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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TOPOWER,

No. C 08-3584 WDB

Plaintiff(s).

ORDER FOLLOWING INITIAL CASE  
MANAGEMENT CONFERENCE

v.

XION, INC., et al.

Defendants.

\_\_\_\_\_ /

On November 19, 2008, the parties appeared for an Initial Case Management Conference.

Preliminarily, the Court discussed with the parties that in order for the undersigned to preside over this action, all parties must consent to Magistrate Judge jurisdiction. Tagan Technology, Inc. and Topower Computer, USA have not yet formally decided whether they will consent to Magistrate Judge jurisdiction or whether they prefer to decline such jurisdiction and request that this case be reassigned to a United States District Court Judge. Accordingly, **by no later than December 9, 2008**, Tagan and Topower Computer USA must make this decision and file the appropriate form to consent or to decline, which can be found on the Court's website at [www.cand.uscourts.gov](http://www.cand.uscourts.gov).

*If* Tagan and Topower Computer USA consent, the parties must appear for a further case management conference on **December 10, 2008, at 4:00 p.m.** The parties may appear by telephone for this conference, provided that counsel for any party wishing to appear by phone inform the undersigned by no later than December 8, 2008, by calling (510) 637-3324.

1 Pending Tagan's and Topower Computer USA's decision about whether to consent to  
2 Magistrate Judge jurisdiction, the Court grants Defendants an additional twenty days beyond  
3 the current deadline to file an Answer.

4 On the record during the Conference and in their Joint Case Management Statement,  
5 the parties informed the Court that they are amenable to attempting to resolve this action with  
6 the assistance of a private mediator. The Court discussed with counsel a proposed two-stage  
7 case management plan, where the parties would proceed with surgical discovery necessary  
8 to have a productive mediation in the first stage, followed, if necessary, by a second stage  
9 where the undersigned would set a trial date and permit more comprehensive discovery  
10 necessary for trial.

11 *If* Tagan and Topower Computer USA consent to Magistrate Judge jurisdiction, the  
12 Court asked counsel to discuss this case management model with their clients and be  
13 prepared to present counsels' views about whether to proceed in such a manner at the next  
14 Case Management Conference on December 10, 2008.

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16 IT IS SO ORDERED.

17 Dated: November 24, 2008

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20 WAYNE D. BRAZIL  
21 United States Magistrate Judge  
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