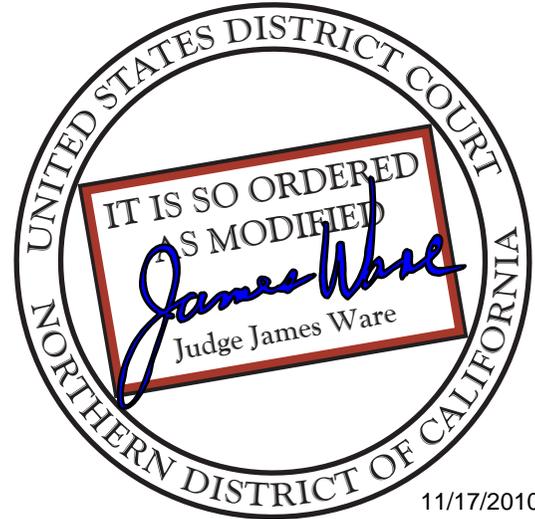


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10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN JOSE DIVISION**

13 APPLE INC., a California Corporation,
 14 Plaintiff,
 15 v.
 16 EASTMAN KODAK COMPANY, a New
 17 Jersey Corporation,
 18 Defendant.

) Case No. 5:10-CV-04145-JW-PVT
)
) **ORDER VACATING CASE**
) **MANAGEMENT CONFERENCE**
)
)
)
) Date: November 15, 2010
) Time: 9:00 a.m.
) Courtroom: 8, Fourth Floor
) Judge: Hon. James Ware
)
)
)
)

27 **STIPULATION AND [PROPOSED] ORDER**
 Case No. 5:10-CV-04145-JW-PVT

1 WHEREAS, Plaintiff Apple Inc. (“Apple”) filed this complaint in California state court
2 against Eastman Kodak Company (“Kodak”) on August 25, 2010;

3 WHEREAS, on September 15, 2010, Kodak removed the case to federal court on
4 diversity grounds;

5 WHEREAS, on October 8, 2010, the Court issued a notice setting the initial case
6 management conference in this case for November 29, 2010 at 10 a.m.;

7 WHEREAS, on October 8, 2010, Kodak filed a Motion to Dismiss, Or In The Alternative,
8 Transfer Venue to the Western District of New York, and noticed its motion for November 15;

9 WHEREAS, on October 12, 2010, the Court continued the hearing on Kodak’s Motion to
10 Dismiss, Or In The Alternative, Transfer Venue to the Western District of New York to January
11 31, 2011, but did not continue the initial case management conference or related deadlines,
12 including the Rule 26(f) conference, the case management conference statement, and the Rule
13 26(f) initial disclosures, arising from the November 29 conference date;

14 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES, pursuant to Civil
15 L.R. 7-12 and 16-2(e), to request that the current case management conference, now scheduled
16 for November 29, 2010, at 10 a.m., be continued, if necessary, to the earliest Court date available
17 after the January 31, 2011 hearing on Kodak’s Motion to Dismiss, Or In The Alternative,
18 Transfer Venue to the Western District of New York. The parties additionally request that the
19 due date of the Case Management Conference Statement, the Rule 26(f) conference, and the Rule
20 26(f) initial disclosures be continued accordingly.

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~~James Ware~~
[PROPOSED] ORDER

PURSUANT TO THE STIPULATION, the Case Management Conference currently
1 scheduled for November 29, 2010 at 10 am is hereby VACATED.

2 The Court will set a new Conference date in its Order addressing the pending motion, if
3 necessary.

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5 IT IS SO ORDERED.

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8 Dated: November 17, 2010



Hon. James Ware, District Court Judge

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