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 CREATIVE NAIL DESIGN, INC.

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 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN FRANCISCO DIVISION

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 17 MYCONE DENTAL SUPPLY CO., INC.,  
 D/B/A/ KEYSTONE RESEARCH &  
 18 PHARMACEUTICAL,

Case No. 3:12-cv-00747-RS

19 Plaintiff,

20 vs.

21 CREATIVE NAIL DESIGN, INC.,

Defendant.

**JOINT STIPULATION AND [PROPOSED]  
 ORDER EXTENDING DISCOVERY  
 DEADLINES AND THE DEADLINES TO  
 EXCHANGE EXPERT REPORTS**

22  
 23 AND RELATED COUNTERCLAIM

24  
 25 Pursuant to Local Rule 6-1, Defendant/Counterclaim Plaintiff Creative Nail Design, Inc.  
 26 (“CND”), Plaintiff Mycone Dental Supply Co., Inc. (“Keystone”), and Counterclaim Defendants  
 27 Young Nails, Inc., Cacee, Inc. and Nail Systems International (“Counterclaim Defendants”), by  
 28 and through their respective counsel, hereby stipulate and agree, subject to the Court’s approval,

1 to extend the deadlines for the close of fact and expert discovery and to extend the deadlines for  
2 the parties to exchange their expert reports as follows:

- 3 • The deadline for the completion of all non-expert discovery is extended from June 28,  
4 2013 to September 13, 2013.
- 5 • The deadline for the parties to exchange opening expert reports is extended from May 3,  
6 2013 to July 2, 2013.
- 7 • The deadline for the parties to exchange rebuttal expert reports is extended from May 31,  
8 2013 to July 31, 2013.
- 9 • The deadline for the completion of discovery of expert witnesses is extended from July 26,  
10 2013 to November 1, 2013.

11 In addition, the parties have agreed to, and request that, an additional deadline be set for  
12 the service of a reply expert report on August 30, 2013. The parties have agreed that with  
13 respect to 35 U.S.C. § 103, in the opening expert reports, Keystone will set forth its prima facie  
14 case of obviousness. In the rebuttal expert reports, CND will set forth its rebuttal to Keystone's  
15 prima facie obviousness case, including any arguments on secondary considerations of  
16 nonobviousness. The reply expert report will be served by Keystone only, and will solely be for  
17 the purpose of rebutting CND's arguments on secondary considerations of nonobviousness. In  
18 addition, the parties have agreed that CND may take fact discovery beyond the agreed-upon  
19 deadline set forth above, but only on any new issues of fact raised in Keystone's reply expert  
20 report.

21 The parties request the extensions for the reasons explained in the Declaration of  
22 Christopher T. La Testa, submitted herewith. This extension will not affect any other deadlines  
23 set by the Court. In addition, this extension will not affect any pre-trial or trial dates as no dates  
24 have been set for trial.

25 Dated: April 26, 2013

26 Respectfully submitted,  
27 FREITAS TSENG & KAUFMAN LLP

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**PROPOSED ORDER**

PURSUANT TO THE FOREGOING STIPULATION, IT IS HEREBY ORDERED THAT the deadlines for the close of fact and expert discovery and the deadlines for the parties to exchange their expert reports are extended and set as follows:

The deadline for the completion of all non-expert discovery: September 13, 2013.

The deadline for the parties to exchange opening expert reports: July 2, 2013.

The deadline for the parties to exchange rebuttal expert reports: July 31, 2013.

The deadline for Keystone to serve its reply expert report: August 30, 2013.

The deadline for the completion of discovery of expert witnesses: November 1, 2013.

**IT IS SO ORDERED.**

Dated: 4/29, 2013

  
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Hon. Richard Seeborg  
United States District Judge