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11 Attorneys for Defendant
 RECKITT BENCKISER INC.

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

16 SAN FRANCISCO TECHNOLOGY INC.,

Case No. 5:10-cv-00966-JF

17 Plaintiffs,

18 v.

19 THE GLAD PRODUCTS COMPANY,
 BAJER DESIGN & MARKETING INC.,
 20 BAYER CORPORATION, BRIGHT IMAGE
 CORPORATION, CHURCH & DWIGHT
 CO. INC., COLGATE-PALMOLIVE
 21 COMPANY, COMBE INCORPORATED,
 THE DIAL CORPORATION, EXERGEN
 22 CORPORATION, GLAXOSMITHKLINE
 LLC, HI-TECH PHARMACAL CO. INC.,
 23 JOHNSON PRODUCTS COMPANY INC.,
 MAYBELLINE LLC, MCNEIL-PPC INC.,
 24 MEDTECH PRODUCTS INC., PLAYTEX
 PRODUCTS INC., RECKITT BENCKISER
 25 INC., ROCHE DIAGNOSTICS
 CORPORATION, SOFTSHEEN-CARSON
 26 LLC, SUN PRODUCTS CORPORATION,
 SUNSTAR AMERICAS INC.

**STIPULATION STAYING ALL
 PROCEEDINGS UNTIL THE
 FEDERAL CIRCUIT ISSUES A FINAL
 DECISION IN STAUFFER AND
 SETTING DEADLINE FOR
 DEFENDANTS TO MOVE OR PLEAD
 TO 30 DAYS THEREAFTER AND
 [PROPOSED] ORDER**

27 Defendants.
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1 Plaintiff San Francisco Technology Inc. (“Plaintiff”) and the undersigned defendants, The
2 Glad Products Company, Bajer Design & Marketing Inc., Colgate-Palmolive Company, Combe
3 Incorporated, and Reckitt Benckiser Inc. (“Defendants”), through their respective counsel, hereby
4 make the following stipulation (the “Stipulation”).

5 WHEREAS, Plaintiff filed its complaint (D.I. 1) on March 5, 2010 (the “Complaint”)
6 alleging that each of the Defendants has falsely marked articles in violation of 35 U.S.C. § 292;

7 WHEREAS, Plaintiff had earlier filed a substantially similar complaint asserting the same
8 false marking claim against other defendants in *San Francisco Technology Inc. v. Adobe Systems*
9 *Incorporated, et al.*, Case No. 2009-06083 (“*Adobe*”), on December 30, 2009;

10 WHEREAS, on April 13, 2010, after full briefing and argument, Judge Seeborg of the
11 Northern District of California stayed *Adobe* pending resolution of *Stauffer v. Brooks Bros.*,
12 Appeal Nos. 2009-1428, 2009-1430, 2009-1453 (“*Stauffer*”);

13 WHEREAS, Judge Seeborg held in *Adobe* that the circumstances in which a private party
14 has standing under Article III of the United States Constitution to bring a *qui tam* action for false
15 patent marking under 35 U.S.C. § 292(b) is an issue of first impression currently pending before
16 the United States Court of Appeals for the Federal Circuit in *Stauffer*;

17 WHEREAS, Judge Seeborg held that once the *Stauffer* decision is rendered, the Federal
18 Circuit's reasoning and analysis will likely bear directly on this Court's consideration of the
19 pending motions to dismiss for lack of subject matter jurisdiction;

20 WHEREAS, the parties agree that Judge Seeborg’s reasoning is equally applicable to this
21 proceeding and, therefore, stipulate and agree that all claims asserted herein against Defendants,
22 The Glad Products Company, Colgate-Palmolive Company, Bajer Design & Marketing Inc.,
23 Combe Incorporated, and Reckitt Benckiser Inc. should be stayed pending a final decision by the
24 Federal Circuit;

25 WHEREAS, the Stipulation would stay the hearings and all related proceedings on the
26 Motion to Dismiss (D.I. 76) and Motion to Stay (D.I. 94) filed by Bajer Design & Marketing Inc.
27 on April 8, 2010;

1 WHEREAS, the Stipulation would stay the hearing and all related proceedings on the
2 Motion to Dismiss (D.I. 83) filed by Colgate-Palmolive Company on April 8, 2010;

3 WHEREAS, of the Defendants, The Glad Products Company and Reckitt Benckiser Inc.
4 have each previously stipulated with Plaintiff to extend time to respond to the Complaint,
5 pursuant to Civil Local Rule 6-1(a), to May 14, 2010 (D.I. 64 and D.I. 56, respectively);

6 WHEREAS, the purpose of the stay is to narrow the litigated issues in this case and the
7 stipulating parties have agreed to further narrow the litigated issues in this case by agreeing not to
8 object to venue and personal jurisdiction in the Northern District of California for this case;

9 WHEREAS, the requested time modification would have no other effect on the schedule
10 for the case because currently no trial date has been set; and

11 WHEREAS, the parties herein have agreed to stay all proceedings until the Federal
12 Circuit issues a final decision in the *Stauffer* decision (or further order of the Court).

13 **THE PARTIES HEREBY STIPULATE THAT:**

14 These proceedings and all aspects of the case with respect to Defendants, The Glad
15 Products Company, Colgate-Palmolive Company, Bajer Design & Marketing Inc., Combe
16 Incorporated and Reckitt Benckiser Inc., are hereby stayed until 1) the Federal Circuit issues a
17 final decision in *Stauffer v. Brooks Bros.*, Appeal Nos. 2009-1428, 2009-1430, 2009-1453 (i.e., at
18 the expiration of time to file a petition for rehearing or the denial of a timely-filed petition), and 2)
19 further order of the Court in accordance with the Federal Circuit's decision in *Stauffer*;

20 The responsive pleadings of Defendants, The Glad Products Company, Colgate-Palmolive
21 Company, Bajer Design & Marketing Inc., and Reckitt Benckiser Inc., are hereby due 30 days
22 thereafter; and

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1 The stipulating parties have agreed not to object to venue and personal jurisdiction in the
2 Northern District of California for this case.

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Respectfully submitted,

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Dated: May 13, 2010

JONES DAY

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By: /s/ Pamela K. Fulmer

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Pamela K. Fulmer
Counsel for Defendant Reckitt
Benckiser Inc.

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In accordance with General Order No. 45, Section X(B), the above signatory attests that
11 concurrence in the filing of this document has been obtained from the signatories below.

11

12

Dated: May 13, 2010

MOUNT & STOELKER, P.C.

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14

By: /s/ Daniel H. Fingerman

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Technology Inc.

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Dated: May 13, 2010

FARELLA BRAUN & MARTEL LLP

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By: /s/ Roderick Manley Thompson

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Dated: May 13, 2010

HANSON BRIDGETT LLP

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Dated: May 13, 2010

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Dated: May 13, 2010

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PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: May 28, 2010

By: 

THE HON. JEFFREY FOGEL
United States District Court Judge