Matlock Law Group, A Professional Corporation
Anne-Leith W. Matlock, SBN 244351
1485 Treat Blvd., Suite 200
Walnut Creek, CA 94597
Phone: (925) 944-7131
Fax: (925) 944-7138
e-mail: anne-leith@matlocklawgroup.com

Attorneys for Plaintiff,
The Tonytail Company, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

THE TONYTAIL COMPANY, INC. a Delaware Corporation,

Plaintiff,

v.

CONAIR, a Delaware Corporation; SCUNCI INTL., Ltd., a Delaware Corporation; RITE AID, a Delaware Corporation; L&N Sales & Marketing, Inc., and DOES 1-10, inclusive,

Defendants.

CASE NO. 3:07-cv-05895-WHA

FEDERAL RULE OF CIVIL PROCEDURE, RULE 26(f) REPORT

[F.R.C.P. Rule 26(f)]

The parties, through their undersigned attorneys, hereby submit their Rule 26(f) report, as follows:

(1) Disclosures under R. 26 (a) (1) and Local Patent Rule 3.1 and 3.2 have been completed among Conair, Rite Aid and TonyTail. Plaintiff submits that the matter

is currently under fast-track management, and no changes in timing, form or requirements for disclosures are anticipated;

(2) The parties are currently operating on an October 31, 2008 discovery cut-off date for both factual and expert discovery. The first phase of discovery will conclude with the Claim Construction Hearing scheduled for May 28, 2008.

(3) Counsel for all parties having answered to date have conferred and agreed upon disclosure and preservation of electronically stored information, including the form in which it is to be produced;

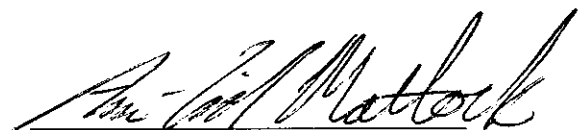
(4) Counsel do not anticipate any issues regarding privilege, however, the parties have agreed to continue to meet and confer as these issues may arise.

(5) Inasmuch as this is a case for patent infringement, trade dress infringement, and unfair business practices, the parties would like to expand the number and nature of written interrogatories permitted under the Rules and/or Local Rules as follows: No more than 75 written interrogatories (not including subparts), 150 Requests for Documents, and 25 depositions per party, including expert witness depositions.

(6) At this time, the parties do not anticipate that any additional Orders are required to be entered by the Court under Rule 26(c) or under Rule 16(b) and (c); the parties respectfully reserve the right to revisit this issue as this matter progresses.

DATED: March 3, 2008

MATLOCK LAW GROUP

By: 

Anne-Leith W. Matlock
Attorney for Plaintiff,
The Tonytail Company, Inc.