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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EXCELSOR TECHNOLOGY, INC.,
et al.,

Plaintiffs,

No. C 09-2055 PJH

v.

**ORDER DIRECTING FURTHER
BRIEFING**

PAPST LICENSING GMBH & CO. KG,

Defendant.

_____ /

The court is in receipt of defendant's "Covenant" with respect to plaintiffs ExcelStor Technology, Inc., et al. In consideration of the fact that defendant's argument regarding its covenant not to sue was made only in its reply in support of its motion to dismiss, and not in its moving papers, the court finds that further briefing would be helpful.

Accordingly, defendant will be permitted ten pages to address the impact of the covenant on the question of the court's jurisdiction to consider the first cause of action for declaratory relief. Defendant's brief shall be filed no later than March 15, 2010. Plaintiffs will be permitted ten pages to address defendant's arguments, and defendant will be permitted five pages for a reply. Plaintiffs' response shall be filed no later than March 22, 2010, and defendant's reply shall be filed no later than March 29, 2010.

IT IS SO ORDERED.

Dated: March 5, 2010



PHYLLIS J. HAMILTON
United States District Judge

United States District Court
For the Northern District of California