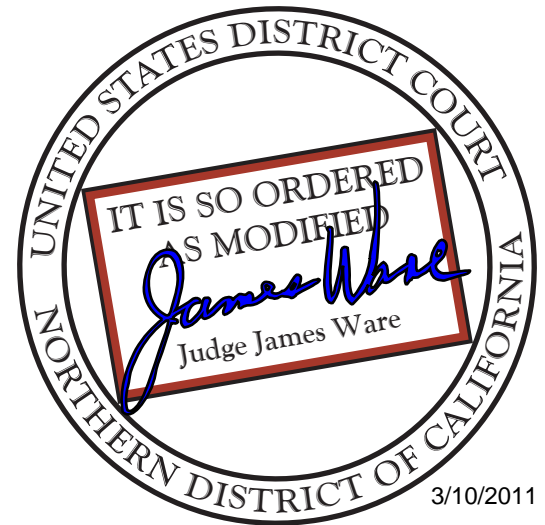


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8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN JOSE DIVISION

12 VENDIO SERVICES, INC., a Delaware
 corporation,
 13
 14 Plaintiffs,
 v.
 15 P.S. PRODUCTS, INC., an Arkansas
 corporation, and BILLY PENNINGTON, an
 16 individual,
 17 Defendants.

Case No. 5:10-cv-04455 JW

**STIPULATION JOINTLY
 REQUESTING A CASE
 MANAGEMENT CONFERENCE AND
 [PROPOSED] ORDER**

18
 19 WHEREAS, Plaintiff Vendio Services, Inc. (“Vendio”) filed this declaratory judgment
 20 action on October 1, 2010;

21 WHEREAS, a Case Management Conference was scheduled by the Court for February
 22 14, 2011;

23 WHEREAS, pursuant to the Court’s Order, on February 4, 2011, the parties submitted
 24 their Joint Case Management Conference Statement (Dkt. No. 30);

25 WHEREAS, as explained in more detail in the Joint Case Management Conference
 26 Statement, the parties agree that this is not a traditional patent case warranting many of the
 27 procedures and/or disclosures otherwise required by the Patent Local Rules;

28 WHEREAS, on February 9, 2011, the Court vacated the Case Management Conference

1 and issued a Scheduling Order (Dkt No. 31);

2 WHEREAS, the parties have conferred and agree that the current Scheduling Order
3 includes various procedures and/or disclosures unnecessary in this litigation;

4 WHEREAS, the parties agree that it would be useful to have Case Management
5 Conference with the Court to discuss the case, said procedures and/or disclosure requirements and
6 the schedule.

7 NOW THEREFORE, the parties jointly request that the Court schedule a Case
8 Management Conference in this matter on a date and time convenient to the Court and the parties.
9 SO STIPULATED.

10 Dated: February 15, 2011

FENWICK & WEST LLP

11 By: /s/ Ryan J. Marton
12 Ryan J. Marton

Attorneys for Plaintiff Vendio Services, Inc.

13 Dated: February 15, 2011

STEWART LAW FIRM

14 By: /s/ Chris H. Stewart
15 Chris H. Stewart

16 Attorneys for Defendants
17 P.S. Products, Inc. and Billy Pennington
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ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Ryan J. Marton, attest that concurrence in the filing of this document has been obtained from any signatories indicated by a “conformed” signature (/s/) within this e-filed document.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 15th day of February 2011, at San Francisco, California.

FENWICK & WEST LLP

By: /s/ Ryan J. Marton
Ryan J. Marton

Attorneys for Plaintiff Vendio Services, Inc.

~~PROPOSED~~ **ORDER**

PURSUANT TO STIPULATION, a Case Management Conference is hereby scheduled for April 11, 2011 at 10:00 AM. On or before **April 1, 2011**, the parties shall file a Joint Statement including, *inter alia*, a detailed explanation of the need for an exceptional schedule, a good faith proposed schedule, and the specifics of this case with warrant such an exception.

Dated: March 10, 2011

By: James Ware
Honorable James Ware