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\*\*E-Filed 6/29/2010\*\*

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12 Attorneys for Plaintiff  
 13 SAN FRANCISCO TECHNOLOGY INC.

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

17 SAN FRANCISCO TECHNOLOGY INC.,

Case No. CV10-00966 JF

18 Plaintiff,

**STIPULATION UNDER LOCAL RULES 6-1 AND 6-2 AND ~~PROPOSED~~ ORDER SHORTENING TIME**

19 v.

20 THE GLAD PRODUCTS COMPANY, BAJER  
 DESIGN & MARKETING INC., BAYER  
 CORPORATION, BRIGHT IMAGE  
 CORPORATION, CHURCH & DWIGHT CO.  
 21 INC., COLGAGE-PALMOLIVE COMPANY,  
 COMBE INCORPORATED, THE DIAL  
 CORPORATION, EXERGEN CORPORATION,  
 22 GLAXOSMITHKLINE LLC, HI-TECH  
 PHARMACAL CO. INC., JOHNSON  
 PRODUCTS COMPANY INC., MAYBELLINE  
 23 LLC, MCNEIL-PPC INC., MEDTECH  
 PRODUCTS INC., PLAYTEX PRODUCTS  
 24 INC., RECKITT BENCKISER INC., ROCHE  
 DIAGNOSTICS CORPORATION,  
 25 SOFTSHEEN-CARSON LLC, SUN  
 PRODUCTS CORPORATION, SUNSTART  
 26 AMERICAS INC.,  
 27

28 Defendants.

1 Defendant Exergen Corporation (“Exergen”) and Plaintiff San Francisco Technology, Inc.  
2 (“SF Tech”) through their respective counsel, hereby make the following stipulation:

3 WHEREAS, Plaintiff SF Tech filed its complaint (D.I. 1) on March 5, 2010 (“the  
4 Complaint”);

5 WHEREAS, Plaintiff SF Tech served the Summons and Complaint on Exergen via U.S.  
6 Mail on June 15, 2010 (Kent Decl., ¶3);

7 WHEREAS, Exergen received the Summons and Complaint on June 18, 2010 (Kent Decl.,  
8 ¶4);

9 WHEREAS, pursuant to CCP § 415.40 (applicable pursuant to Fed. R. Civ. P. 4(h)(1)(A)  
10 and Fed. R. Civ. P. 4(e)(1)) and Fed. R. Civ. P. 12(a)(1)(A)(i), the deadline for Exergen to move  
11 or plead in response to the Complaint is July 21, 2010;

12 WHEREAS, Exergen intends to file a pre-answer motion pursuant, *inter alia*, to Fed. R.  
13 Civ. P. 12(b);

14 WHEREAS, certain other defendants have filed pre-answer motions;

15 WHEREAS, on May 18, 2010, the Clerk in this matter posted a notice (D.I. 186) setting a  
16 conference on July 8, 2010 to hear the defendants’ motions to dismiss, motions to stay, and  
17 motions to sever; and

18 WHEREAS, the parties believe that the interests of judicial efficiency favor hearing  
19 Exergen’s motion on July 8, 2010, together with the pre-answer motions of Exergen’s co-  
20 defendants,

21 NOW THEREFORE, THE PARTIES STIPULATE THAT:

22 Defendant Exergen shall file any motion to dismiss, motion to stay, or motion to sever no  
23 later than June 30, 2010;

24 Plaintiff SF Tech shall file its opposition to Exergen’s motion, if necessary, no later than  
25 July 7, 2010; and

26 Any such motion shall be heard during the July 8, 2010 hearing currently scheduled in this  
27 case.

28 ///

1 Dated: June 24, 2010

FISH & RICHARDSON P.C.

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By: /s/ Robert J. Kent  
Robert J. Kent

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Attorney for Defendant  
EXERGEN CORPORATION

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6 Dated: June 24, 2010

MOUNT & STOELKER, PC

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By: /s/ Robert J. Kent on behalf of  
Daniel H. Fingerman  
Daniel H. Fingerman

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Attorneys for Plaintiff  
SAN FRANCISCO TECHNOLOGY, INC.

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**DECLARATION**

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Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under  
penalty of perjury that concurrence in the filing of this document has been obtained from Daniel  
Fingerman.

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17 Dated: June 24, 2010

FISH & RICHARDSON P.C.

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By: /s/ Robert Kent  
Robert J. Kent

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Attorney for Defendant  
EXERGEN CORPORATION

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1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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Dated: 6/29/2010

  
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THE HONORABLE JEREMIAH FOGEL  
United States District Court Judge

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1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that on June 24, 2010, all counsel of record who are  
3 deemed to have consented to electronic service are being served with a copy of the  
4 **STIPULATION UNDER LOCAL RULES 6-1 AND 6-2 AND [PROPOSED] ORDER**  
5 **SHORTENING TIME** via the Court’s CM/ECF system per Local Rule 5-4 and General Order  
6 45. Any other counsel of record will be served by first class mail.

7 */s/ Robert J. Kent*  
8 Robert J. Kent

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