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

11 SAN FRANCISCO TECHNOLOGY, INC.,)	No. C 10-4989 JF
12)	
13 Plaintiff,)	
14 v.)	STIPULATION AND [PROPOSED]
15 RECKITT BENCKISER, INC.,)	ORDER EXTENDING TIME FOR THE
16 Defendant.)	UNITED STATES TO INTERVENE
	Hon. Jeremy Fogel

17 The parties, along with the United States of America, stipulate to the following request
 18 made by counsel for the United States of America to obtain an additional 30 days in which to
 19 intervene to defend the constitutionality of 35 U.S.C. § 292 in this case. Federal Rule of Civil
 20 Procedure 5.1(c) gives the Court the power to grant this additional time as it states, in relevant
 21 part, “[u]nless the court sets a later time, the attorney general may intervene within 60 days after
 22 the notice is filed or after the court certifies the challenge, whichever is earlier.” The current
 23 deadline for moving to intervene is February 14, 2011, and counsel for the United States needs
 24 the requested additional time in order to obtain the necessary approval from the Solicitor
 25 General’s office to intervene in this action. Counsel for Plaintiff and Defendant have agreed that
 26 this limited extension of time is acceptable.

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Dated: February 3, 2011

Respectfully submitted,

MELINDA HAAG

United States Attorney

 /s/ Michael T. Pyle
MICHAEL T. PYLE
Assistant United States Attorney
Attorney for United States of America

Dated: February 3, 2011

MOUNT, SPELMAN & FINGERMAN, P.C.

 /s/ Daniel H. Fingerman
Counsel for San Francisco Technology, Inc.

Dated: February 3, 2011

JONES DAY

 /s/ Pamela K. Fulmer
Counsel for Reckitt Benckiser, Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

The Court, having considered the stipulation of the parties and the United States, orders that the United States shall have until March 16, 2011 to file a motion to intervene in this case to defend the constitutionality of 35 U.S.C. § 292 in this case.

DATED: 2/4/2011



HONORABLE J. R. FOGEL
U.S. DISTRICT COURT JUDGE