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6 Attorneys for Plaintiffs  
 EXCELSOR TECHNOLOGY, INC.,  
 7 EXCELSOR TECHNOLOGY LIMITED,  
 EXCELSOR GROUP LIMITED,  
 8 EXCELSOR GREAT WALL TECHNOLOGY  
 LIMITED and SHENZHEN EXCELSOR  
 9 TECHNOLOGY LIMITED

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION  
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14 EXCELSOR TECHNOLOGY, INC., a  
 15 Delaware corporation; EXCELSOR  
 TECHNOLOGY LIMITED, a Hong Kong  
 16 corporation; EXCELSOR GROUP LIMITED,  
 a Cayman Islands corporation; EXCELSOR  
 17 GREAT WALL TECHNOLOGY LIMITED, a  
 Cayman Islands corporation; and SHENZHEN  
 18 EXCELSOR TECHNOLOGY LIMITED, a  
 Chinese corporation,

19 Plaintiffs,

20 v.

21 PAPT LICENSING GMBH & CO. KG, a  
 22 German corporation; and DOES 1 through 10,  
 inclusive,

23 Defendants.  
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CASE NO. CV 09-02055 PJH

**STIPULATION AND  
 [PROPOSED]  
 ORDER RE CONTINUANCE  
 OF CASE MANAGEMENT  
 CONFERENCE**

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1 IT IS HEREBY STIPULATED AND AGREED by Plaintiffs ExcelStor Technology, Inc.,  
2 ExcelStor Technology Limited, ExcelStor Group Limited, ExcelStor Great Wall Technology  
3 Limited, and Shenzhen ExcelStor Technology Limited (collectively referred to as “ExcelStor”) and  
4 Defendant Papst Licensing GmbH & Co. KG (“Papst”), through their respective counsel and  
5 pursuant to Civil Local Rules 6-2, 7-12 and 16-2, as follows:

6 WHEREAS, ExcelStor filed their Complaint against Papst in this action on May 12, 2009;  
7 WHEREAS, the initial Case Management Conference in this case is currently scheduled for  
8 August 27, 2009 at 2:30 p.m.;

9 WHEREAS, on July 17, 2009 Papst filed a Motion to Dismiss ExcelStor’s Complaint  
10 pursuant to Federal Rule of Civil Procedure 12(b)(1), 12(b)(2) and 12(b)(6), and set the hearing for  
11 that motion on August 26, 2009;

12 WHEREAS, on July 31, 2009, ExcelStor filed an Amended Complaint that moots certain of  
13 the arguments made in Papst’s original Motion to Dismiss;

14 WHEREAS, Papst has filed a Notice of Withdrawal of Motion relating to its original  
15 motion, and intends to file a new Motion to Dismiss directed at the Amended Complaint;

16 WHEREAS, Papst intends to set this motion for hearing on Wednesday, October 21, 2009  
17 at 9:00 a.m., which is the first Wednesday morning that both Papst’s counsel and the Court are  
18 available for a hearing on Papst’s new motion; and

19 WHEREAS, the attorneys for Papst who will be arguing Papst’s motion will be travelling  
20 from Chicago for the hearing, and hope to be able to attend the hearing on Papst’s Motion and the  
21 initial Case Management Conference in a single trip to California.

22 IT IS HEREBY STIPULATED between ExcelStor and Papst that subject to the Court’s  
23 approval, the Case Management Conference may be moved to October 22, 2009 at 2:30 p.m. Aside  
24 from a Stipulation that extended the time for Papst to respond to the Complaint by approximately a  
25 month, there have been no other previous time modifications in the case. The requested  
26 continuance of the Case Management Conference would likely delay the overall schedule in this  
27 case (which has not yet been established) by roughly eight weeks.

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1 Dated: August 10, 2009

CARR & FERRELL *LLP*

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3 By: /s/ Kenneth B. Wilson

KENNETH B. WILSON  
CHRISTOPHER P. GREWE

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Attorneys for Plaintiffs  
EXCELSTOR TECHNOLOGY, INC.,  
EXCELSTOR TECHNOLOGY LIMITED,  
EXCELSTOR GROUP LIMITED,  
EXCELSTOR GREAT WALL TECHNOLOGY  
LIMITED and SHENZHEN EXCELSTOR  
TECHNOLOGY LIMITED

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9 Dated: August 10, 2009

HUSCH BLACKWELL SANDERS  
WELSH & KATZ

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By: /s/ Leonard Friedman

LEONARD FRIEDMAN

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Attorneys for Defendant  
PAPST LICENSING GMBH & CO. KG

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15 PURSUANT TO STIPULATION, IT IS SO ORDERED. The initial Case Management

16 Conference in this case shall be held on October 22, 2009 at 2:30 p.m.

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19 Dated: August 11, 2009

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**SIGNATURE ATTESTATION**

Pursuant to General Order No. 45(X)(B), I hereby attest that I have obtained the concurrence in the filing of this document from all the signatories for whom a signature is indicated by a “conformed” signature (/s/) within this e-filed document and I have on file records to support this concurrence for subsequent production for the court if so ordered or for inspection upon request.

Dated: August 10, 2009

/s/ Christopher P. Grewe

CHRISTOPHER P. GREWE