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9 Attorneys for Defendant  
 RAININ INSTRUMENT, LLC

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN JOSE DIVISION

15 USA SCIENTIFIC, INC.,  
 16 Plaintiff,  
 17 v.  
 18 RAININ INSTRUMENT, LLC.,  
 19 Defendant.

Case No. C06-04651 RS

**STIPULATION AND  
 [PROPOSED] ORDER FOR  
 EXTENSION OF TIME FOR  
 DEFENDANT TO FILE AN  
 ANSWER OR OTHERWISE  
 RESPOND TO PLAINTIFF'S  
 COMPLAINT**

21 WHEREAS, Plaintiff USA Scientific, Inc. (USA Scientific) filed its Complaint for  
 22 Declaratory Judgment on July 31, 2006;

23 WHEREAS, the deadline for Defendant Rainin Instrument, LLC ("Rainin") to answer or  
 24 otherwise respond to the Complaint is August 21, 2006;

25 WHEREAS, Rainin seeks an extension of time to September 20, 2006 to answer, move, or  
 26 otherwise respond to the Complaint.

27 IT IS HEREBY STIPULATED, therefore, by and between the parties, through their  
 28 undersigned counsel, that

1 1. Defendant Rainin file an answer, motion, or other response to USA Scientific's  
2 Complaint on or before September 20, 2006;

3 Dated: August 15, 2006

HAROLD J. MCELHINNY  
EMILY A. EVANS  
MORRISON & FOERSTER LLP

6 By: s/ Emily A. Evans  
Emily A. Evans

8 Attorneys for Defendant  
RAININ INSTRUMENT, LLC

10 THARAN GREGORY LANIER  
JONES DAY

13 By: s/ Tharan Gregory Lanier  
Tharan Gregory Lanier

15 Attorneys for Plaintiff  
USA SCIENTIFIC, INC.

16 I, EMILY A. EVANS, am the ECF user whose ID and password are being used to file this  
17 STIPULATION AND [PROPOSED] ORDER FOR EXTENSION OF TIME FOR  
18 DEFENDANT TO FILE AN ANSWER OR OTHERWISE RESPOND TO PLAINTIFF'S  
19 COMPLAINT. In compliance with General Order 45, X.B., I hereby attest that THARAN  
20 GREGORY LANIER has concurred in this filing.

22 Dated: August 15, 2006

HAROLD J. MCELHINNY  
EMILY A. EVANS  
MORRISON & FOERSTER LLP

25 By: s/ Emily A. Evans  
Emily A. Evans

27 Attorneys for Defendant  
RAININ INSTRUMENT, LLC

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**ORDER**

PURSUANT TO STIPULATION of the parties and good cause appearing,

**IT IS SO ORDERED.**

Dated: August 21, 2006

