

1 **McPHARLIN SPRINKLES & THOMAS LLP**
 2 Robert E. Camors, Jr., CA Bar No. 121204
 3 BOBCAMORS@MSTPARTNERS.COM
 4 160 W. Santa Clara St., Suite 400
 5 San Jose, CA 95113
 6 Telephone: 408.293.1900
 7 Facsimile: 408.293.1999

8 Attorneys for Plaintiff and Counterdefendant
 9 GENMARK AUTOMATION, INC.

10 **WILSON SONSINI GOODRICH & ROSATI**
 11 JAMES C. YOON, CA Bar No. 177155
 12 JYOON@WSGR.COM
 13 650 Page Mill Road
 14 Palo Alto, CA 94304-1050
 15 Telephone: (650) 493-9300
 16 Facsimile: (650) 493-6811

17 Attorneys for Defendant and Counterclaimant
 18 INNOVATIVE ROBOTICS SYSTEMS, INC.

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA
 21 OAKLAND DIVISION

22 GENMARK AUTOMATION, INC., a
 23 California corporation,

24 Plaintiff, Counterdefendant,

25 v.

26 INNOVATIVE ROBOTICS SYSTEMS, INC.,
 27 a California corporation,

28 Defendant, Counterclaimant.

CASE NO. 05-cv-04707 PJH

**STIPULATION FOR ORDER
 CONTINUING CASE MANAGEMENT
 CONFERENCE FOR 30 DAYS**

Local Rules 6-2 and 7-12

Hon. Phyllis J. Hamilton

Plaintiff, Genmark Automation, Inc. (“Genmark”) and Defendant, Innovative Robotics Systems, Inc., (“IRSI”) (Genmark and IRSI are collectively “the Parties”) hereby stipulate and agree to seek an order continuing the Case Management Conference which has been set by the Court to occur on October 21, 2010 by the Court’s Order dated September 9, 2010 (Docket Item No. 124). The facts supporting this Stipulation are in the Declaration of James C. Yoon filed herewith and which is Exhibit A hereto (“Yoon Decl.”).

1 Plaintiff and Defendant request the continuation of this case management conference in
2 order to have additional time to pursue settlement discussions and to prepare settlement
3 documentation. *See* Yoon Decl. ¶ 3. Settlement work has progressed since the filing of the last
4 stipulated request for an order continuing the case management conference on September 8,
5 2010. The Parties have met and conferred regarding the settlement documents drafted by
6 Genmark. IRSI's counsel provided Genmark with proposed changes to the settlement
7 documents on September 15, 2010. On October 11, 2010, Genmark's counsel replied with a
8 revised settlement proposal that IRSI is now considering. *See* Yoon Decl. ¶ 3.

9 The Parties request a further thirty day extension or continuation of the case management
10 conference to facilitate their efforts to resolve this case without additional litigation. *See* Yoon
11 Decl. ¶ 3.

12 WHEREFORE, Plaintiff, Genmark Automation, Inc., and Defendant, Innovative
13 Robotics, Inc., stipulate and agree that the Case Management Conference should be continued to
14 a date that is at least 30 days after October 21, 2010, which will allow the Parties an additional
15 37 days to seek a final settlement of the case.

16 Respectfully Submitted,

17 Dated: October 14, 2010

McPharlin Sprinkles & Thomas LLP

18
19 By: /s/ Robert E. Camors, Jr.
20 Robert E. Camors, Jr.
21 Attorneys for Plaintiff
Genmark Automation, Inc.

22 Dated: October 14, 2010

Wilson Sonsini Goodrich & Rosati

23 By: /s/ James C. Yoon
24 James C. Yoon
25 Attorneys for Defendant
26 Innovative Robotics Systems, Inc.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: October 19, 2010

THE CASE MANAGEMENT
CONFERENCE IS
CONTINUED TO
DECEMBER 2, 2010 AT 2:00
P.M.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of October, 2010, a copy of the foregoing was filed electronically through the Court's CM/ECF system, with notice of case activity automatically generated and sent electronically to all parties.

/s/ James C. Yoon
James C. Yoon

1 **WILSON SONSINI GOODRICH & ROSATI**
2 JAMES C. YOON, CA Bar No. 177155
3 JYOON@WSGR.COM
4 650 Page Mill Road
5 Palo Alto, CA 94304-1050
6 Telephone: (650) 493-9300
7 Facsimile: (650) 493-6811

8 Attorneys for Defendant and Counterclaimant
9 INNOVATIVE ROBOTICS SYSTEMS, INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 GENMARK AUTOMATION, INC., a
14 California corporation,

15 Plaintiff, Counterdefendant,

16 v.

17 INNOVATIVE ROBOTICS SYSTEMS, INC.,
18 a California corporation,

19 Defendant, Counterclaimant.

CASE No. 05-cv-04707 PJH

**DECLARATION OF JAMES C. YOON IN
SUPPORT OF STIPULATION FOR
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE FOR 30
DAYS**

1 I, James C. Yoon, Jr., declare:

2 1. I am counsel of record for defendant Innovative Robotics Systems, Inc. ("IRSI").
3 I have personal knowledge of the matters stated herein and, if called as a witness, I could and
4 would testify competently thereto.

5 2. I make this declaration in support of the Stipulation for Order Continuing Case
6 Management Conference for 30 Days, which is concurrently being filed herewith.

7 3. Since the filing of the Stipulation for Order Continuing Case Management
8 Conference on September 8, 2010, and the Court's order of September 9, 2010 continuing the
9 Case Management Conference to October 21, 2010, the parties met and conferred regarding the
10 settlement documents drafted by plaintiff's counsel in August 2010. On September 15, 2010,
11 defense counsel provided Genmark Automation, Inc. ("Genmark") with IRSI's proposed changes
12 to the draft settlement documents. On October 11, 2010, Genmark's counsel replied with a
13 revised settlement proposal that IRSI is now considering. In view of the fact that active
14 settlement negotiations are still occurring, Mr. Robert Camors, counsel of record for plaintiff
15 Genmark, and I think that it continues to be in the interests of justice, especially as between these
16 two parties, to seek an order from the Court to defer the Court-ordered October 21, 2010 Case
17 Management Conference for another thirty days. We are of the view that this settlement process
18 is still continuing to move forward.

19 In the past, there have been two continuances sought and granted for this Case
20 Management Conference. The case has been on Court-ordered stay commencing on November
21 3, 2006 until the present. The case was filed on November 16, 2005.

22 I declare under penalty of perjury under the laws of the United States that the foregoing is
23 true and correct and that his declaration was signed in Palo Alto, California

24 Dated: October 14, 2010

25 /s/ James C. Yoon
26 James C. Yoon