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E-FILED - 8/11/09

11 Attorney for Defendants/Counter-Plaintiffs
 12 TRT USA CORPORATION, GUANGMING SUN, MEI XU,
 AND PENGTAO ZHANG

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN JOSE DIVISION

18 BEIJING TONG REN TANG (USA) CORP., a
 California corporation,
 19 Plaintiff,
 20 v.
 21 TRT USA CORPORATION, et al.,
 Defendants.

Case No. 3:09-CV-00882-RMW

**STIPULATION AND []
 ORDER FURTHER EXTENDING
 TIME FOR BEIJING TONG REN
 TANG (USA) CORP. TO RESPOND
 TO TRT USA CORPORATION'S AND
 GUANGMING SUN'S COUNTER-
 COMPLAINT**

Judge: Hon. Ronald M. Whyte

Complaint Filed: February 27, 2009
 Trial Date: July 26, 2010

23 AND RELATED COUNTER-CLAIMS.

1 Pursuant to Northern District Local Rules 6-1, 6-2, and 7-12, the parties, by and through
2 their respective attorneys of record, have stipulated and agreed as follows:

3 WHEREAS, the parties previously stipulated to an extension of time for Defendants to
4 respond to Plaintiff's Complaint by July 10, 2009;

5 WHEREAS, Defendants answered Plaintiff's Complaint and Counter-Claimants TRT
6 USA Corporation and Guangming Sun filed a Counter-Complaint on July 10, 2009;

7 WHEREAS, the parties previously stipulated to extend the time by which Counter
8 Defendant Beijing Tong Ren Tang (USA) Corp. must respond to the Counter-Complaint to
9 August 14, 2009, in order to facilitate settlement at the mediation stage;

10 WHEREAS, the parties did not settle this case at the July 31, 2009 mediation, which was
11 held in front of retired federal judge Charles Legge (now of JAMS), but are in discussions with
12 each other and Judge Legge about a second mediation session in the fall; and

13 WHEREAS, Judge Legge issued an order on August 6, 2009, in which he stated that
14 "substantial progress has been made" in resolving the dispute and that "[t]he mediation process is
15 ongoing and has not reached an impasse."

16 It is hereby STIPULATED that, in the event that the parties reach an impasse in the
17 mediation process, Counter-Defendant Beijing Tong Ren Tang (USA) Corp.'s response to the
18 Counter-Complaint shall be due two weeks from the date on which Judge Legge declares that the
19 parties have reached such an impasse.

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Dated: August 7, 2009

MORRISON & FOERSTER LLP
Jennifer Lee Taylor
Mimi Yang

By: /s/ Jennifer Lee Taylor
Jennifer Lee Taylor

Attorneys for Plaintiff and Counter-Defendant
BEIJING TONG REN TANG (USA) CORP.

Dated: August 7, 2009

GREENBERG TRAURIG LLP
J. James Li

By: /s/ J. James Li
J. James Li

Attorney for Defendants and Counter-Claimants
TRT USA CORPORATION, GUANGMING
SUN, MEI XU, AND PENGTAO ZHANG

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: August 11, 2009


Hon. Ronald M. Whyte
United States District Judge

1 **GENERAL ORDER 45 ATTESTATION**

2 I, Jennifer Taylor, am the ECF User whose ID and password are being used to file this
3 Stipulation and [PROPOSED] Order Further Extending Time For Beijing Tong Ren Tang (USA)
4 Corp. To Respond To TRT USA Corporation's and Guangming Sun's CounterComplaint. In
5 compliance with General Order 45, section X.B., I hereby attest that I have on file the
6 concurrences for any signatures indicated by a "conformed" signature (/s/) within this efiled
7 document.

8 Dated: August 7, 2009

By: /s/ Jennifer Lee Taylor

9 Jennifer Lee Taylor