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12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN JOSE DIVISION

FENWICK & WEST LLP  
 ATTORNEYS AT LAW  
 SAN FRANCISCO

16 ASYST TECHNOLOGIES, INC.,  
 17 Plaintiff,  
 18 v.  
 19 EMPAK, INC.; EMTRAK, INC.; JENOPTIK  
 20 AG; JENOPTIK INFAB, INC.; and  
 MEISSNER + WURST GmbH,  
 21 Defendants.

Case No. 98-20451 JF

**STIPULATION TO CONTINUE  
 THE HEARING DATE ON ASYST  
 TECHNOLOGIES, INC.’S  
 MOTION FOR REVIEW OF THE  
 CLERK’S TAXATION OF COSTS  
 AND [PROPOSED] ORDER**

Date: October 17, 2008  
 Time: 9:00 a.m.  
 Courtroom: 3  
 Judge: Hon. Jeremy Fogel

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 23 AND RELATED COUNTERCLAIMS.  
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**IT IS HEREBY STIPULATED AND AGREED** that the hearing on Asyst Technologies, Inc.'s Motion for Review of the Clerk's Taxation of Costs now set for October 17, 2008 at 9:00 a.m. be continued on the Court's calendar to November 14, 2008 at 9:00 a.m. in Courtroom 3, before the Honorable Jeremy Fogel. The letter briefs regarding the effect of the Court's 2004 Order on costs previously due 14 days prior to the October 17 hearing will be due October 31, 2008, 14 days prior to the new November 14, 2008 hearing date. The Court previously continued this hearing because the Federal Circuit had not yet rendered an opinion in the pending appeal which potentially impacts the Court's decision on costs. Good cause exists for this continuation because the Federal Circuit has yet to render the expected opinion.

DATED: October 1, 2008

FENWICK & WEST LLP

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ASYST TECHNOLOGIES, INC.

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JENOPTIK INFAB, INC.,  
and EMTRAK, INC.

**IT IS SO ORDERED.**

Dated: 10/3/08, 2008

  
The Honorable Jeremy Fogel  
United States District Judge

