

1 DOUGLAS H. HENDRICKS (CA SBN 83611)
 DHendricks@mofo.com
 2 ROSEMARY S. TARLTON (CA SBN 154675)
 BRIAN L. LEVINE (CA SBN 246726)
 3 MORRISON & FOERSTER LLP
 425 Market Street
 4 San Francisco, California 94105-2482
 Telephone: (415) 268-7000
 5 Facsimile: (415) 268-7522

6 Attorneys for Plaintiff and Counter-Defendant
 VERIFIED IDENTITY PASS, INC.,
 7 D/B/A CLEAR REGISTERED TRAVELER

8 ANDREW P. BRIDGES (SBN: 122761)
 abridges@winston.com
 9 JENNIFER A. GOLINVEAUX (SBN: 203056)
 jgolinveaux@winston.com
 10 K. JOON OH (SBN: 246142)
 koh@winston.com
 11 WINSTON & STRAWN LLP
 101 California Street
 12 San Francisco, CA 94111-5894
 Telephone: 415-591-1000
 13 Facsimile: 415-591-1400

14 Attorneys for Defendant and Counterclaimant
 PRIVA TECHNOLOGIES, INC.

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

18 VERIFIED IDENTITY PASS, INC., d/b/a
 19 CLEAR REGISTERED TRAVELER,

20 Plaintiff and Counter-
 Defendant,

21 v.

23 PRIVA TECHNOLOGIES, INC.,

24 Defendant and
 25 Counterclaimant.

Case No. CV-08-1123 JW

26 **STIPULATION AND [PROPOSED]**
ORDER VACATING REFERRAL TO
EARLY NEUTRAL EVALUATION

The Honorable James Ware

27
 28 STIPULATION AND [PROPOSED] ORDER VACATING REFERRAL TO EARLY NEUTRAL
 EVALUATION, Case No. CV-08-1123 JW

1 Pursuant to Civil Local Rule 6-2, plaintiff and counter-defendant Verified Identity Pass,
2 Inc. d/b/a Clear Registered Traveler and defendant and counterclaimant Priva Technologies, Inc.
3 (collectively “the Parties”) hereby jointly submit this stipulation as follows:

4 WHEREAS, pursuant to the Parties’ stipulation, on July 10, 2008, the Court referred this
5 matter to court-sponsored early neutral evaluation (“ENE”), to be completed by October 8, 2008;

6 WHEREAS, since that time, the Parties have agreed that instead of court-sponsored ENE,
7 they would participate in a private ENE and mediation conducted by Peter Harvey, and have
8 scheduled this private ENE and mediation for November 6, 2008, with Peter Harvey;

9 THEREFORE IT IS HEREBY STIPULATED AND AGREED that the Court shall vacate
10 its July 10, 2008 Order referring this matter to court-sponsored ENE and order the Parties to
11 private ENE and mediation with Peter Harvey on November 6, 2008.

12 Dated: September 22, 2008

DOUGLAS L. HENDRICKS
ROSEMARY S. TARLTON
BRIAN L. LEVINE
MORRISON & FOERSTER LLP

13
14
15
16 By: /s/ Brian L. Levine
Brian L. Levine
Attorneys for Plaintiff and Counter-Defendant
17 VERIFIED IDENTITY PASS, INC., d/b/a/
18 CLEAR REGISTERED TRAVELER

19 Dated: September 22, 2008

WINSTON & STRAWN LLP

20
21 By: /s/ K. Joon Oh
Andrew P. Bridges
22 Jennifer A. Golinveaux
K. Joon Oh
23 Attorneys for Defendant and Counterclaimant
24 PRIVA TECHNOLOGIES, INC.

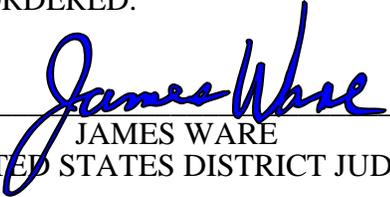
25 In compliance with General Order 45, X.B., I hereby attest that K. Joon Oh has concurred
26 in this filing.

27 * * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 25, 2008



JAMES WARE
UNITED STATES DISTRICT JUDGE