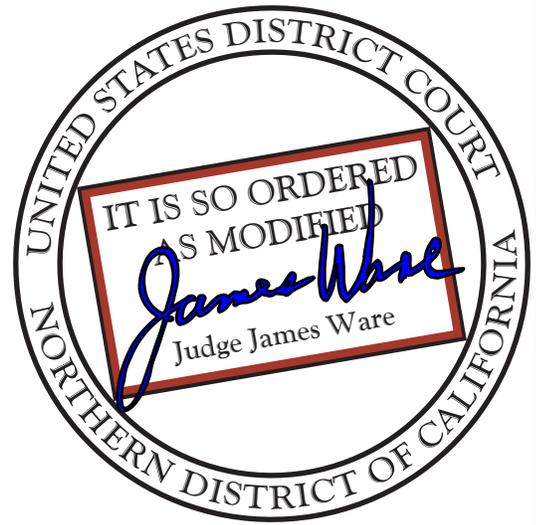


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 10 TRIPOD TECHNOLOGY CORPORATION



11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**
 13 **SAN JOSE DIVISION**

13 BAY SALES INC., a California corporation)	Case No. C 07 03702 JW
14)	
15 Plaintiff,)	(1) STIPULATION TO CONTINUE
16)	PRE-TRIAL CONFERENCE;
17 v.)	(2) [PROPOSED] ORDER
18)	
19 TRIPOD TECHNOLOGY CORPORATION,)	
20 a Taiwanese corporation and DOES 1 to 10)	
21)	
22 Defendants.)	
23)	
24)	
25)	
26)	Complaint Filed: June 19, 2007
27)	Pre Trial Conference: December 1, 2008
28)	Trial Date: None Set

WHEREAS, on October 27, 2008, the Court heard oral argument on Defendant's Motion for Summary Judgment/Summary Adjudication and took the matter under submission;

(1) STIPULATION TO CONTINUE PRE-TRIAL CONFERENCE; (2) [PROPOSED] ORDER

1 WHEREAS, the Pre-Trial Conference in this matter is currently scheduled for December
2 1, 2008 and the parties are required to submit Pre-Trial Conference Statements on November 20,
3 2008;

4 WHEREAS, until the Motion for Summary Judgment/Summary adjudication is decided
5 by the Court, the parties do not know what issues will be left for trial and, therefore, what issues
6 should be contained in the Pre-Trial Conference Statements;
7

8 WHEREAS, the parties wish to avoid the burden and expense of preparing pre-trial
9 documents until the Court has ruled on the pending motion; and
10

11 WHEREAS, the parties have previously entered into a Stipulation, confirmed as an Order
12 by Magistrate Trumbull on October 22, 2008, as Document 71 in this case, deferring a discovery
13 issue until after the Court rules on the pending motion;

14 IT IS HEREBY STIPULATED by and between the parties, subject to the approval of the
15 Court, that the current dates for the Pre-Trial Conference and submission of Pre-Trial Conference
16 Statements be vacated, and that, after the Court rules on the pending Motion for Summary
17 Judgment/Summary Adjudication, and depending on the outcome thereof, that the Court set a
18 new date for the Pre-Trial Conference .
19
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22

23 Dated: November 10, 2008

MAHER, RENZI & MAHER
MICHAEL K. MAHER

26 _____/S/_____
27 Michael K. Maher
28 Attorneys for Defendant
TRIPOD TECHNOLOGY CORPORATION

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Dated: November 10, 2008

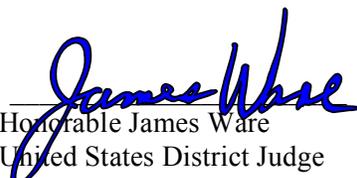
BERGESON LLP
JOHN W. FOWLER

_____/S/_____
John W. Fowler
Attorneys for Plaintiff
BAY SALES INC

ORDER

Pursuant to the above Stipulation of the parties, IT IS SO ORDERED.

Dated: November 17, 2008



Honorable James Ware
United States District Judge