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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.,
 18 Plaintiff,
 19 v.
 20 ATEN INTERNATIONAL CO., LTD.,
 21 Defendant.

Case No. C 08-03122 PJH

**STIPULATION TO CONTINUE THE
 HEARING ON ATEN'S MOTION TO
 DISMISS FOR INSUFFICIENT SERVICE
 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 on June 27, 2008, 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 filed a Certificate of Service (Docket No. 7) on July 14, 2008;

WHEREAS ATEN filed a Motion to Dismiss for Insufficient Service on August 22, 2008 (Docket No. 11) (“Service Motion”), for which a hearing is currently set for November 19, 2008;

WHEREAS ATEN filed a Motion to Dismiss, Transfer or Stay on October 22, 2008 (Docket No. 22) (“Transfer Motion”), for which a hearing is currently set for December 10, 2008;

WHEREAS the Initial Case Management Conference of this case is currently set for December 18, 2008;

WHEREAS in the interests of judicial economy, and to preserve judicial and party resources, the parties have agreed that it is appropriate for both the Service Motion and the Transfer Motion be heard on December 17, 2008;

WHEREAS concurrently with the filing of this stipulation and before November 19, 2008, the current due date for Emine’s Opposition to the Transfer Motion, ATEN will renounce the Transfer Motion for a new hearing date of December 17, 2008 pursuant to Civil Local Rule 7-7;

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

The hearing on ATEN’s Motion to Dismiss, Transfer or Stay filed on October 22, 2008 (Docket No. 22), currently scheduled for November 19, 2008, will be continued to December 17, 2008.

IT IS SO STIPULATED.

Dated: November 12, 2008

KLEIN, O'NEILL & SINGH, LLP

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

Attorneys for Plaintiff Emine Technology
Co., Ltd.

Dated: November 12, 2008

WHITE & CASE LLP

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

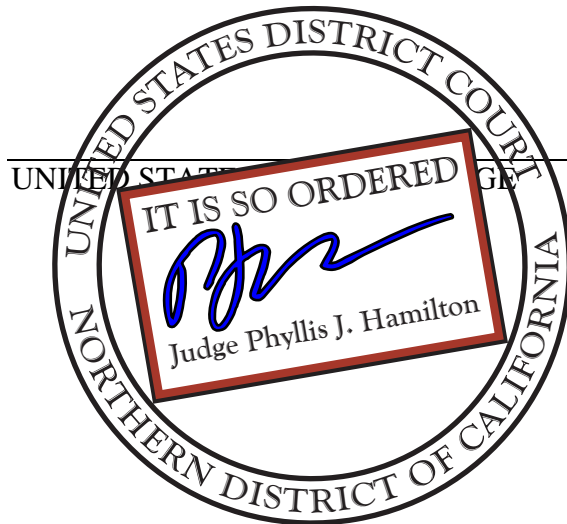
Attorneys for Unserved Defendant ATEN
International Co., Ltd.

[PROPOSED] ORDER

The hearing on ATEN's Motion to Dismiss, Transfer or Stay filed on October 22, 2008 (Docket No. 22), currently scheduled for November 19, 2008, is continued to December 17, 2008 at 9:00 a.m.

IT IS SO ORDERED.

DATED: 11/14/08



CERTIFICATE OF SERVICE

I hereby certify that on November 12, 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/ Kyle D. Chen
Kyle D. Chen