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6 FIRST DATA CORP., CARDSERVICE
INTERNATIONAL, INC., and HUMBOLDT BANK
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

12 PERFECT 10, INC., a California corporation,

13 Plaintiff,

14 v.

15 VISA INTERNATIONAL SERVICE
ASSOCIATION; FIRST DATA CORP., a
16 corporation; CARDSERVICE
INTERNATIONAL, INC., a corporation;
17 MASTERCARD INTERNATIONAL
INCORPORATED, a corporation;
18 HUMBOLDT BANK, a national banking
association; and DOES 1 through 100,
19 inclusive,

20 Defendants.

Case No. C 04 0371 JW (PVT)

**STIPULATION AND
ORDER EXTENDING PAGE LIMITS ON
MOTION TO DISMISS [L.R. 7-4(b), 7-11]**

23 Plaintiff Perfect 10, Inc. and Defendants Visa International Service Association, First
24 Data Corp., Cardservice International, Inc., MasterCard International Incorporated and Humboldt
25 Bank respectfully submit the following stipulation:

26 WHEREAS, Plaintiff Perfect 10, Inc.'s complaint is 41 pages, containing 155 paragraphs,
27 11 voluminous exhibits, and ten causes of actions alleging federal and state law claims including
28 copyright, trademark, unfair competition, publicity rights, libel and interference with prospective

1 economic advantage; and

2 WHEREAS, each defendant intends to move to dismiss all causes of action pursuant to
3 Federal Rule of Civil Procedure 12(b)(6); and

4 WHEREAS, the parties agree that, given the number of plaintiff's causes of action and
5 the nature of plaintiff's allegations, the parties will not be able present their arguments relating to
6 the motion to dismiss within the twenty-five page limit for opening and opposition briefs and
7 fifteen page limit for reply briefs;

8 NOW, THEREFORE, for good cause and pursuant to Local Rules 7-4(b) and 7-11,
9 plaintiff and defendants hereby stipulate and agree, through their attorneys, to the following:

10 1. Defendants may file one joint motion to dismiss that shall not exceed 50 pages in
11 length. Pursuant to the parties' previous stipulation, defendants' motion shall be filed and served
12 on or before April 19, 2004.

13 2. Plaintiff may file one combined opposition brief that shall not exceed 50 pages in
14 length. Pursuant to the parties' previous stipulation, plaintiff's opposition shall be filed and
15 served not later than May 17, 2004.

16 3. Defendants may file one combined reply brief that shall not exceed 30 pages in
17 length. Pursuant to the parties previous stipulation, defendants' reply brief shall be filed and
18 served not later than May 31, 2004 and the motion will be heard on June 14, 2004 at 9:00 a.m.,
19 or at such other time as the Court may direct.

20 IT IS SO AGREED.

21
22 Dated: April 8, 2004

KING, HOLMES, PATERNO &
BERLINER, LLP

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By: _____ /s/
HOWARD E. KING
STEPHEN D. ROTHSCHILD
Attorneys for Plaintiff
PERFECT 10, INC.

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Dated: April 8, 2004

KEKER & VAN NEST, LLP

By: : _____ /s/

MICHAEL H. PAGE
R. JAMES SLAUGHTER
Attorneys for Defendants
FIRST DATA CORP., CARDSERVICE
INTERNATIONAL, INC., and
HUMBOLDT BANK

Dated: April 8, 2004

TOWNSEND AND TOWNSEND AND
CREW LLP

By: : _____ /s/

DANIEL J. FURNISS
MARK T. JANSEN
JOHN C. BAUM
Attorneys for Defendant
VISA INTERNATIONAL SERVICE
ASSOCIATION

Dated: April 8, 2004

WILSON SONSINI GOODRICH &
ROSATI

By: : _____ /s/

ANDREW P. BRIDGES
Attorneys for Defendant
MASTERCARD INTERNATIONAL
INCORPORATED

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: April 9__, 2004

/s/James _____ Ware

The Honorable James Ware
United States District Judge