

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BABYAGE.COM, INC.,)	
)	
Plaintiff-Counterclaim Defendant,)	
)	
v.)	
)	
LEACHCO, INC.,)	
)	
Defendant-Counterclaim Plaintiff/ Third Party Plaintiff,)	No. 3:07-cv-01600-ARC
)	
and)	(Judge A. Richard Caputo)
)	
JAMIE S. LEACH,)	(electronically filed)
)	
Counterclaim Plaintiff/ Third Party Plaintiff,)	
)	
)	
v.)	
)	
JOHN M. KIEFER, JR.,)	
)	
Third Party Defendant.)	

STIPULATION

The parties stipulate and agree as follows:

- (1) The Counterclaim Defendant Babyage.com and the Third Party Defendant John M. Kiefer, Jr. will move to withdraw the affirmative defense set out at paragraph 36 of the Second Amended Answer to Counterclaims filed May 2, 2008 (Doc. 54 at 5). The Third Party Plaintiff Jamie S. Leach will not oppose this motion.

(2) The Third Party Plaintiff Jamie S. Leach will not challenge the sufficiency of the allegation of patent invalidity set out at page 3 of the Amended Complaint filed March 17, 2008 (Doc. 42) until the discovery phase of the case is completed.

Respectfully submitted,

s/ Gary Peterson

Gary Peterson
OK 7068
211 N. Robinson Ave., Suite 450 South
Oklahoma City, OK 73102
telephone: (405) 606-3367
fax: (866) 628-0506
email: gp@garypeterson.com

Attorneys for Defendant, Counterclaim
Plaintiff and Third Party Plaintiff

s/ Andrew J. Katsock, III

Andrew J. Katsock, III
PA 59011
15 Sunrise Drive
Wilkes Barre, PA 18705
telephone/fax: (570) 829-5884
email: ajkesq@epix.net

Attorney for Plaintiff, Counterclaim
Defendant and Third Party Defendant