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7 Attorneys for Defendant CEPIA, L.L.C.

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN FRANCISCO DIVISION

11 JASON G. HELLER, an individual and sole  
 12 proprietor doing business as Floating  
 Lightbulb Toys,

13 Plaintiff,

14 v.

15 CEPIA, L.L.C., a Missouri Limited Liability  
 16 Company; A-TECH PRODUCT  
 ENGINEERING COMPANY, LIMITED, a  
 17 Hong Kong Limited Liability Company; THE  
 BEAN PROJECT COMPANY LIMITED, a  
 18 Hong Kong Limited Liability Company;  
 YING LEUNG INTERNATIONAL  
 19 LIMITED, Hong Kong Limited Liability  
 Company,

20 Defendants.

Case No. CV11-01146 JSW (MEJ)

**STIPULATION AND JOINT REQUEST  
 TO CONTINUE CASE MANAGEMENT  
 CONFERENCE; AND ~~PROPOSED~~  
 ORDER**

Judge: Hon. Jeffrey S. White

Date Comp. Filed: March 10, 2011  
 Trial Date: TBD

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1 Pursuant to N.D. Cal. Civil Local Rule 6-2 and Rule 7-12, Plaintiff Jason G. Heller,  
2 Defendant Cepia L.L.C. (“Cepia”), Defendant A-Tech Product Engineering Company (“A-  
3 Tech”) and Defendant The Bean Project Company Limited (“The Bean”), by and through  
4 counsel, hereby stipulate and jointly request a continuance of the Case Management Conference  
5 scheduled for February 24, 2012, at 1:30 p.m.

6 WHEREAS the Initial Case Management Conference in this matter is currently set for  
7 February 24, 2012, at 1:30 p.m. (Dkt. # 71); and

8 WHEREAS the parties understand that the Court requires lead counsel for each  
9 represented party to be present at the Initial Case Management Conference; and

10 WHEREAS lead counsel for Cepia, Jeffrey R. Chanin, is also lead counsel in a trial set to  
11 begin on February 21, 2012, in *United States v. McKesson Corp. et al.*, Case No. 2:08cv0214-  
12 SA-JMV, in the Northern District of Mississippi (*See Decl. of Jeffrey R. Chanin in Support of*  
13 *Stipulation and Joint Request to Continue CMC*, ¶¶ 2, 4); and

14 WHEREAS the *U.S. v. McKesson* trial is scheduled to last approximately four weeks, and  
15 Mr. Chanin will be in Mississippi for the entire duration of that period (*Id.* ¶ 4.); and

16 WHEREAS Mr. Chanin expects to be back in San Francisco during the week of  
17 March 26-30. (*Id.* ¶ 5); and

18 WHEREAS Mr. Chanin will then be taking a long-scheduled family trip to the  
19 Philippines from April 1 through April 17 (*Id.*); and

20 WHEREAS counsel for A-Tech and The Bean, Edwin Prather, is out of town and  
21 unavailable March 28-30, 2012 (*Id.* ¶ 7);

22 WHEREAS Cepia waited until now to seek a continuance due to the possibility that the  
23 *McKesson* case might be won on summary judgment or otherwise reach a pre-trial resolution, but  
24 it is now clear the case is going to trial. (*Id.* ¶ 3); and

25 WHEREAS the parties agree that the stipulated continuance should have minimal, if any,  
26 effect on the schedule for this case (*Id.* ¶ 8); and

27 WHEREAS there have been seven previous modifications to the case schedule, with five  
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1 of the seven initiated by the Court and the other two related to the dates for answering the  
2 Complaint (*Id.* ¶¶ 9-16); and

3 WHEREAS all parties agree to the proposed continuance (*Id.* ¶¶ 6-7),

4 **THEREFORE**, for the foregoing reasons, the parties hereby stipulate and jointly request  
5 that the initial case management conference currently scheduled for February 24, 2012 be  
6 vacated and re-set for the first available date after April 17, 2012.

7 Cepia’s undersigned counsel Warren Braunig hereby attests that Robert Matz, counsel for  
8 Plaintiff Jason G. Heller, and Edwin Prather, counsel for Defendants A-Tech and The Bean,  
9 concur in the filing of this Stipulation and Request, in accordance with General Order 45,  
10 *Electronic Case Filing*, section 10(b).

11 Dated: February 8, 2012

KEKER & VAN NEST LLP

13 By: /s/ Warren A. Braunig  
14 JEFFREY R. CHANIN  
15 MATTHEW WERDEGAR  
16 WARREN A. BRAUNIG

Attorneys for Defendant CEPIA, L.L.C.

17 Dated: February 8, 2012

THE LAW OFFICE OF ROBERT C.  
MATZ LLP

19 By: /s/ Robert C. Matz  
20 ROBERT C. MATZ

Attorney for Plaintiff JASON G. HELLER

22 Dated: February 8, 2012

THE LAW OFFICE OF EDWIN K.  
PRATHER

24 By: /s/ Edwin K. Prather  
25 EDWIN K. PRATHER

26 Attorney for Defendants A-TECH  
27 PRODUCT ENGINEERING COMPANY  
28 LIMITED and THE BEAN PROJECT  
COMPANY LIMITED

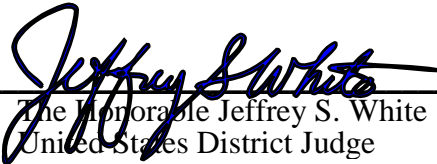
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**[PROPOSED] ORDER**

Pursuant to stipulation, and for good cause shown, IT IS HEREBY ORDERED that the Case Management Conference originally scheduled for Friday, February 24, 2012 at 1:30 p.m. shall be continued to April 20, 2012, at 1:30 ~~a.m.~~ / p.m.

**IT IS SO ORDERED.**

Dated: February ~~8~~<sup>9</sup>, 2012

  
\_\_\_\_\_  
The Honorable Jeffrey S. White  
United States District Judge