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11 Attorneys for Plaintiff ,
 12 FUZZYSHARP TECHNOLOGIES INCORPORATED

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 OAKLAND DIVISION

14	FUZZYSHARP TECHNOLOGIES)	CIVIL ACTION NO. 07-05948 SBA
15	INCORPORATED,)	
16	Plaintiff,)	MOTION ORDER TO MODIFY THE
17	v.)	CASE MANAGEMENT
18	3DLABS CO., LTD.)	SCHEDULING ORDER
19	Defendant.)	
20)	

21 This is an unopposed Motion by the Plaintiff FuzzySharp Technologies, Inc.
 22 (FST”) to modify the Case Management Scheduling Order of August 18, 2008.

23 The reason for this request is that the hurricane Ike which hit Houston caused an
 24 interruption of electrical and water services through much of Houston and particularly in
 25 the area of the undersigned attorney’s home and office. The area of Houston in which
 26 my home and office are located was about the last area to have electricity restored.

27 **MOTION TO MODIFY THE CASE MANAGEMENT SCHEDULING ORDER**
 28 FuzzySharp Technologies, Inc. v. 3DLabs Co. Ltd. CV 07-05948 RS

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During the hurricane and for many weeks after the hurricane we had the additional problems of having to boil water before drinking it and very limited supplies of food, bottled water, and even gasoline.

In addition, the undersigned attorney became serious sick after the electricity was restored. The cause of the sickness is not known but it might have resulted from tainted water, or tainted food, despite careful steps in accordance with public announcements.

A Declaration in support of this Motion is attached.

During this extended period of personal hardship, I am pleased to report that both the Defendant 3DLabs Inc., Ltd. and its attorney, Mark L. Pettinari were outstanding in their professional conduct and patience. Despite the potential issues between parties and attorneys during litigation, the Defendant and Mr. Pettinari are role models for positive conduct during litigation.

The following chart shows the requested changes:

<u>EVENT</u>	<u>DATES</u>
Exchange of Proposed Terms and Claim Elements for Construction (Pat. L.R. 4-1(a))	Change to 11/26/08 from 9/26/08
Exchange of Preliminary Claim Constructions and Extrinsic Evidence (Pat. L.R. 4-2)	Change to 12/12/08 from 10/09/08
Joint Claim Construction Statements (Pat. L.R. 4-3)	Change to 01/16/09 from 11/19/08
Completion of Claim Construction Discovery (Pat. L.R. 4-4)	Change to 01/30/09 from 11/28/08
FST's Opening Claim Construction Brief (Pat. L.R. 4-5(a))	Change to 03/06/09 from 01/02/09
3DLabs' Opposing Claim Construction Brief (Pat. L.R. 4-5(b))	Change to 03/20/09 from 01/16/09
FST's Reply Claim Construction Brief (Pat. L.R. 4-5(c))	Change to 03/27/09 from 01/23/09

1 Claim Construction Hearing (Pat. L.R. 4-6) Change to **04/23/09**,
2 9:00 a.m., for 3.0 hours,
3 from 02/26/09,
4 9:00 a.m., for 3.0 hours.

5 It is respectfully pointed out that the proposed change for the Claim Construction
6 Hearing avoids a conflict with the undersigned observance of a Jewish Holiday.

7 Respectfully Submitted

8
9 /s/David Fink
10 David Fink
11 Attorney for Plaintiff FuzzySharp Technologies
12 Incorporated

12 The Court has considered the foregoing Motion and hereby modifies the date of
13 the Case Management Scheduling Order as proposed above.

14 Date: 11/6/08
15 *Sandra B. Armstrong*
16 DISTRICT JUDGE S.B. ARMSTRONG