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9 MASTERCARD INTERNATIONAL INCORPORATED

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

13 PERFECT 10, INC., a California corporation,

14 Plaintiff,

15 vs.

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

25 Defendants.

Case No. C 04 0371 JW (PVT)

26 **STIPULATION AND [PROPOSED]**XXXXXXXXXXXXXXXXXXXX

27 **ORDER RE BRIEFING SCHEDULE FOR**
28 **DEFENDANTS' MOTION TO DISMISS**
AMENDED COMPLAINT And Continuing
Case Management Conference

Date: November 15, 2004
Time: 9:00 a.m.
Dept: Courtroom 8, 4th Floor
Judge: Honorable James Ware

1 Plaintiff Perfect 10, Inc. and Defendants Visa International Service Association, First
2 Data Corp., Cardservice International, Inc., MasterCard International Incorporated and Humboldt
3 Bank (collectively, "Defendants") respectfully submit the following stipulation:

4 WHEREAS, Defendants have filed motions to dismiss Plaintiff's first amended
5 complaint and noticed a hearing date for their motions to be heard on November 15, 2004; and

6 WHEREAS, all parties have reached agreement on a briefing schedule for
7 Defendants' motions to dismiss Plaintiff's first amended complaint;

8 Now, THEREFORE, for good cause and in order to accommodate all counsels'
9 schedules, Plaintiff and Defendants hereby stipulate and agree, through their attorneys to the
10 following briefing schedule concerning Defendants' motions to dismiss Plaintiff's first amended
11 complaint:

- 12 1. Plaintiff's opposition brief(s) shall be filed no later than October 18, 2004.
- 13 2. Defendants' replies shall be filed no later than November 1, 2004.

14 IT IS SO AGREED.

15 Dated: September 29, 2004 WINSTON & STRAWN LLP

17 By: /s/ Andrew P. Bridges
18 ANDREW P. BRIDGES
19 Attorneys for Defendant
20 MASTERCARD INTERNATIONAL
21 INCORPORATED

22 Dated: September 29, 2004 KEKER & VAN NEST, LLP

23 By: /s/ Michael H. Page
24 ROBERT A. VAN NEST
25 MICHAEL H. PAGE
26 R. JAMES SLAUGHTER
27 Attorneys for Defendant
28 FIRST DATA CORP., CARDSERVICE
INTERNATIONAL, INC., and HUMBOLDT BANK

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Dated: September 29, 2004 TOWNSEND AND TOWNSEND AND CREW LLP

By: /s/ Mark T. Jansen
DANIEL J. FURNISS
MARK T. JANSEN
JOHN C. BAUM
Attorneys for Defendant
VISA INTERNATIONAL SERVICE ASSOCIATION

Dated: September 29, 2004 KING, HOLMES, PATERNO & BERLINER LLP

By: /s/ Stephen D. Rothschild
STEPHEN D. ROTHSCHILD
Attorneys for Plaintiff
PERFECT 10, INC.

Andrew P. Bridges attests that he has obtained the
concurrence of the signatories indicated above.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The case management conference
scheduled for Oct. 4, 2004 is continued to December 13, 2004 at 10:00 a.m.; the joint
case management statement is due December 3, 2004.

Date: Sept. 30, 2004 /s/James Ware
The Honorable James Ware
United States District Judge