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10 Attorneys for Plaintiffs  
 MASSIMILIANO MARTONE and  
 11 MARTONE RADIO TECHNOLOGY, INC.

12  
 13 **UNITED STATES DISTRICT COURT**  
 14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 15 **OAKLAND DIVISION**

17 MASSIMILIANO MARTONE, an individual; )  
 MARTONE RADIO TECHNOLOGY, INC., a )  
 18 Nevada Corporation, )  
 19 Plaintiffs, )  
 20 vs. )  
 21 DAVID BURGESS, an individual; KESTREL )  
 SIGNAL PROCESSING, INC., a California )  
 22 Corporation; RANGE NETWORKS, INC. )  
 23 Defendants. )

**Case No. 08-2379 CW**  
**FIFTH STIPULATION AND ORDER**  
**EXTENDING DEADLINE TO ADD NEW**  
**PARTIES**

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 25 Plaintiffs Massimiliano Martone (“Martone”) and Martone Radio Technology, Inc.  
 26 (“MRT”) and Defendants David Burgess (“Burgess”), Kestrel Signal Processing, Inc. (Kestrel”)  
 27 and Range Networks, Inc. (“Range”), (collectively, the “Parties”), by and through their  
 28 respective attorneys, stipulate and agree as follows:

1           1.       Since mediating this case with Judge Edward Infante of JAMS in February, 2009,  
2 the parties have been in ongoing settlement negotiations and are making progress towards a final  
3 resolution of the case. Pursuant to stipulated order, the current deadline for the addition of new  
4 parties in this matter is May 1, 2009. The parties now request a further extension of that deadline  
5 to June 1, 2009 in order to allow for continuing negotiation of a potential resolution of the  
6 matter.  
7

8           2.       The basis of this request is as follows: The parties have been negotiating in good  
9 faith since the mediation with Judge Infante and are making positive progress towards a  
10 resolution via settlement of the case. A primary reason for the delay in reaching the final  
11 resolution is due to the fact that one of the many deal points that the parties are working on  
12 involves a complex licensing issue that involves a third party which is not involved in the current  
13 lawsuit. The parties have contacted this third party in order to explore resolution of this issue.  
14 Accordingly, to allow additional time to explore resolution, the parties request a deadline of June  
15 1, 2009 as the new date to add new parties. The parties believe that this extension will facilitate  
16 settlement and will conserve judicial resources.  
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19           3.       At this time, the Parties do not seek any change to the remaining deadlines in the  
20 Court's September 5 scheduling order, including, without limitation, the time to assert additional  
21 claims against the Parties to the action. If a settlement cannot be finalized by June 1, 2009, the  
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1 parties will request appropriate modifications to the remaining deadlines in the Court's  
2 September 5 scheduling order.

7 IT IS SO STIPULATED.

9 /s/ Edward Romero

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9 /s/ Mary McNamara

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23 **ORDER**

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 Dated: 5/5/09

25 

26 Hon. Claudia Wilken  
27 United States District Court