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Counsel for Plaintiff
San Francisco Technology Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

San Francisco Technology Inc.,
Plaintiff,
vs.
The Glad Products Company, et al.
Defendants.

**CASE NO. 5:10-CV-00966-JF (PVT)
ORDER APPROVING
JOINT STIPULATION TO SEVER
DEFENDANT COLGATE-
PALMOLIVE COMPANY**

1 WHEREAS, Plaintiff San Francisco Technology Inc. ("SF Tech") filed its Complaint (D.I. 1)
2 on March 5, 2010 (the "Complaint") alleging that numerous defendants have falsely marked articles
3 in violation of 35 U.S.C. § 292;

4 WHEREAS, Defendant Colgate-Palmolive Company ("Colgate") filed a Motion To Dismiss
5 For Failure To State A Claim on April 8, 2010 (D.I. 83) (the "Motion To Dismiss");

6 WHEREAS, on May 28, 2010, this Court entered a stipulation staying the hearing on
7 Colgate's Motion To Dismiss and all proceedings as to Colgate and certain other defendants until the
8 Federal Circuit entered a decision in *Stauffer v. Brooks Bros.*, Appeal Nos. 2009-1428, 2009-1430,
9 2009-1453 ("*Stauffer*") (D.I. 189) (the "Stipulated Stay");

10 WHEREAS, this Court's Order Re Pending Motions on July 19, 2010 (D.I. 315) ordered that
11 "this action is hereby severed as to each and every separate defendant" (at 21:16-18), but did not
12 instruct the Clerk to open a new case number as to Colgate (the "July Order");

13 WHEREAS, the Federal Circuit entered a decision in *Stauffer* on August 31, 2010, and,
14 accordingly on October 14, 2010, this Court issued an Order lifting "the stay of litigation imposed
15 by" the July Order, in, among others, Case No. 5:10-cv-00966 *San Francisco Technology Inc. v. The*
16 *Glad Products Co.* (D.I. 319) ("October Order");

17 THEREFORE, for the avoidance of doubt, the Parties, by and through their respective
18 counsel of record, hereby stipulate and agree as follows:

19 1. The Complaint against Colgate will be formally severed into a separate action, and
20 will be assigned a new case number for the matter *San Francisco Technology Inc. v. Colgate-*
21 *Palmolive Company.*

22 2. The October Order lifts the Stipulated Stay as to Colgate.

23 3. Colgate's responsive pleadings are due no later than November 15, 2010.

24
25 IT IS SO ORDERED.

26 Dated: 11/16/2010 _____

By: _____

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28 HONORABLE JEROME M. FOGEL
United States District Judge

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DATED: October 26, 2010

Respectfully submitted,

/s/ Daniel H. Fingerman (with permission)
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