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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Syscan, Inc.,

NO. C 07-01603 JW

Plaintiff,

**ORDER FOLLOWING CASE
MANAGEMENT CONFERENCE;
SETTING HEARING ON MOTIONS FOR
PARTIAL SUMMARY JUDGMENT**

v.

Plustek, Inc., et al.,

Defendants.


On September 28, 2009, the Court conducted a Case Management Conference. Counsel for the respective parties were present. In light of the discussion at the Conference, the Court orders as follows:

- (1) The parties are permitted to file cross-motions for partial summary judgment on the following issues:
 - (i) The scope of the license agreement; in particular, whether Defendants' obligation to pay a royalty under the license depends upon non-use by Defendants' products of the patents recited in the license agreement.
 - (ii) Whether Defendants' products use the patents subject to the license agreement, including a statement as to which claims are relevant and a proposed construction of the relevant claims.

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(2) On **December 14, 2009 at 9 a.m.**, the Court will conduct a hearing on the motions for partial summary judgment. The parties shall meet and confer to agree on a briefing schedule and file the appropriate Stipulation for the Court's approval on or before **October 5, 2009**.

Dated: September 28, 2009



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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3 Vy Hoang Vu Vvu@koslaw.com
4 Yung-Ming Chou chouyung@aol.com

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Dated: September 28, 2009

Richard W. Wieking, Clerk

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By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy

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