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Attorneys for Unserved Defendant  
 ATEN International Co., Ltd.

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN FRANCISCO DIVISION

17 EMINE TECHNOLOGY CO. LTD., a  
 Taiwanese Corporation,

18 Plaintiff,

19 v.

20 ATEN INTERNATIONAL CO., LTD., a  
 21 Taiwanese corporation,

22 Defendant.

Case No. C 08-03122 PJH

**STIPULATION TO CONTINUE THE  
 INITIAL CASE MANAGEMENT  
 CONFERENCE AND [~~PROPOSED~~]  
 ORDER THEREON**

**WHEREAS** on June 25, 2008, defendant ATEN International Co., Ltd. (“ATEN”) filed an action in the United States District Court for the Eastern District of Texas against plaintiff Emine Technology Co., Ltd. (“Emine”) entitled *ATEN Int’l Co., Ltd. v. Emine Technology Co., Ltd.*, No. 08-CV-00253 (E.D. Tex.) (“Texas Action”), alleging, *inter alia*, that Emine infringes U.S. Patent No. 7,035,112 (“’112 patent”);

**WHEREAS** two days after the filing of the Texas Action, Emine filed the present action in this Court against ATEN seeking a declaratory judgment of non-infringement and invalidity of the ’112 patent;

**WHEREAS** Emine has filed motions in the Texas Action seeking dismissal and/or transfer of the Texas Action to the Northern District of California;

**WHEREAS** briefing on Emine’s motions in the Texas Action is complete and the motions are under submission;

**WHEREAS** ATEN and Emine agree that the outcome of the pending motions in the Texas Action may have an impact on whether the present action will proceed;

**WHEREAS** in the interests of judicial economy, and to preserve judicial and party resources, the parties have agreed that a continuance of the initial Case Management Conference for approximately 30 days is appropriate so the motions in the Texas Action may be decided; and

**WHEREAS** there have been no previous stipulated continuances of the initial Case Management Conference and the parties agree that the requested continuance is sufficiently brief to avoid any material impact on the overall schedule of this litigation should it proceed in this Court;

**NOW, THEREFORE**, ATEN and Emine, through their respective counsel of record, hereby stipulate and respectfully request that the Court order as follows:

The Initial Case Management Conference in this action, currently scheduled for November 13, 2008, shall be continued for approximately thirty (30) days to a date on or after December 15, 2008, and all deadlines that are calculated based on the date of the Initial Case Management Conference shall be adjusted accordingly.

**IT IS SO STIPULATED.**

Dated: October 28, 2008

KLEIN, O'NEILL & SINGH, LLP

By: /s/ Sang Dang /s/  
Sang N. Dang

Attorneys for Plaintiff Emine Technology  
Co., Ltd.

Dated: October 28, 2008

WHITE & CASE LLP

By: /s/ Kyle Chen /s/  
Kyle D. Chen

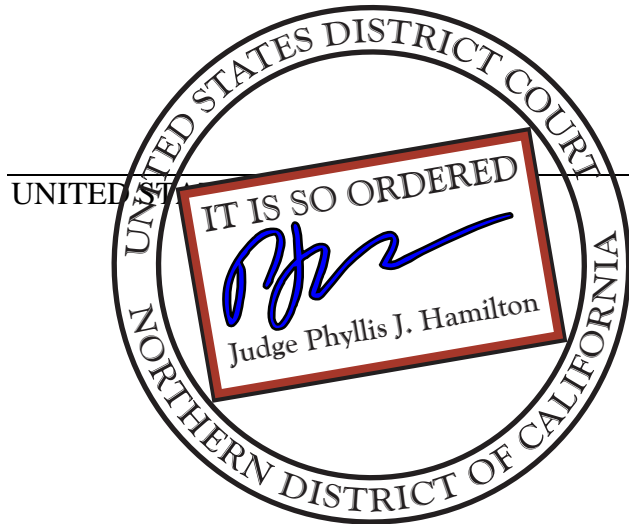
Attorneys for Unserved Defendant ATEN  
International Co., Ltd.

**[PROPOSED] ORDER**

The Initial Case Management Conference in this action, currently scheduled for November 13, 2008, shall be continued for approximately thirty (30) days to \_ December 18, 2008 and all deadlines that are calculated based on the date of the Initial Case Management Conference shall be adjusted accordingly.

IT IS SO ORDERED.

DATED: 10/31/08



**CERTIFICATE OF SERVICE**

I hereby certify that on October 28, 2008, I electronically filed the foregoing with the Clerk of the Court in compliance with Civil Local Rule 5-5(b) using the CM/ECF system which will send notification of the filing to all counsel of record.

/s/ Sang N. Dang  
Sang N. Dang