

1 Kathryn G. Spelman, Esq. (Cal. Bar No.
 2 154512)
 3 Daniel H. Fingerman, Esq. (Cal. Bar No.
 4 229683)
 5 Mount, Spelman & Fingerman, P.C.
 6 RiverPark Tower, Suite 1650
 7 333 West San Carlos Street
 8 San Jose CA 95110-2740
 9 Phone: (408) 279-7000
 10 Fax: (408) 998-1473
 11 Email: kspelman@mount.com,
 12 dfingerman@mount.com
 13
 14 Counsel for San Francisco Technology Inc.

ANDREW VALENTINE, Bar No. 162094
 andrew.valentine@dlapiper.com
 ALAN A. LIMBACH, Bar No. 173059
 alan.limbach@dlapiper.com
 ERIK R. FUEHRER, Bar No. 252578
 erik.fuehrer@dlapiper.com
 DLA PIPER LLP (US)
 2000 University Avenue
 East Palo Alto, CA 94303-2214
 Tel: 650.833.2000
 Fax: 650.833.2001

 Attorneys for Defendant
 THE BRITA PRODUCTS COMPANY

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13 SAN FRANCISCO TECHNOLOGY,
 14 INC.,
 15 Plaintiff,
 16 v.
 17 THE BRITA PRODUCTS COMPANY,
 18 Defendant.

CASE NO. 5:10-cv-01648-PJH
**STIPULATION TO EXTEND DATE FOR
 CASE MANAGEMENT HEARING AND
 [PROPOSED] ORDER**
 AS MODIFIED BY THE COURT

19
 20
 21
 22
 23
 24
 25
 26
 27
 28

1 Plaintiff San Francisco Technology Inc. (“SF Tech”) and defendant The Brita Products
2 Company (“Brita”), hereby submit this Stipulation and [Proposed] Order to extend the date for
3 the case management hearing in this action. The Parties stipulate as follows:

4 1. A case management conference (CMC) in this case is currently set for March 31,
5 2011 at 1:00 p.m.

6 2. Andrew Valentine, lead trial counsel for Brita, is working on an international pro
7 bono project in Namibia drafting a legal manual for use by legal professionals and paralegals
8 (www.NewPerimeter.com). On short notice (the need to travel only came up in that last several
9 days), Mr. Valentine is required to travel to Namibia beginning March 28, 2011.

10 3. Mr. Valentine has reached out to counsel for SF Tech concerning this issue and
11 (subject to the Court’s approval) the parties have agreed to extend the time for the CMC.

12 4. Because of the nature of the case, and in the interest of preventing delay and in an
13 effort to comply with the Court’s rules, the parties have agreed upon the following schedule in the
14 interim:

<u>Date</u>	<u>Event</u>
April 14, 2011	Deadline for parties to serve initial disclosures
April 25, 2011	Deadline for Brita to file its renewed motions to dismiss
June 1, 2011	Deadline for SF Tech to file its oppositions to Brita’s renewed motions to dismiss
June 8, 2011 July 6, 2011 at 9:00 a.m.	Deadline for Brita to file reply briefs in support of its renewed motions to dismiss
June 22, 2011, 2:00 p.m. (if the Court’s schedule permits)	Hearing on Brita’s renewed motions to dismiss

21 5. The parties are aware that the Court is not available to hold a CMC until May 2011
22 and request that the Court reschedule the CMC in this action for the next available date. If the
23 Court agrees, the parties also believe that the CMC could be held at the same time as the hearing
24 on Brita’s motions to dismiss.

25 6. Mr. Valentine also has discussed this issue with counsel for Just Intellectuals,
26 PLLC in the related case titled *Just Intellectuals, PLLC v. The Clorox Company*, Case No. 4:10-
27 cv-05739 and is seeking a similar stipulation in that case.

1 7. If the CMC proceeds on March 31, 2011 as currently scheduled, Alan Limbach
2 and Erik Fuehrer would attend for Brita. Both Mr. Limbach and Mr. Fuehrer have authority from
3 Brita to agree to a schedule, are very familiar with false marking cases, and have a working
4 relationship with plaintiff's counsel.

5 In accordance with General Order 45.X.B., Erik R. Fuehrer, counsel for The Brita Product
6 Company, attests that each other signatory listed below has concurred in this filing.

7 IT IS SO STIPULATED.

8 Dated: March 25, 2011

DLA PIPER LLP (US)

9
10 By /s/ Andrew Valentine

11 ANDREW P. VALENTINE
12 ALAN LIMBACH
13 ERIK R. FUEHRER
14 DLA PIPER LLP (US)
15 2000 University Avenue
16 East Palo Alto, CA 94303-2214
17 Tel: 650.833.2000
18 Fax: 650-833-2001

Attorneys for Defendant,
THE BRITA PRODUCTS COMPANY

19 Dated: March 25, 2011

MOUNT, SPELMAN & FINGERMAN, P.C.

20 By /s/ Daniel Fingerman

21 KATHRYN G. SPELMAN
22 DANIEL H. FINGERMAN
23 RiverPark Tower, Suite 1650
24 333 West San Carlos Street
25 San Jose, CA 95110-2740
26 Tel: 408-279-7000
27 Fax: 408-998-1473

Attorneys for Plaintiff
SAN FRANCISCO TECHNOLOGY, INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PURSUANT TO STIPULATION, IT IS SO ORDERED. The case management conference is VACATED and will be rescheduled after the ruling on the motion to dismiss. The hearing on the motion to dismiss will be held on July 6, 2011 at 9:00 a.m.

Date: 3/28/11

Honorable Phyllis J. Hamilton, U.S. District Judge

