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8 Attorneys for Plaintiff
 9 ADVANTICA, INC.

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13

14 ADVANTICA, INC., a Delaware corporation,
 15
 16 Plaintiff,

17 -vs-

18 GOLD WING ENGINEERING, a California
 corporation, ERIK GUTIERREZ, an
 19 individual, JOEL GUTIERREZ, an individual,
 SALVADOR GUTIERREZ, an individual, and
 20 JSJ PIPELINE COMPANY, a partnership

21 Defendants.

CASE NO. 05-01709 RMW

**STIPULATION AND ORDER
 AMENDING STATUS (PRETRIAL
 SCHEDULING) ORDER**

Judge: Ronald M. Whyte

22 The parties stipulate as follows:

- 23 1. Plaintiff noticed the deposition of defendants for November 20, 2008 and
 24 the deposition of the Public Works, City of Berkeley, for November 21, 2008. Plaintiff's
 25 lead counsel, Marvin Petry, made arrangements to fly to Oakland, California to attend
 26 these depositions.

1 2. On the morning of November 19, 2008, defendants' counsel, Shannon
2 Cogan, was admitted to the hospital with a medical emergency, and the depositions
3 referenced in Paragraph 1 were postponed.

4 3. Plaintiff wants to proceed with these depositions, but to do so will require
5 and extension of the discovery cut-off and other dates set by the Status (Pretrial
6 Scheduling) Order of September 12, 2008, as amended by the Status (Pretrial
7 Scheduling) Order of January 21, 2009.

8 4. The parties have agreed that the depositions previously noticed may
9 proceed on or about March 12 and 13, 2009.

10 5. The Court issued a Status (Pretrial Scheduling) Order of January 21, 2009,
11 based on plaintiff's Motion for Enlargement of Time. However, in the meantime, counsel
12 for the parties have conferred, and counsel for plaintiff has conferred with counsel for the
13 City of Berkeley, a non-party witness to be deposed. The deposition dates that are
14 available for all parties and counsel are in March 2009, which will require a one-month
15 further continuance of the discovery cut-off and trial dates.

16 6. The Status (Pretrial Scheduling) Order shall be amended in the form
17 attached hereto, subject to any adjustments to dates that the Court may make for its own
18 convenience.

19 Dated: February 10, 2009

20 By: *Marvin Petry*
Marvin Petry

21
22 Dated: February _____, 2009

23 By: _____
Shannon Cogan

24
25 Pursuant to stipulation, it is so **ORDERED**.

26 Dated: _____

27 _____
Honorable Ronald M. Whyte
United States District Judge

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7 UNITED STATES DISTRICT
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10 ADVANTICA, INC., a Delaware
corporation,

11 Plaintiff,

12 -vs-

13 GOLD WING ENGINEERING, ERIK
14 GUTIERREZ, JOEL GUTIERREZ,
SALVADOR GUTIERREZ, and JSJ
15 PIPELINE COMPANY,

16 Defendants.
17

) CASE NO. 05-01709 RMW

) **AMENDED STATUS (PRETRIAL
SCHEDULING) ORDER**

) Judge: Ronald M. Whyte

18
19 Pursuant to the stipulation of the parties, the Court makes the following orders:

20 1. Discovery

21 All fact discovery, except for expert discovery, shall be completed by December 19,
22 2008, except that any deposition already noticed may be taken on or before March 31,
23 2009.

24 The parties are restricted to the standard limits on discovery of 10 depositions per
25 side and 25 interrogatories per party. Document requests are not subject to numeric
26 limitations, but they must be narrowly tailored. Requests for admission shall be limited to
27 10 per party, but the Court will consider a request to increase this limit if there are problems
28 with authentication of documents.

1 Plaintiff shall provide defendant with a copy of the file history or reconstruction for
2 the patent at issue, prior to any depositions.

3 2. Expert Discovery

4 The parties shall serve disclosures of expert witnesses by March 31, 2009.

5 Expert discovery shall be completed by May 8, 2009.

6 3. Dispositive Motions

7 Dispositive motions shall be heard no later than May 15, 2009, at 9:00 a.m.,
8 Courtroom 6, 4th Floor.

9 4. Final Pretrial Conference

11

10 The Final Pretrial Conference shall be held June 10, 2009, at 2:00 p.m., Courtroom
11 6, 4th Floor. Counsel shall file pretrial statements by June 5, 2009.

12 5. Trial Setting

13 The trial is set for June 22, 2009, at 1:30 p.m., Courtroom 6, 4th Floor, San Jose.
14 Trial will be to a jury.

15 6. Settlement Conference

16 The parties shall participate in a settlement conference to be held before Magistrate
17 Judge Howard R. Lloyd, before June 8, 2009. The parties shall schedule the settlement
18 conference by calling the chambers of the Magistrate Judge.

19 7. Rescheduling Depositions

20 Defendants' counsel shall cooperate in rescheduling and in securing defendants'
21 attendance at depositions previously noticed.

22
23 Dated: 3/5/09


Honorable Ronald M. Whyte
United States District Judge