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PLANET 3, LLC

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

Z-LINE DESIGNS, INC.,

Plaintiff,

v.

PLANET 3, LLC,

Defendant.

AND RELATED COUNTERCLAIMS.

Case No. CV-09-1153 MHP

SECOND JOINT STIPULATION AND ~~[PROPOSED]~~ ORDER FOR MODIFICATION OF CASE MANAGEMENT SCHEDULE AND TRIAL DATE

Judge: Honorable Marilyn Hall Patel

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WHEREAS, Z-Line Designs, Inc. ("Z-Line" or "Plaintiff") and Defendant Planet 3, LLC ("Planet 3" or "Defendant") are engaged in settlement discussions, which respective counsel believe will lead to a final resolution of this matter;

WHEREAS, the parties have reached a settlement-in-principle and are working to memorialize the terms of the settlement, with a written draft in circulation;

WHEREAS, the parties, mindful of this Court's interest in having this case resolved, and confident of the parties' ability to resolve this matter, are diligently working to reach a settlement. However, given the approaching close of fact discovery, the parties require additional time;

WHEREAS, counsel for the parties believe that an additional thirty (30) day suspension of applicable deadlines in this case will allow the parties and counsel to continue to devote their attention and resources to a final resolution of this matter.

WHEREAS, one previous suspension has been sought by the parties;

ACCORDINGLY, the parties, by and through their undersigned counsel, HEREBY STIPULATE as follows:

In order to avoid prejudicing the parties' discovery efforts and trial preparations, and to allow the parties to focus on settlement negotiations, the parties agree and respectfully request that the current pre-trial schedule be modified as follows:

1. The fact discovery cut-off, which is currently set for March 8, 2010, is extended to April 7, 2010.

2. The deadline to designate experts, which is currently set for April 5, 2010, is extended to May 5, 2010.

3. The deadline to designate rebuttal experts, which is currently set for May 10, 2010, is extended to June 9, 2010.

4. The expert discovery cut-off, which is currently set for June 7, 2010, is extended to July 7, 2010.

5. The hearing on dispositive motions, which is currently set for July 26, 2010, is reset for August 30, 2010, at 2:00 p.m., or as soon thereafter as the Court's schedule permits.

6. The pretrial conference, which is currently set for September 2, 2010, is adjourned to

October 7, 2010, at 2:30 p.m., or as soon thereafter as the Court's schedule permits.

7. The trial date, which is current set for September 21, 2010, is adjourned to October 26, 2010, at 8:30 a.m., or as soon thereafter as the Court's schedule permits.

8. All other deadlines are tolled for thirty (30) days as of the date of this stipulation.

IT IS SO STIPULATED BY THE PARTIES.

Dated: February 9, 2010

TOWNSEND AND TOWNSEND AND CREW LLP

By /s/
Marc M. Gorelnik
Attorneys for Plaintiff
Z-LINE DESIGNS, INC.

Dated: February 9, 2010

JONES DAY

By /s/
Arthur S. Beeman
Attorneys for Defendant
PLANET 3, LLC

SIGNATURE ATTESTATION

Pursuant to General Order No. 45(X)(B), I hereby attest that I have obtained the concurrence in the filing of this document from counsel for Defendant for whom a signature is indicated by a "conformed" signature (/s/) within this e-filed document, and I have on file records to support this concurrence for subsequent production for the court, if so ordered, or for inspection upon request.

Dated: February 9, 2010

/s/
Marc M. Gorelnik
Attorney for Plaintiff

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 8/10/2010

MARILYN
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IT IS SO ORDERED
Judge Marilyn H. Patel
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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