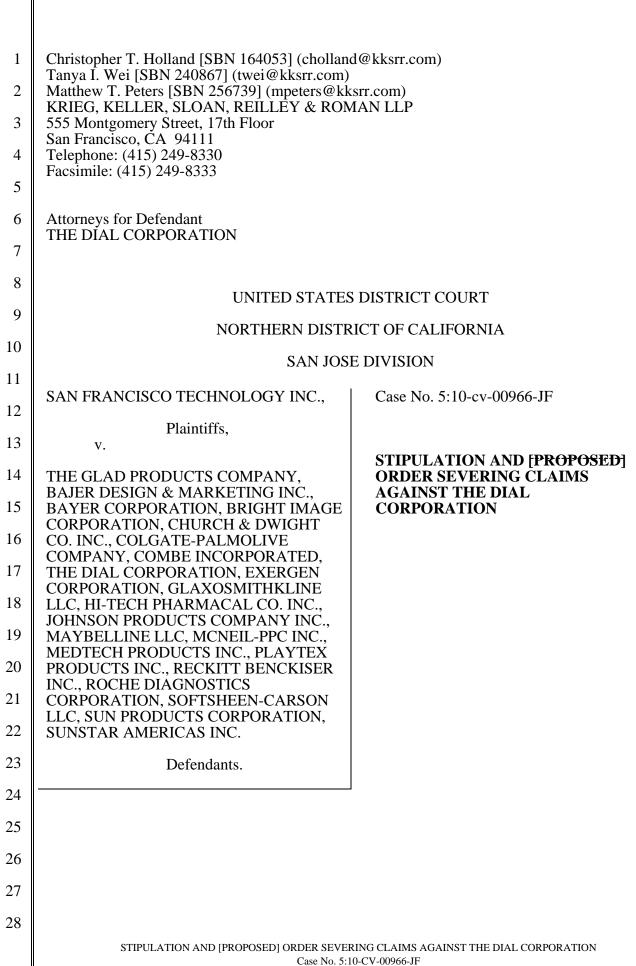
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1	Plaintiff San Francisco Technology Inc. ("Plaintiff") and the undersigned defendant, The
2	Dial Corporation ("Dial"), through their respective counsel, hereby make the following
3	stipulation (the "Stipulation"):
4	WHEREAS, Plaintiff filed its Complaint (Dkt. No. 1) on March 5, 2010 (the "Complaint"
5	alleging that Dial as well as other defendants falsely marked articles in violation of 35 U.S.C. §
6	292; and
7	WHEREAS, on May 7, 2010, Dial previously filed a Motion to Dismiss or, in the
8	Alternative, to Stay, or in the Further Alternative, to Sever (Dkt. No. 159); and
9	WHEREAS, on June 22, 2010, the Court granted Plaintiff's and Dial's stipulation to stay
10	the proceedings and all aspects of the case with respect to Dial, including Dial's previous Motion
11	to Dismiss and/or Sever, and further Ordered that "[t]he responsive pleading of Defendants The
12	Dial Corporation and Johnson Products Company Inc. are hereby due 30 days" following "further
13	order of the Court in accordance with the Federal Circuit's decision in Stauffer" (Dkt. No. 238);
14	WHEREAS, the Court lifted the stay on October 14, 2010 (Dkt. No. 319); and
15	WHEREAS, in its July 19, 2010 Order, the Court found good cause to sever other
16	defendants in these proceedings (Dkt. No. 315);
17	THEREFORE, THE PARTIES HEREBY STIPULATE THAT:
18	Plaintiff's claims against Dial should be severed into a separate case; and
19	As previously stipulated and Ordered, Dial has until November 15, 2010 to move, answer,
20	or otherwise respond to Plaintiff's Complaint, and except for venue and personal jurisdiction, all
21	rights, defenses, and/or arguments of either party remain intact.
22	Respectfully submitted,
23	Dated: October 22, 2010 KRIEG, KELLER, SLOAN, REILLEY &
24	ROMAN LLP
25	
26	By: /s/ Christopher T. Holland
27	Counsel for The Dial Corporation
28	In accordance with General Order No. 45, Section X(B), the above signatory attests that
	STIPULATION AND [PROPOSED] ORDER SEVERING CLAIMS AGAINST THE DIAL CORPORATION  Case No. 5:10-CV-00966-JF

## Case5:10-cv-00966-JF Document328 Filed11/01/10 Page3 of 3 concurrence in the filing of this document has been obtained from the signatory below. Dated: October 22, 2010 MOUNT & STOELKER, P.C. By: /s/ Daniel H. Fingerman MOUNT & STOELKER, P.C. 333 West San Carlos Street, Suite 1650 San Jose CA 95110 Telephone: (408) 279-7000 Facsimile: (408) 998-1473 Counsel for Plaintiff San Francisco

**PURSUANT TO STIPULATION, IT IS SO ORDERED.** The Clerk of the Court shall open a new case number for *San Francisco Technology, Inc. v. The Dial Corporation*, which case shall be assigned to The Honorable Jeremy Fogel, and shall file a copy of the Complaint in this action and this Order under that new case number once it is assigned.

By:

THE HON. JERI MY FOGEL United States District Court Judge

Technology Inc.

STIPULATION AND [PROPOSED] ORDER SEVERING CLAIMS AGAINST THE DIAL CORPORATION Case No. 5:10-CV-00966-JF