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6 Attorneys for Plaintiff  
 7 BAY SALES, INC.

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

11 BAY SALES, INC., a California corporation,  
 12 Plaintiff,  
 13 vs.  
 14 TRIPOD TECHNOLOGY CORPORATION, a  
 15 Taiwanese corporation,  
 16 Defendant.

Case No. C 07 03702 JW (PVT)

**STIPULATION AND [XXXXXXXXXXXXX]  
 ORDER RE DISCOVERY DEADLINES**

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 21 WHEREAS, following July 24, 2008 order granting in part Bay Sales’ motion to compel  
 22 further discovery (“July 24 Order”) Tripod produced further documents and supplemental  
 23 interrogatory responses on August 15, 2008 and October 18, 2008; and

24 WHEREAS, pursuant to a Stipulation and Order entered by Judge Ware on October 2,  
 25 2008, Bay Sales’s deadline to make a motion with respect to Tripod’s August 15, 2008 production  
 26 and responses is October 24, 2008; and

27 WHEREAS, the parties are still engaged in the meet and confer process and wish to further  
 28 extend Bay Sales’s time to make a motion until after the Court rules on Tripod’s pending Motion

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2 For Summary Judgment or, in the Alternative Summary Adjudication now set for hearing on  
3 October 27, 2008.

4 IT IS HEREBY STIPULATED by and between Bay Sales and Tripod, subject to the  
5 approval of the Court, that:

6 1. Bay Sales's deadline to make a motion with respect to Tripod's August 15, 2008  
7 production and responses shall be extended to 10 days after the Court's ruling on Tripod's Motion  
8 for Summary Adjudication or, in the Alternative Summary Adjudication. The parties agree to  
9 continue the meet and confer process with respect to the issues which may be the subject of this  
10 motion and Bay Sales agrees that it shall inform Tripod in writing, at least two business days prior  
11 to filing a motion to compel, that the meet and confer process has ended and that it intends to  
12 proceed with the filing of a motion to compel.

13 DATED: October 21, 2008 \_\_\_\_\_ /s/  
14 John W. Fowler

15 Attorneys for Plaintiff  
16 BAY SALES, INC.

17 DATED: October 21, 2008 \_\_\_\_\_ /s/  
18 Michael K. Maher

19 Attorneys for Defendant  
20 TRIPOD TECHNOLOGY CORPORATION

21 PURSUANT TO STIPULATION, IT IS SO ORDERED:

22 DATED: October 22, 2008 \_\_\_\_\_ *Patricia V. Trumbull*

23 IXXXXXXXXXXXXXXXXXXXX Patricia V. Trumbull  
24 United States IXXXXXXXXXX|XXXX  
25 Magistrate Judge  
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