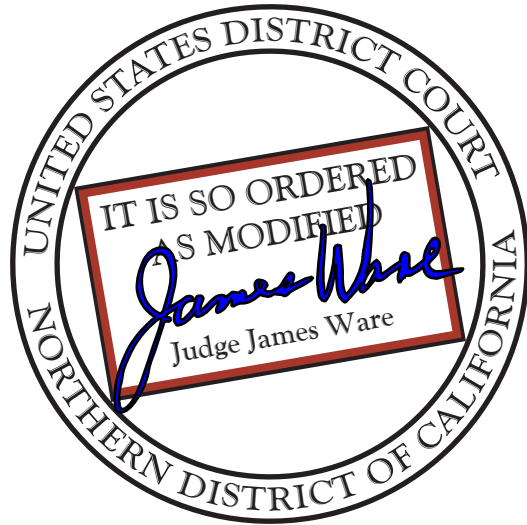


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13
 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN JOSE DIVISION

18 SYSCAN, INC.,

19 Plaintiff,

20 vs.

21 PLUSTEK INC., AND FUTUREWELL
 22 HOLDING LIMITED

23 Defendants.

Case No. C 07-01603 JW

**STIPULATION TO CONTINUE THE
 PRELIMINARY PRETRIAL
 CONFERENCE STATEMENTS AND THE
 PRELIMINARY PRETRIAL
 CONFERENCE AND PROPOSED
 ORDER THEREON** *James Ware*

1 **WHEREAS**, on March 21, 2007, Plaintiff Syscan, Inc. (“Syscan”) filed an action
2 in the United States District Court for the Northern District of California against Defendants
3 Plustek, Inc. (“Plustek”) and Futurewell Holding Limited (“Futurewell”), alleging, *inter alia*, that
4 Plustek and Futurewell are in breach of contract.

5 **WHEREAS**, pursuant to the Scheduling Order dated September 14, 2007,
6 discovery was scheduled to close on September 29, 2008 and the Last Date for Hearing
7 Dispositive Motions was scheduled for December 1, 2008 (*see* Docket Item No. 26).

8 **WHEREAS**, pursuant to the Order Granting Plaintiff’s Administrative Request to
9 Extend Discovery (*see* Docket Item No. 50), the close of discovery was extended from September
10 29, 2008 to February 20, 2009. Furthermore, the hearing on Defendant’s Motion for Summary
11 Judgment was continued for sixteen (16) weeks from December 1, 2008 to March 23, 2009 (*see*
12 Docket Item Nos. 41 and 50).

13 **WHEREAS**, the Preliminary Pretrial Conference Statements are still due on
14 January 23, 2009, and the Preliminary Pretrial Conference is still currently scheduled for
15 February 2, 2009 based on the original Scheduling Order dated September 14, 2007 (*see* Docket
16 Item No. 26).

17 **WHEREAS**, the Parties have agreed that the outcome of the pending Motion for
18 Summary Judgment is important to the Preliminary Pretrial Conference Statements and the
19 Preliminary Pretrial Conference.

20 **WHEREAS** in the interest of judicial economy, the Parties have agreed to
21 continue the Pretrial Conference Statements for sixteen (16) weeks from January 23, 2009 to a
22 date on or after May 15, 2009, and the Preliminary Pretrial Conference for sixteen (16) weeks
23 from February 2, 2009 to a date on or after May 25, 2009.

24 **WHEREAS** there have been no previous stipulated continuances of the
25 Preliminary Pretrial Conference Statements and the Preliminary Pretrial Conference, the Parties
26 have agreed that the requested continuance is sufficient to account for the adjustment of sixteen
27 (16) weeks in the briefing and hearing schedule for Defendants’ Motion for Summary Judgment.

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NOW, THEREFORE, the Parties, through their respective counsel of record, hereby stipulate and respectfully request the Court to order as follows:

The Preliminary Pretrial Conference originally scheduled for February 2, 2009, shall be continued to a date on or after May 25, 2009.

The Preliminary Pretrial Conference Statements originally scheduled for January 23, 2009 shall be continued to a date on or after May 15, 2009.

DATED: January 14, 2009

By /s/ Yung-Ming Chou
Yung Ming Chou
Attorneys for Plaintiffs
SYSCAN, INC.

DATED: January 14, 2009

KLEIN, O'NEILL & SINGH, LLP

By /s/ Sang N. Dang
Sang N. Dang
Attorneys for Defendants
PLUSTEK INC. and FUTUREWELL HOLDING LIMITED

 **[PROPOSED] ORDER**

The Court finds good cause to continue the Preliminary Pretrial Conference from February 2, 2009 to **March 23, 2009 at 11 a.m.** On or before March 13, 2009, the parties shall file their Joint Preliminary Pretrial Statement. The Statement shall include, among other things, the parties' position with respect to their readiness for trial and their proposed trial schedule.

It is so **ORDERED**.

DATED: January 28, 2009


UNITED STATES DISTRICT JUDGE