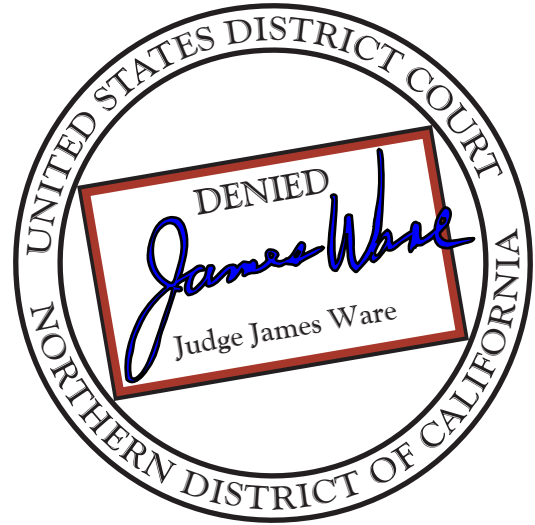


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8 Attorneys for Defendants
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3/17/2011

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

15 VENDIO SERVICES, INC., a Delaware
 16 corporation,
 17 Plaintiff,
 18 v.
 19 P.S. PRODUCTS, INC., an Arkansas
 corporation, and BILLY PENNINGTON, an
 individual,
 20 Defendants.

Case No. 5:10-cv-04455 JW
**ORDER DENYING
 STIPULATION JOINTLY
 REQUESTING TO CONTINUE THE
 CASE MANAGEMENT
 CONFERENCE AND HEARING ON
 THE DEFENDANT'S MOTION TO
 DISMISS**

21 WHEREAS, Plaintiff Vendio Services, Inc. ("Vendio") filed this declaratory judgment
 22 action on October 1, 2010;

23 WHEREAS, a Case Management Conference was scheduled by the Court for April 11,
 24 2011, at 10:00 a.m.;

25 WHEREAS, a hearing on the Defendant's Motion to Dismiss was scheduled by the Court
 26 for April 11, 2011, at 9:00 a.m.;

27 WHEREAS, the Court Ordered the parties to file a Joint Statement including a detailed
 28

1 explanation of the need for an exceptional schedule, a good faith proposed schedule, and the
2 specifics of this case which warrant such an exception (the "Joint Statement") no later than April
3 1, 2011;

4 WHEREAS, the Defendant's counsel has a conflict and is unavailable to appear before the
5 Court on the date scheduled by the Court on April 11, 2011;

6 WHEREAS, the parties have conferred and agree that the Case Management Conference
7 should be continued until June 27, 2011, at 10:00 a.m.

8 WHEREAS, the parties have conferred and agree that the deadline for filing the Joint
9 Statement should be continued to June 17, 2011;

10 WHEREAS, the parties have conferred and agree that the hearing on the Defendant's
11 Motion to Dismiss should be continued until June 27, 2011, at 9:00 a.m.;

12 NOW THEREFORE, the parties jointly request that:

- 13 1. the Court continue the Case Management Conference until June 27, 2011, at 10:00
14 a.m.;
- 15 2. the Court continue the deadline to file the Joint Statement to June 17, 2011; and
- 16 3. the Court continue the hearing on Defendants' Motion to Dismiss until June 27,
17 2011, at 9:00 a.m.,

18 SO STIPULATED.

19
20 Dated: March 15, 2011

FENWICK & WEST LLP

21 By: /s/ Ryan J. Marton

Ryan J. Marton

22 Attorneys for Plaintiff Vendio Services, Inc.

23
24 Dated: March 15, 2011

STEWART LAW FIRM

25 By: /s/ Chris H. Stewart

Chris H. Stewart

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

I, Chris H. Stewart, 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 March 2011, at Little Rock, Arkansas.

STEWART LAW FIRM

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

Attorneys for Defendants
P.S. Products, Inc. and Billy Pennington



The requested stipulation is DENIED. The parties' proposed date for the hearing and the Conference extends the case beyond what the Court had anticipated when it granted the parties a Case Management conference meeting to discuss why this case should not follow the schedule as set forth in the Patent Local Rules. In addition, in light of the Court impending relocation of chambers to San Francisco, the Court would wish to address the pending dispositive Motion prior to the move.

Dated: March 17, 2011

By: James Ware
Honorable James Ware
United States District Chief Judge