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5 Attorneys for Defendants  
 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,

Case No. C 04 0371 JW (PVT)

14 v.

**STIPULATION AND ~~PROPOSED~~  
 ORDER RE HEARING ON MOTION TO  
 DISMISS AND CASE MANAGEMENT  
 CONFERENCE**

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.  
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 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 (collectively, "Defendants") respectfully submit the following stipulation:

26 WHEREAS, Defendants' joint motion to dismiss is currently set for hearing on June 11,  
 27 2004; and

28 WHEREAS, the parties' Case Management Conference is currently set for July 19, 2004;

1 and

2 WHEREAS, the parties have discussed with the Court's clerk moving the date for the  
3 hearing on the motion to dismiss and the case management conference,

4 NOW, THEREFORE, for good cause plaintiff and defendants hereby stipulate and agree,  
5 through their attorneys, to the following:

6 1. The hearing on Defendants' motion to dismiss shall be on June 28, 2004 at 9:00  
7 a.m.

8 2. The parties' case management conference shall be on July 26, 2004 at 10:00 a.m.

9 IT IS SO AGREED.

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11 Dated: May 20, 2004

KING, HOLMES, PATERNO &  
BERLINER, LLP

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By: \_\_\_\_\_ /s/

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HOWARD E. KING  
STEPHEN D. ROTHSCHILD  
Attorneys for Plaintiff  
PERFECT 10, INC.

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18 Dated: May 20, 2004

KEKER & VAN NEST, LLP

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By: : \_\_\_\_\_ /s/

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

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Dated: May 20, 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: May 20, 2004

WINSTON & STRAWN LLP

By: : \_\_\_\_\_ /s/

ANDREW P. BRIDGES  
Attorneys for Defendant  
MASTERCARD INTERNATIONAL  
INCORPORATED

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: May 26, 2004

\_\_\_\_\_  
/s/ James Ware

The Honorable James Ware  
United States District Judge