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 20 NeilMed Products, Inc.
 21 d/b/a NeilMed Pharmaceuticals, Inc.

22 UNITED STATES DISTRICT COURT

23 NORTHERN DISTRICT OF CALIFORNIA

24 NEILMED PRODUCTS, INC.,

25 Plaintiff,

26 v.

27 TECHWORLD CORPORATION, INC.,

28 Defendants.

CASE NO. CV 10-4330 PJH

**JOINT STIPULATION AND
 [PROPOSED] ORDER TO EXTEND
 PLAINTIFF'S TIME TO RESPOND
 TO COUNTERCLAIMS AND TO
 CONTINUE JANUARY 6, 2011 CASE
 MANAGEMENT CONFERENCE TO
 FEBRUARY 3, 2011**

Original CMC Date

Date: January 6, 2011

Time: 2:00 p.m.

Courtroom: 3

Stipulated CMC Date

Date: February 3, 2011

Time: 2:00 p.m.

Courtroom: 3

Complaint Filed: Sept. 24, 2010

Trial Date: None set

And Related Counterclaim

1 Pursuant to Northern District of California Civil Local Rules 6-2 and 7-12,
2 plaintiff and counterclaim defendant NeilMed Products, Inc., dba NeilMed Phamaceuticals, Inc.,
3 a California Corporation ("NeilMed"), and defendant and counterclaimant TechWorld
4 Corporation, Inc., a Nevada Corporation ("TechWorld") (collectively, the "Parties"), agree and
5 stipulate to the following facts:

6 1. On September 24, 2010, NeilMed filed its Complaint for False
7 Advertising and Unfair Competition under the Lanham Act and Violation of California Bus. &
8 Prof. Code Sections 17200 and 17500;

9 2. On October 14, 2010, NeilMed personally served TechWorld with the
10 Summons and Complaint;

11 3. On November 3, 2010, pursuant to Northern District of California Civil
12 Local Rule 6-1(a), the Parties stipulated to extend TechWorld's deadline to respond to the
13 Complaint from November 4 to November 18, 2010;

14 4. On November 18, 2010, TechWorld filed an Answer and Counterclaim,
15 which alleges causes of action against NeilMed for False Patent Marking, False Advertising and
16 Unfair Competition under the Lanham Act, and Violation of California Bus. & Prof. Code
17 Sections 17200 and 17500;

18 5. NeilMed's response to TechWorld's Counterclaim is currently due on
19 December 13, 2010;

20 6. NeilMed and its counsel require additional time to analyze and evaluate
21 TechWorld's Counterclaim and to prepare a meaningful response thereto;

22 7. Counsel for the Parties have met, conferred and have agreed that the time
23 for NeilMed to respond to the Counterclaims should be extended until January 7, 2011;

24 8. The Case Management Conference ("CMC") in this case is currently
25 scheduled to take place on January 6, 2011, a date before the agreed upon date by which
26 NeilMed will respond to TechWorld's counterclaims;

27 9. Absent a continuance of the CMC, the last day for the Parties to conduct
28 their Rule 26(f) Conference will be December 16, 2010, and the deadline for the Parties to file

1 their Rule 26(f) Report will be December 30, 2010. Both dates are before the date by which
2 NeilMed will respond to TechWorld's counterclaims;

3 10. Therefore, the parties also agreed to modify the Rule 26(f) deadlines such
4 that the Rule 26(f) Conference will take place on or before January 20, 2011 and their Rule 26(f)
5 Report will be due to the Court by January 27, 2011.

6 11. In connection with the enlargement of NeilMed's time to respond to the
7 Counterclaims and the related extension of the Rule 26(f) deadlines, counsel for the Parties have
8 agreed that, subject to the Court's agreement and availability, a continuance of the CMC date to
9 February 3, 2011 or as soon thereafter is convenient to the Court is necessary to allow the parties
10 sufficient time to meaningfully comply with their obligations under Rule 26(f); and

11 12. The modification of the above-mentioned dates will have a minimal
12 impact on the schedule for this case, for which no trial date has been set.

13 **NOW, THEREFORE**, the Parties, through their counsel, stipulate and agree as
14 follows:

15 1. NeilMed is granted an extension of time to file its response to
16 TechWorld's Counterclaims until and including January 7, 2011;

17 2. The Parties' Rule 26(f) conference shall take place no later than January
18 20, 2011;

19 3. The Parties' Rule 26(f) Report shall be filed no later than January 27,
20 2011; and

21 4. The CMC, which is currently scheduled to take place on January 6, 2011
22 at 2:00 p.m. in Courtroom 3, shall be continued to February 3, 2011 at 2:00 p.m. in Courtroom

23 3.

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1 **IT IS SO STIPULATED.**

2 Dated: December 3, 2010

BINGHAM MCCUTCHEN LLP

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4
5 By: /s/ Sara Jasper Epstein
6 Marshall B. Grossman
7 Sara Jasper Epstein
8 Attorneys for Plaintiff and Counterclaim
9 Defendant NeilMed Products, Inc., dba
10 NeilMed Pharmaceuticals, Inc.

11 Dated: December 3, 2010

REED SMITH LLP

12 By: /s/ Cynthia E. Kernick
13 Cynthia E. Kernick
14 Clay P. Hughes
15 Attorneys for Defendant and Counterclaimant
16 Techworld Corporation, Inc.

17 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

18 Dated: 12/8/10

19 Hon. Phyllis J. Hamilton
20 United States District Judge



1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on December 3, 2010, I electronically filed the foregoing
3 Joint Stipulation and [Proposed] Order to Extend Plaintiff's Time to Respond to Counterclaims
4 and to Continue January 6, 2011 Case Management Conference to February 3, 2011 with the
5 clerk of the court for the U.S. District Court, Northern District of California, using the electronic
6 case filing system of the court. The electronic case filing system sent a "Notice of Electronic
7 filing" to the following attorneys of record who have consent in writing to accept this notice of
8 service of this document by electronic means:

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/s/ Sara Jasper Epstein
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Counsel for NeilMed Products, Inc.