

1 YOUNG & THOMPSON  
 Douglas V. Rigler  
 2 Email: [drigler@young-thompson.com](mailto:drigler@young-thompson.com)  
 Andrew J. Patch  
 3 Email: [ajpatch@young-thompson.com](mailto:ajpatch@young-thompson.com)  
 Jeffrey M. Goehring, BN 233002  
 4 Email: [jgoehring@gmail.com](mailto:jgoehring@gmail.com)  
 209 Madison Street, Suite 500  
 5 Alexandria, VA 22314  
 Tel: (703) 521-2297, Fax: (703) 685-0573  
 6

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7 SCHIFF HARDIN LLP  
 John S. Worden  
 Email: [jworden@schiffhardin.com](mailto:jworden@schiffhardin.com)  
 8 One Market, Spear Street Tower, 32<sup>nd</sup> Floor  
 San Francisco, CA 94105  
 9 Tel: (415) 901-8700, Fax: (415) 901-8701

10 Attorneys for Plaintiff/Counterclaim-Defendant  
 Aqua-Lung America, Inc.  
 11

12 KAUTH, POMEROY, PECK & BAILEY LLP  
 Joel A. Kauth  
 13 2875 Michelle Drive, Suite 110  
 Irvine, CA 92606  
 14 Email: [joel.kauth@kppb.com](mailto:joel.kauth@kppb.com)  
 15 Tel: (949) 852-0000, Fax: (949) 852-0004

16 Attorney for Defendant  
 American Underwater Products, Inc. d/b/a Oceanic; and Two Forty Deuce Corporation  
 17

18 **UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 19 **SAN JOSE DIVISION**

20 AQUA-LUNG AMERICA, INC.

21 Plaintiff,

v.

22 AMERICAN UNDERWATER  
 23 PRODUCTS, INC., d/b/a OCEANIC; and

24 TWO FORTY DEUCE CORPORATION,

25 Defendants.

Case No. C 07 2346 RS

**STIPULATION MODIFYING TIME**

**Hon. Richard Seeborg**

26  
 27 WHEREAS after mutual consultation, the Parties have agreed to schedule additional settlement  
 28 discussions to attempt to resolve the claims and counterclaims in this action; and

**STIPULATION MODIFYING TIME**

1 WHEREAS the scope of the discussions may involve certain foreign patents related to Automated  
2 Closure Devices and the advice of foreign counsel may be desirable; and

3 WHEREAS no trial date has been set;

4 It is hereby stipulated, subject to Court approval, that the dates set in the Case Management Order  
5 entered on April 22, 2009 [Document 83] shall be modified as follows:

- 6 1) Discovery cut-off date **November 24, 2009**;
- 7 2) Expert report of the Party bearing the burden of proof on any issue **October 16, 2009**;
- 8 3) Expert rebuttal reports **November 6, 2009**;
- 9 4) Completion of expert depositions **November 24, 2009**; and
- 10 5) Pretrial Motions. All pretrial motions must be filed and served pursuant to Civil Local Rule 7.

11 All pretrial motions shall be **heard** no later than **January 20, 2010**.

13 KAUTH, POMEROY, PECK & BAILEY LLP

YOUNG & THOMPSON

15 By:       /s/      

By:       /s/      

16 Joel A. Kauth

Douglas V. Rigler

17 Counsel for Defendant  
18 American Underwater Products, Inc.  
d/b/a Oceanic; and Two Forty Deuce Corporation

Counsel for Plaintiff  
and Counterclaim-Defendant  
Aqua-Lung America, Inc.

21 **APPROVED AND SO ORDERED**

22 Dated:       8/6/09      



Hon. RICHARD SEEBORG

**United States Magistrate Judge**