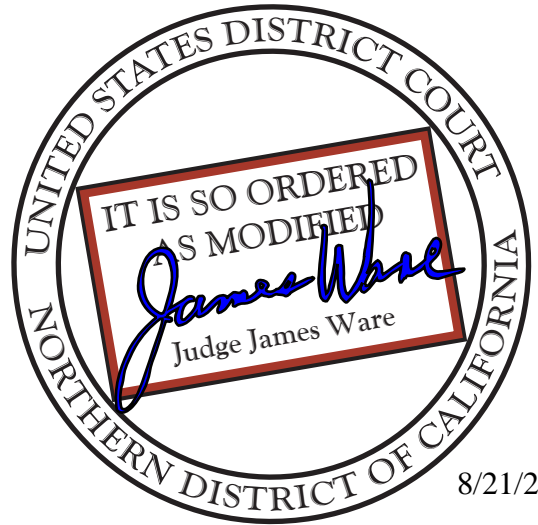


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8/21/2009

9 Attorneys for Defendant  
 10 FOR EYES OPTICAL

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

14 EMERGING VISION,  
 15 Plaintiff,  
 16 v.  
 17 FOR EYES OPTICAL,  
 18 Defendant.

Case No. C 09-01343-JW (HRL)  
 The Hon. James Ware

**JOINT STIPULATION AND  
 PROPOSED ORDER AS MODIFIED**

22 At the request of Plaintiff and with the consent of Defendant:

23 IT IS HEREBY STIPULATED AND AGREED, by and between the  
 24 undersigned, counsel for the parties herein, that the date for filing the Joint Case  
 25 Management Statement shall be extended from August 21, 2009 to September 3,  
 26 2009.

1 IT IS HEREBY FURTHER STIPULATED AND AGREED that the court  
2 conference currently scheduled for August 31, 2009, shall be adjourned until  
3 September 16, 2009.

4  
5 DATED: August 20, 2009

BAKER & McKENZIE

6  
7 By: /s/  
8 JAMES D. JACOBS  
9 Attorneys for Plaintiff

EMERGING VISION

10  
11 DATED: August 20, 2009

AKERMAN SENTERFITT LLP


12  
13 By: /s/  
14 MICHAEL S. SIMON  
15 Attorneys for Defendant

FOR EYES OPTICAL

16  
17 **IT IS SO ORDERED AS MODIFIED:**

18 The Initial Case Management Conference is continued to **September 21, 2009 at 10:00 AM.**  
19 The parties are to file a joint case management conference statement by **September 11, 2009.**

20  
21 Dated: August 21, 2009

22   
23 United States District Judge