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 8 a California corporation, FREDERICK L. WU, an individual

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15 Attorneys for Defendants Brain Tunnelgenix Technologies Corp.,
 16 Marcio Abreu, Joseph Titone, and Titronics Research & Development Co., Inc.

17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**

19 DATA MARK, INC. dba DELTATRAK)
 TECHNOLOGIES, a California corporation;)
 20 FREDERICK L. WU, an individual,)
 21 Plaintiffs,)
 22 vs.)
 23 BRAIN TUNNELGENIX TECHNOLOGIES)
 CORP. f/k/a ETERLINK INTERNATIONAL)
 24 CORPORATION, et al.,)
 25 Defendants.)
 26)
 27)
 28)

CASE NO. 3:C10-CV-04958-JSW
**JOINT STIPULATION AND REQUEST
 TO CONTINUE DEFENDANTS'
 RESPONSE DATE; [PROPOSED]
 ORDER**
 Dept.: 11, 19th Floor
 Judge: Hon. Jeffrey S. White
 Action Filed: November 2, 2010
 Trial Date: Not Set
 Complaint filed: November 2, 2010
 First Amended Complaint filed: January 13,
 2011

1 Pursuant to Northern District Local Rule 7-12, plaintiffs Data Mark, Inc. dba DeltaTrak
2 Technologies and Frederick L. Wu (collectively, "Plaintiffs") and defendants Brain Tunnelgenix
3 Technologies Corp. f/k/a Eterlink International Corporation, Marcio Aurelio Martins Abreu a/k/a
4 M. Marc Abreu, M.D., Joseph Roger Titone, and Titronics Research & Development Co., Inc.
5 (collectively, "Defendants"), by and through their counsel of record, stipulate as follows:

6 **RECITALS**

7 On April 15, 2011, the parties filed a Joint Stipulation And Request to Continue Initial
8 Case Management Conference from May 6, 2011 to July 15, 2011, in light of the pending Motions
9 and because the parties had scheduled a mediation before the Hon. Beverly Hodgson (Ret.), in
10 New Haven, Connecticut for May 17, 2011. On April 18, 2011, the Court issued an order
11 continuing the Initial Case Management Conference to July 15, 2011 at 1:30 p.m.

12 On May 17, 2011, the mediation took place in New Haven, Connecticut. All parties and
13 their respective counsel appeared at the mediation.

14 Although no settlement of this case was reached at the May 17th mediation, the parties
15 continued to discuss the possibility of resolving this case informally rather than proceeding further
16 into litigation.

17 On June 23, 2011, the parties filed another Joint Stipulation And Request to Continue
18 Initial Case Management Conference from July 15, 2011 to September 23, 2011, in light of the
19 then-pending jurisdictional motions and on-going settlement discussions between the parties. On
20 June 27, 2011, the Court issued an order continuing the Initial Case Management Conference to
21 September 23, 2011 at 1:30 p.m.

22 On August 18, 2011, the Court issued an order denying the Defendants' jurisdictional
23 motions. During this time, the parties continued to negotiate a potentially global settlement of this
24 case.

25 On August 29, 2011, the parties filed another Joint Stipulation And Request to Continue
26 Initial Case Management Conference from September 23, 2011 to December 2, 2011, in light of
27 the on-going settlement discussions between the parties. On August 30, 2011, the Court issued an
28 order continuing the Initial Case Management Conference to September 23, 2011 at 1:30 p.m.

1 The court further extended the time for Defendants to respond to the First Amended Complaint to
2 November 1, 2011.

3 With respect to the settlement posture, the parties exchanged various drafts of a proposed
4 confidential settlement agreement and release between August and October 2011, and believe they
5 are fairly close to resolving this case informally. Currently, the parties are finalizing the
6 settlement document and working through the proposed attachment to same. The parties believe
7 that a final resolution of this case may be had by November 7, 2011.

8 In the interest of saving potential time and expense, the Defendants request an extension of
9 time from November 1, 2011 to November 8, 2011, to file and serve their responsive pleading to
10 the First Amended Complaint. The parties believe that a brief, one-week continuance of the
11 responsive date of the Defendants is appropriate.

12 With the Plaintiffs' consent, the Defendants further request that the Court approve the
13 extension of the date for them to file and serve their responsive pleading to the First Amended
14 Complaint from November 1, 2011 to November 8, 2011. The Plaintiffs have stipulated to this
15 extension, subject to this Court's approval.

16 This Stipulation does not affect the Court's Case Management Conference date of
17 December 2, 2011 or other pre-conference dates.

18 **STIPULATION**

19 Based on the foregoing Recitals, Plaintiffs and Defendants agree and stipulate as follows:

- 20 1. The Defendants shall have up to and through November 8, 2011 to file and serve
21 their responsive pleading to the Plaintiffs' First Amended Complaint.

22 IT SO STIPULATED.

23 Dated: October 31, 2011

BOWLES & VERNA LLP

24 By: /s/ Michael P. Connolly
25 RICHARD T. BOWLES
26 BRADLEY R. BOWLES
27 MICHAEL P. CONNOLLY
28 Attorneys for Plaintiffs
DATA MARK, INC. dba DELTATRAK
TECHNOLOGIES, a California
corporation, FREDERICK L. WU, an
individual

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Dated: October 31, 2011

QUINTANA LAW GROUP, APC

By: /s/ Andres Quintana
ANDRES QUINTANA
JOHN HOUKOM
Attorneys for Defendants
BRAIN TUNNELGENIX
TECHNOLOGIES CORP. f/k/a
ETERLINK INTERNATIONAL
CORPORATION, a Delaware
corporation; MARCIO AURELIO
MARTINS ABREU a/k/a M. MARC
ABREU, M.D., an individual; JOSEPH
ROGER TITONE, an individual;
TITRONICS RESEARCH &
DEVELOPMENT CO., INC., an Iowa
corporation

ATTESTATION OF FILING

Pursuant to General Order 45.X.B, I attest that I have obtained concurrence in the filing of
this document from the parties listed above.

/s/ Andres F. Quintana
Andres F. Quintana, Esq.

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~~PROPOSED~~ ORDER

PURSUANT TO THE FOREGOING STIPULATION, IT IS ORDERED THAT:

1. The Defendants have up to and through November 8, 2011 to file and serve their responsive pleading to the Plaintiffs' First Amended Complaint.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 1, 2011

By: 
Hon. Jeffrey S. White
United States District Judge