATED by and between the parties hereto, through their
24 respective attorneys of record, that:

- 25 (1) Plaintiff may file a first amended complaint, a copy of which is attached as
 26 Exhibit A;
 27 (2) Defendant waives notice and service of the first amended complaint;

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1 (3) Defendant's responsive pleading to the first amended complaint will be filed in
2 accordance with the Federal Rules of Civil Procedure.

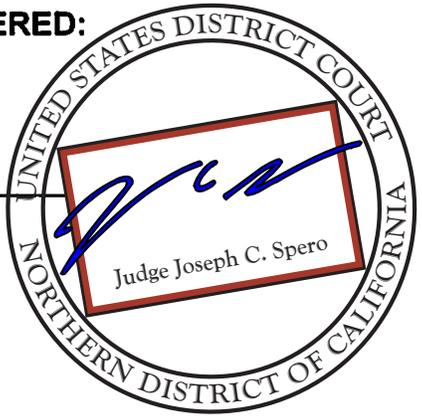
3 (4) Plaintiff shall file a responsive pleading to Defendant's pleading and counterclaim
4 (either to the original, or new pleading to the amended complaint) within the normal time
5 permitted by the Federal Rules of Civil Procedure; provided, that such time does not begin to run
6 until the expiration of the deadline for Defendant to file its responsive pleading.

7
8 WEISBERG & MILLER
9
10 Sept. 10, 2010 /s/ William S. Weisberg
11 William S. Weisberg, attorneys
12 for Plaintiff TRIC Tools, Inc.

LECLAIRRYAN, LLP
Sept. 10, 2010 /s/ Peter M. Hart
Peter M. Hart, attorneys
for Defendant The Charles
Machine Works, Inc.

13 IT IS SO ORDERED:

14
15 Sept. 16, 2010



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