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Attorneys for Defendant
BRK BRANDS INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

SAN FRANCISCO TECHNOLOGY INC.,

PLAINTIFF,

V.

AERO PRODUCTS INTERNATIONAL INC., BP LUBRICANTS USA INC., BRK BRANDS INC., CALICO BRANDS INC., COOPER LIGHTING LLC, DAREX LLC, DEXAS INTERNATIONAL LTD., DYNA-GRO NUTRITION SOLUTIONS, FISKARS BRANDS INC., GLOBAL CONCEPTS INC., HOMAX PRODUCTS INC., KIMBERLY-CLARK CORPORATION, KRACO ENTERPRISES LLC, LIXIT CORPORATION, MEAD WESTVACO CORPORATION, NUTRITION 21 INC., OATEY CO., OPTIMUM TECHNOLOGIES INC., NEWELL RUBBERMAID INC., SCHICK MANUFACTURING INC., THE SCOTTS COMPANY LLC, STERLING INTERNATIONAL INC., VITAMIN POWER INCORPORATED, WOODSTREAM CORPORATION, 4-D DESIGN INC.,

DEFENDANTS.

No. 5:10-cv-02994 JF

STIPULATION AND ~~[PROPOSED]~~ ORDER REGARDING SEVERANCE OF CLAIMS AGAINST BRK BRANDS, INC.

Judge: Hon. Jeremy Fogel

Complaint Filed: July 8, 2010

Plaintiff San Francisco Technology Inc. and Defendant BRK Brands Inc. ("BRK"), by and through their undersigned counsel, agree and stipulate as follows:

WHEREAS San Francisco Technology, Inc. brought the instant action against 25 defendants, including defendant BRK, alleging that the defendants falsely marked their products with expired patents and seeking recovery pursuant to 35 U.S.C. § 292;

WHEREAS this Court has previously been assigned the action San Francisco Technology, Inc., brought against some 20 other defendants, which case was originally styled *San Francisco Technology, Inc. v. The Glad Products Company et al.* Case No. 10-CV-00966 JF (the "Glad Products Action");

WHEREAS this Court ordered each individual defendant named in the Glad Products Action who had not requested transfer severed into a separate action pursuant to Federal Rule of Civil Procedure 21, and, further, ordered the Clerk to open new case numbers for each such action and assign such action to Judge Fogel (*San Francisco Technology, Inc. v. The Glad Products Company et al.* Case No. 10-CV-00966 JF, Order re: Pending Motions, July 19, 2010 (Docket No. 315)),

WHEREAS San Francisco Technology, Inc. and BRK agree that San Francisco Technology Inc.'s claims against BRK should be severed into a separate action pursuant to Federal Rule of Civil Procedure 21, that such action should be assigned a new case number, and that such action should remain assigned to the Honorable Judge Jeremy Fogel;

The Parties respectfully request that the Court issue an order providing that

(1) San Francisco Technology Inc.'s action against BRK shall be severed from the claims pending against other parties herein pursuant to Federal Rule of Civil Procedure 21;

(2) The Clerk shall open a new case number for an action styled *San Francisco Technology, Inc. v. BRK Brands, Inc.*;

(3) Such new case shall be assigned to the undersigned judge, the Honorable Jeremy Fogel.

IT IS SO STIPULATED.

Dated: September 9, 2010

CARROLL, BURDICK & McDONOUGH LLP

By /s/ Robert A. McFarlane
Robert A. McFarlane
Attorneys for Defendant
BRK Brands Inc.

Dated: September 9, 2010

MOUNT & STOELKER, P.C.

By /s/Dan Fingerman
Dan Fingerman
Attorneys for Plaintiff
San Francisco Technology Inc.

In accordance with General Order No. 45, Rule X, the above signatory attests that concurrence in the filing of this document has been obtained from the signatory below.

Dated: September 9, 2010

CARROLL, BURDICK & McDONOUGH LLP

By /s/ Robert A. McFarlane
Robert A. McFarlane
Attorneys for Defendant
BRK Brands Inc.

PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING THEREFOR, IT IS SO ORDERED

9/9/10

By
The Honorable Jeremy Fogel