USA Scientific, Inc. v. Rainin Instrument, LLC

ne, me.					00		
	Case 4:06-cv-04651-SBA	Document 8	Filed 08/21/2006	Page 1 of 3			
1	HAROLD J. MCELHINNY (CA SBN 66781)					
2	HMcElhinny@mofo.com MORRISON & FOERSTER LLP 425 Market Street San Francisco, CA 94105-2482						
3							
4	Telephone: 415.268.7000 Facsimile: 415.268.7522						
5							
6	EEvans@mofo.com MORRISON & FOERSTER I						
7							
8	Telephone: 650.813.5600 Facsimile: 650.494.0792						
9	Attorneys for Defendant						
10	RAININ INSTRUMENT, LLC						
11	UNITED STATES DISTRICT COURT						
12	NORTHERN DISTRICT OF CALIFORNIA						
13	SAN JOSE DIVISION						
14							
15	USA SCIENTIFIC, INC.,		Case No. Co)6-04651 RS			
16	Plaintif	f,		STIPULATION AND [PROPOSED] ORDER FOR			
17	v.			EXTENSION OF TIME FOR DEFENDANT TO FILE AN			
18	RAININ INSTRUMENT, LL	С.,	ANSWER O	R OTHERWISE O PLAINTIFF'S			
19	Defend	ant.	COMPLAIN				
20							
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 STIPU	JLATED, therefo	re, by and between the	parties, through their			
28	undersigned counsel, that						
	Stipulation & [Proposed] Order for 2 Case No. C06-04651 RS pa-1086775	Ext. of Time to File A	Answer or Otherwise Respo	ond to the Complaint	1		

Doc. 8

	Case 4:06-cv-04651-SBA Document	8 F	iled 08/21/2006	Page 2 of 3			
1	1. Defendant Rainin file an ans	wer me	otion or other resp	onse to USA Scientific's			
2	 Defendant Rainin file an answer, motion, or other response to USA Scientific's Complaint on or before September 20, 2006; 						
2							
4	Dated: August 15, 2006	HAROLD J. MCELHINNY EMILY A. EVANS MORRISON & FOERSTER LLP					
5		MOR	KISUN & FUERS	I EK LLP			
6		D.,,	o/ Emily A Evo				
7		By:	<u>s/ Emily A. Evan</u> Emily A. Evans	15			
8			Attorneys for Det	fendant			
9			RAININ INSTRU	JMENT, LLC			
10	THARAN GREGORY LANIER						
11	JONES DAY						
12							
13		By:	<u>s/ Tharan Gregor</u> Tharan Gregory I				
14			Attorneys for Pla				
15			USA SCIENTIFI	C, INC.			
16	I, EMILY A. EVANS, am the ECF user whose ID and password are being used to file thi						
17	STIPULATION AND [PROPOSED] ORDER FOR EXTENSION OF TIME FOR						
18	DEFENDANT TO FILE AN ANSWER OF	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.						
21							
22	Dated: August 15, 2006	EMIL	HAROLD J. MCELHINNY EMILY A. EVANS				
23		MOR	RISON & FOERS'	FER LLP			
24							
25		By:	<u>s/ Emily A. Evan</u> Emily A. Evans	15			
26			Attorneys for De	fendant			
27			RAININ INSTRU				
28							
	Stipulation & [Proposed] Order for Ext. of Time to F Case No. C06-04651 RS pa-1086775	File Ansv	ver or Otherwise Respo	ond to the Complaint			

	Case 4:06-cv-04651-SBA Document 8 Filed 08/21/2006 Page 3 of 3						
1	ORDER						
2	DUDSUANT TO STIDUL ATION of the portion and good course encoding						
3	PURSUANT TO STIPULATION of the parties and good cause appearing,						
4	IT IS SO ORDERED.						
5 6	TES DISTRICT						
0 7	STATES						
8	Dated: August 21, 2006						
9	Dated: August 21, 2006 UNITED IT IS SO ORDERED UNDGE						
10	Judge Elizabeth D. Laporte						
11							
12	DISTRICT OF CAN						
13	101 KIC						
14							
15							
16							
17							
18							
19							
20							
21							
22							
23 24							
24 25							
23 26							
20 27							
28							
	Stipulation & [Proposed] Order for Ext. of Time to File Answer or Otherwise Respond to the Complaint Case No. C06-04651 RS pa-1086775						

3