

\*E-FILED 10/29/08\*

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CAPCOM CO., LTD. and CAPCOM ENTERTAINMENT, INC.,  
Plaintiffs,  
v.  
THE MKR GROUP, INC.,  
Defendant.

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THE MKR GROUP, INC.,  
Counterclaim-Plaintiff and Third-Party Plaintiff,  
v.  
CAPCOM CO., LTD. and CAPCOM ENTERTAINMENT, INC.,  
Counterclaim-Defendants,  
and  
CAPCOM U.S.A., INC.,  
Third-Party Defendant.

Case No. 5:08-CV-00904 (RS) (MED)

**STIPULATION AND ~~(PROPOSED)~~  
ORDER TO CONTINUE CASE  
MANAGEMENT CONFERENCE AND  
STATEMENT DEADLINE  
MODIFIED BY THE COURT  
FILED ELECTRONICALLY**

**WHEREAS**, on February 12, 2008, Capcom Co., Ltd. and Capcom Entertainment, Inc. (collectively, "Capcom") filed their Complaint for Declaratory Relief and the case was assigned to the Hon. Jeffrey S. White;

**WHEREAS**, on May 15, 2008, MKR filed its Amended Answer, Counterclaims and

STIPULATION TO CONTINUE  
CASE MANAGEMENT CONFERENCE AND  
STATEMENT DEADLINE

CASE NO. 5:08-CV-00904 (RS)(MED)

1 Third Party Complaint;

2       **WHEREAS**, on June 10, 2008, the matter was reassigned from Judge White to the Hon.  
3 Richard Seeborg;

4       **WHEREAS**, on June 25, 2008, the Hon. Richard Seeborg held an Initial Case  
5 Management Conference, and in an Order dated June 25 and e-filed on June 26, 2008, ordered a  
6 further case management conference to be held on November 5, 2008 at 2:30 p.m.

7       **WHEREAS**, on October 20, 2008, the Court posted its Order dated October 10, 2008,  
8 granting Capcom's Motion to Dismiss MKR's Counterclaims with prejudice;

9       **WHEREAS**, counsel for the parties are currently in discussions with their respective  
10 clients regarding the impact of the Court's Order and the litigation, and would like additional time  
11 to continue those discussions before counsel can adequately report to the Court on the status of  
12 the case at a Case Management Conference;

13       **WHEREAS**, the current deadline to file an updated joint case management is October 29,  
14 2008 and the Case Management Conference is currently scheduled for November 5, 2008; and;

15       **IT IS HEREBY STIPULATED, CONSENTED AND AGREED TO** by and between  
16 the parties that the deadline to submit an updated joint case management conference statement is  
17 December 3, 2008 and a further case management conference shall be held on December 10,  
18 2008.

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1 Dated: October 29, 2008

2 SO STIPULATED AND AGREED:

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4 FENWICK & WEST LLP

KENYON & KENYON LLP

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7 By: /s/ Rodger R. Cole  
Rodger R. Cole (CSB NO. 178865)

By: /s/ Philip J. McCabe  
Philip J. McCabe (CSB NO. 201092)

8 Attorneys for Plaintiffs and Counterclaim-  
9 defendants Capcom Co., Ltd. and Capcom  
Entertainment, Inc., and Third-Party Defendant  
10 Capcom U.S.A., Inc.

Mark Yuan (CSB NO. 246146)  
Jonathan D. Reichman (Pro Hac Vice)  
Mimi K. Rupp (Pro Hac Vice)  
Attorneys for Defendant, Counterclaim-  
Plaintiff and Third-Party Plaintiff  
THE MKR GROUP, INC

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**ATTESTATION PURSUANT TO GENERAL ORDER 45**

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I, Philip J. McCabe, attest that concurrence in the filing of this document has been  
18 obtained from any signatories indicated by a “conformed” signature (/s/) within this e-filed  
19 document.

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I declare under penalty of perjury under the laws of the United States of America that the  
22 foregoing is true and correct. Executed this 29<sup>th</sup> day of October, 2008 at San Jose, California.

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KENYON & KENYON, LLP

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By: /s/Philip J. McCabe  
Philip J. McCabe  
Attorneys for THE MKR GROUP

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~~(PROPOSED)~~ ORDER

Pursuant to the above Stipulation, the deadline to submit an updated joint case management conference statement is extended to December 31, 2008 and a further case management conference shall be held on January 7, 2009 at 2:30 p.m.

SO ORDERED:



\_\_\_\_\_  
Judge Richard Seeborg  
United States Magistrate Judge