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9 Attorneys for Plaintiff  
10 Federal Trade Commission

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

15 FEDERAL TRADE COMMISSION,

16 Plaintiff,

17 v.

18 SWISH MARKETING, INC., a corporation,

19 MARK BENNING, individually and as an  
20 officer of SWISH MARKETING, INC.,

21 MATTHEW PATTERSON, individually and  
22 as an officer of SWISH MARKETING, INC.,  
and

23 JASON STROBER, individually and as an  
24 officer of SWISH MARKETING, INC.,

25 Defendants.

Case No. C09-03814 -RS

[Magistrate Judge Joseph C. Spero]

**STIPULATION AND  
[PROPOSED] ORDER TO  
CONTINUE SETTLEMENT  
CONFERENCE**

26 Plaintiff Federal Trade Commission, and defendants Swish Marketing, Inc., Jason  
27 Strober, Matthew Patterson and Mark Benning, by and through their respective counsel of  
28 record, hereby request that the October 12, 2010 Settlement Conference be continued to

**STIPULATION TO EXTEND DISCOVERY SCHEDULE - C09 3814 RS**

1 November 15, 2010 at 9:30 a.m. The reason for this request for a continuance is that the Federal  
2 Trade Commission did not receive a written response to its demand from defendant Swish  
3 Marketing, Inc. eight days prior to the scheduled conference, as contemplated by the Notice of  
4 Settlement Conference and Settlement Conference Order (Dkt #107).

5 If the parties choose to provide the Court with an updated settlement statement, they  
6 agree to do so no later than one week prior to the conference.

7 The filer attests that concurrence in the filing of this document has been obtained from  
8 each of the other signatories.

9 **IT IS SO STIPULATED.**

10 Respectfully submitted,

11 DATED: 10/8/2010

/s/ Lisa D. Rosenthal  
LISA D. ROSENTHAL  
KERRY O'BRIEN  
EVAN ROSE  
ERIC D. EDMONDSON

Attorneys for Plaintiff  
FEDERAL TRADE COMMISSION

16  
17 DATED: 10/8/2010

/s/ Brian Grossman  
BRIAN GROSSMAN  
TESSER & RUTTENBERG

Attorneys for Defendants  
SWISH MARKETING, INC.,  
MATTHEW PATTERSON, and  
JASON STROBER

18  
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21  
22 DATED: 10/8/2010

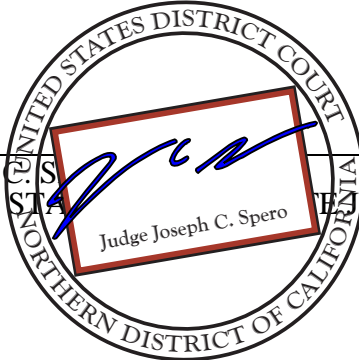

/s/ Jay Fowler  
DANIEL J. BERGESON  
JAY FOWLER  
ELIZABETH D. LEAR  
BERGESON, LLP

Attorneys for Defendant  
MARK BENNING

**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

DATED: 10/12/10

JOSEPH C. SPERO  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
JUDGE



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