Daniel S. Mount (State Bar No. 077517)
Kevin M. Pasquinelli (State Bar No. 246985)
MOUNT & STOELKER
RiverPark Tower, Suite 1650
333 West San Carlos Street
San Jose, CA 95110
Tel.: (408) 279-7000
Fax: (408) 998-1473
Attorneys for Plaintiff /Cross-Defendants
TOPOWER COMPUTER INDUSTRIAL CO., LTD.,
TOPOWER COMPUTER (USA), INC.,
TAGAN TECHNOLOGY CO.

Richard A. Ergo (State Bar No. 110487)
Kenneth G. Jones (State Bar No. 196868)
Cathleen S. Huang (State Bar No. 219554)
Bowles & Verna, LLP
2121 N. California Blvd., Suite 875
Walnut Creek, California 94596
Tel.:(925) 935-3300
Fax: (925) 935-0371
Attorneys for Defendants
XION, INC. aka AXPERTEC, INC.;
KWI TECHNOLOGY, INC.;
SUPER-FLOWER COMPUTER, INC.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION

TOPOWER COMPUTER INDUSTRIAL CO., LTD.

Plaintiff,

vs.

XION, INC. aka AXPERTEC, INC.; KWI TECHNOLOGY, INC.; HIGH PERFORMANCE ENTERPRISE, PLC d/b/a/ HIGH PERFORMANCE GROUP aka HIPER GROUP; HIGH PERFORMANCE GROUP, INC. d/b/a HIGH PERFORMANCE GROUP aka HIPER GROUP; SUPER-FLOWER COMPUTER, INC.

Defendants.

SUPER-FLOWER COMPUTER, INC.

Counter Claimant,

vs.

TOPOWER COMPUTER INDUSTRIAL CO., LTD., TOPOWER COMPUTER (USA), INC., TAGAN TECHNOLOGY CO.

Counter Defendants

Civil Case No.: C08-03584 WDB

STIPULATION AND ~~[PROPOSED]~~ ORDER TO PATENT RULE DEADLINES

Judge: Honorable Wayne D. Brazil
Complaint Filed:7/25/2008
Trail Date: None Set

RiverPark Tower, Suite 1650
333 West San Carlos
San Jose, California 95110-2711
Telephone (408) 279-7000

RIVERPARK TOWER, SUITE 1650
333 WEST SAN CARLOS
SAN JOSE, CALIFORNIA 95110-2711
TELEPHONE (408) 279-7000

STIPULATION

Plaintiff, Topower Computer Industrial Co., Ltd. ("Topower" or "Plaintiff"), Topower Computer (USA) ("Topower USA"), and Tagan Technology Co. ("Tagan") (collectively "Counter Defendants") by and through its counsel of record, Mount & Stoelker, P.C. ("M&S") and XION, INC. aka AXPERTEC, INC.; KWI TECHNOLOGY, INC.; and SUPER-FLOWER COMPUTER, INC.(collectively "Defendants") by and through their counsel of record, Bowles & Verna, LLP ("B&V"), (Defendants and Counter Defendants jointly referred to as the "Parties")do hereby stipulate and agree as follows:

This Court issued an order on 12/11/2008 setting January 12, 2009 as the CMC date for scheduling purposes under the Patent Local Rules. As such, patent invalidity contentions, under Patent Local Rules 3-3 and 3-4, are due March 9, 2009. The opening briefs regarding patent infringement and invalidity are due June 22nd, and the opposition briefs due July 6, 2009.

For mutual convenience, and to avoid scheduling conflicts, the parties wish to move these deadlines as follows:

The invalidity contentions, initially due March 9, 2009, are now due March 16, 2009.

The opening briefs regarding patent infringement and invalidity, initially due June 22, 2009, are now due July 22, 2009.

The opposition briefs regarding patent infringement and invalidity, initially due July 6, 2009, are now due August 5, 2009.

All other deadlines under the Patent Local Rules and the order of this court remain the same.

Dated: February 25, 2009

MOUNT & STOELKER. P.C.

By: /s/ Kevin M. Pasquinelli
Daniel S. Mount
Kevin M. Pasquinelli

Attorneys for Plaintiff and Counter-Defendants Topower Computer Industrial Co. Ltd.., Topower Computer (USA), Inc., Tagan Technology Co.

Dated: February 25, 2009

Bowles & Verna

By: /s/ Kenneth G. Jones
Kenneth G. Jones
Attorneys for Defendants and Counter Claimants XION, INC. aka AXPERTEC, INC.; KWI TECHNOLOGY, INC.; and SUPER-FLOWER COMPUTER, INC.

RIVERPARK TOWER, SUITE 1650
333 WEST SAN CARLOS
SAN JOSE, CALIFORNIA 95110-2711
TELEPHONE (408) 279-7000

ORDER

In accordance with the foregoing stipulation of the parties, and with good cause appearing therefore, the Court enters the Stipulation as an Order of the Court.

IT IS SO ORDERED.

Dated: 2/25, 2009

By: Wayne D. Brazil
Honorable Wayne D. Brazil
U.S. Magistrate Judge

RIVERPARK TOWER, SUITE 1650
333 WEST SAN CARLOS
SAN JOSE, CALIFORNIA 95110-2711
TELEPHONE (408) 279-7000