HENNIGAN, BENNETT & DORMAN LLP
RODERICK G. DORMAN (SBN 96908)
dormanr@hbdlawyers.com
ALAN P. BLOCK (SBN 143783)
blocka@hbdlawyers.com
MARC MORRIS (SBN 183728)
morrism@hbdlawyers.com
865 South Figueroa Street, Suite 2900
Los Angeles, California 90017
Telephone: (213) 694-1200
Fax: (213) 694-1234

Attorneys for Plaintiff
SPEEDTRACK, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

SPEEDTRACK, INC., Plaintiff, vs. AMAZON.COM, INC.; COSTCO WHOLESALE CORPORATION; 1-800-FLOWERS.COM, INC.; BARNESANDNOBLE.COM, LLC; BARNESANDNOBLE.COM, INC.; THE HOME DEPOT, INC.; NIKE, INC.; NORTHERN TOOL & EQUIPMENT CATALOG CO., INC.; J & R ELECTRONICS, INC.; DELL, INC.; BEST BUY CO.; BEST BUY.COM, LLC; SYSTEMAX, INC.; OFFICEMAX, INC.; MACY'S, INC.; MACYS.COM, INC.; OVERSTOCK.COM, INC.; RECREATIONAL EQUIPMENT, INC.; VALUE VISION INTERNATIONAL, INC., DBA SHOPNBC.COM; B &H FOTO & ELECTRONICS CORP.; HEWLETT-PACKARD COMPANY; REDCATS USA, INC.; RETAIL CONVERGENCE, INC., DBA SMARTBARGAINS.COM, Defendants.	Case No. 09-CV-04479-JSW **JOINT STIPULATION AND [PROPOSED] ORDER STAYING ACTION PENDING RESOLUTION OF THE REEXAMINATION PROCEEDING AND ENTRY OF JUDGMENT OR DISMISSAL OF *SPEEDTRACK, INC. V. WAL-MART STORES, INC., ET. AL.*, CASE NO. 06-CV-07336-PJH**

HENNIGAN, BENNETT & DORMAN LLP
LAWYERS
LOS ANGELES, CALIFORNIA

WHEREAS, Plaintiff SpeedTrack, Inc. ("SpeedTrack") filed the case of *SpeedTrack, Inc. v. Wal-Mart Stores, Inc., et. al.*, Case No. 06-CV-07336-PJH ("the Wal-Mart Action") for infringement of SpeedTrack's U.S. Patent No. 5,544,360 ("the '360 patent") on November 29, 2006.

WHEREAS, Plaintiff SpeedTrack filed another action, *SpeedTrack, Inc. v. Office Depot, Inc., et. al.*, Case No. 07-CV-03602-PJH ("the Office Depot Action"), also for infringement of the '360 patent, on July 12, 2007.

WHEREAS, on August 13, 2007, the Court held that the Office Depot Action and the Wal-Mart Action are related actions.

WHEREAS, on October 10, 2007, the Court granted the Defendants' motion to stay the Office Depot Action pending the resolution of the Wal-Mart Action and, whereas, the Office Depot Action is currently stayed.

WHEREAS, on January 12, 2009, the United States Patent and Trademark Office granted the Request for Reexamination of the '360 patent filed by Endeca Technologies, Inc.

WHEREAS, on February 5, 2009, the Court granted the Defendants' motion to stay the Wal-Mart Action pending the resolution of the reexamination of the '360 patent.

WHEREAS, SpeedTrack filed this Action ("the Amazon Action") for infringement of the '360 patent on September 23, 2009.

WHEREAS, the parties to this Action agree that this Action should be stayed until such time as both (i) the reexamination of the '360 patent is resolved and (ii) judgment in the Wal-Mart Action or an order dismissing the Wal-Mart Action is entered, and that, at that time, the Court, with input from the parties, should then determine how the individual Defendants in this Action are to be tried.

IT IS HEREBY STIPULATED by and between the parties or through their respective counsel of record (as indicated below), THAT:

///

///

///

///

HENNIGAN, BENNETT & DORMAN LLP
LAWYERS
LOS ANGELES, CALIFORNIA

Subject to the Court's approval, all proceedings in this Action, including discovery, shall be stayed until such time as both (i) the reexamination of the '360 patent is resolved and (ii) judgment in the Wal-Mart Action or an order dismissing the Wal-Mart Action is entered.

SO STIPULATED.

DATED: 11/16/09

HENNIGAN, BENNETT & DORMAN LLP

By _____
Roderick G. Dorman
Alan P. Block
Marc Morris

Attorneys for Plaintiff
SpeedTrack, Inc.

DATED:

AMAZON.COM, INC.

By _____
Kathryn Sheehan (SBN 223339)

Attorneys for Defendant
Amazon.com, Inc.

DATED:

PERKINS COIE LLP

By _____
Gigi C. Hoang (SBN 241182)

Attorneys for Defendant
Costco Wholesale Corporation

DATED:

1-800-FLOWERS, INC.

By _____
Thomas E. Plastaras

Hennigan, Bennett & Dorman LLP
Lawyers
Los Angeles, California

Subject to the Court's approval, all proceedings in this Action, including discovery, shall be stayed until such time as both (i) the reexamination of the '360 patent is resolved and (ii) judgment in the Wal-Mart Action or an order dismissing the Wal-Mart Action is entered.

SO STIPULATED.

DATED: HENNIGAN, BENNETT & DORMAN LLP

By _____
Roderick G. Dorman
Alan P. Block
Marc Morris

Attorneys for Plaintiff
SpeedTrack, Inc.

DATED: AMAZON.COM, INC.

By _____
Kathryn Sheehan

Attorneys for Defendant
Amazon.com, Inc.

DATED: PERKINS COIE LLP

By /s/ Gigi C. Hoang
Gigi C. Hoang (SBN 241182)

Attorneys for Defendant
Costco Wholesale Corporation

DATED: 1-800-FLOWERS, INC.

By _____
Thomas E. Plastaras

HENNIGAN, BENNETT & DORMAN LLP
LAWYERS
LOS ANGELES, CALIFORNIA

Subject to the Court's approval, all proceedings in this Action, including discovery, shall be stayed until such time as both (i) the reexamination of the '360 patent is resolved and (ii) judgment in the Wal-Mart Action or an order dismissing the Wal-Mart Action is entered.

SO STIPULATED.

DATED:

HENNIGAN, BENNETT & DORMAN LLP

By _____
Roderick G. Dorman
Alan P. Block
Marc Morris

Attorneys for Plaintiff
SpeedTrack, Inc.

DATED:

AMAZON.COM, INC.

By _____
Kathryn Sheehan

Attorneys for Defendant
Amazon.com, Inc.

DATED:

PERKINS COIE LLP

By _____
Gigi C. Hoang (SBN 241182)

Attorneys for Defendant
Costco Wholesale Corporation

DATED:

1-800-FLOWERS, INC.

By _____
Thomas E. Plastaras

Hennigan, Bennett & Dorman LLP
lawyers
los angeles, california

DATED:

BARNESANDNOBLE.COM, LLC AND BARNESANDNOBLE.COM, INC.

By _____
Bradley A. Feuer

DATED:

FULBRIGHT & JAWORSKI L.L.P.

By _____
Gilbert A. Greene

Attorneys for Defendant
The Home Depot, Inc.

DATED:

NIKE, INC.

By _____
Julianne Davis

DATED:

NORTHERN TOOL & EQUIPMENT CATALOG CO., INC.

By _____
Alan C. Kotula

DATED:

J & R ELECTRONICS, INC.

By _____
Stuart Kovar

DATED:

FARELLA BRAUN + MARTELL LLP

By /S/ Eugene Y. Mar
Eugene Y. Mar

Attorneys for Defendant
Dell.com, Inc.

Hennigan, Bennett & Dorman LLP
lawyers
los angeles, california

DATED:

BARNESANDNOBLE.COM, LLC AND BARNESANDNOBLE.COM, INC.

By _____
Bradley A. Feuer

DATED:

FULBRIGHT & JAWORSKI L.L.P.

By _____
Gilbert A. Greene

Attorneys for Defendant
The Home Depot, Inc.

DATED:

NIKE, INC.

By _____
Julianne Davis

DATED:

NORTHERN TOOL & EQUIPMENT CATALOG CO., INC.

By _____
Alan C. Kotula

DATED:

J & R ELECTRONICS, INC.

By _____
Stuart Kovar

DATED:

FARELLA BRAUN + MARTELL LLP

By /S/ Eugene Y. Mar
Eugene Y. Mar

Attorneys for Defendant
Dell.com, Inc.

Hennigan, Bennett & Dorman LLP
lawyers
los angeles, california

DATED:

BARNESANDNOBLE.COM, LLC AND BARNESANDNOBLE.COM, INC.

By _____
Bradley A. Feuer

DATED:

FULBRIGHT & JAWORSKI L.L.P.

By _____
Gilbert A. Greene

Attorneys for Defendant
The Home Depot, Inc.

DATED:

NIKE, INC.

By _____
Julianne Davis

DATED:

NORTHERN TOOL & EQUIPMENT CATALOG CO., INC.

By _____
Alan C. Kotula

DATED:

J & R ELECTRONICS, INC.

By _____
Stuart Kovar

DATED:

FARELLA BRAUN + MARTELL LLP

By /S/ Eugene Y. Mar
Eugene Y. Mar

Attorneys for Defendant
Dell.com, Inc.

Hennigan, Bennett & Dorman LLP
lawyers
los angeles, california

DATED:

BARNESANDNOBLE.COM, LLC AND BARNESANDNOBLE.COM, INC.

By _____
Bradley A. Feuer

DATED:

FULBRIGHT & JAWORSKI L.L.P.

By _____
Gilbert A. Greene

Attorneys for Defendant
The Home Depot, Inc.

DATED:

NIKE, INC.

By _____
Julianne Davis

DATED:

NORTHERN TOOL & EQUIPMENT CATALOG CO., INC.

By _____
Alan C. Kotula

DATED:

J & R ELECTRONICS, INC.

By _____
Stuart Kovar

DATED:

FARELLA BRAUN + MARTELL LLP

By /S/ Eugene Y. Mar
Eugene Y. Mar

Attorneys for Defendant
Dell.com, Inc.

Hennigan, Bennett & Dorman llp
lawyers
los angeles, california

DATED:

BARNESANDNOBLE.COM, LLC AND BARNESANDNOBLE.COM, INC.

By _____
Bradley A. Feuer

DATED:

FULBRIGHT & JAWORSKI L.L.P.

By _____
Gilbert A. Greene

Attorneys for Defendant
The Home Depot, Inc.

DATED:

NIKE, INC.

By _____
Julianne Davis

DATED:

NORTHERN TOOL & EQUIPMENT CATALOG CO., INC.

By _____
Alan C. Kotula

DATED:

J & R ELECTRONICS, INC.

By /Stuart C. Kovar
Stuart Kovar

DATED:

FARELLA BRAUN + MARTEL LLP

By /S/ Eugene Y. Mar
Eugene Y. Mar

Attorneys for Defendant
Dell.com, Inc.

DATED:

SIDLEY AUSTIN LLP

By /s/ Richard A. Cederoth
Richard A. Cederoth

Attorneys for Defendants
Best Buy Co., Inc. and BestBuy.com, LLC

DATED:

GREENBERG TRAURIG

By _____
Barry J. Schindler

Attorneys for Defendant
Systemax, Inc.

DATED:

WILDMAN HARROLD

By _____
John Letchinger

Attorneys for Defendant
OfficeMax, Inc.

DATED:

AMSTER, ROTHSTEIN & EBENSTEIN LLP

By _____
Anthony F. Lo Cicero

Attorneys for Defendants
Macy's, Inc. and Macys.com, Inc.

DATED:

OVERSTOCK.COM, INC.

By _____
Mark Griffin

Attorneys for Defendant
Overstock.com, Inc.

HENNIGAN, BENNETT & DORMAN LLP
LAWYERS
LOS ANGELES, CALIFORNIA

DATED:

ROBINS, KAPLAN, MJLLER & CIRESI LLP

By _____
Michael A. Geibelson

Attorneys for Defendants
Best Buy Co. and Best Buy.com, LLC

DATED:

GREENBERG TRAURIG

By _____
Barry J. Schindler

Attorneys for Defendant
Systemax, Inc.

DATED:

WILDMAN HARROLD

By _____
John Letchinger

Attorneys for Defendant
OfficeMax, Inc.

DATED:

AMSTER, ROTHSTEIN & EBENSTEIN LLP

By _____
Anthony F. Lo Cicero

Attorneys for Defendants
Macy's, Inc. and Macys.com, Inc.

DATED:

OVERSTOCK.COM, INC.

By _____
Mark Griffin

Attorneys for Defendant
Overstock.com, Inc.

Henrigan, Bennett & Dorman LLP
Attorneys
Los Angeles, California

DATED:

ROBINS, KAPLAN, MJLLER & CIRESI LLP

By _____
Michael A. Geibelson

Attorneys for Defendants
Best Buy Co. and Best Buy.com, LLC

DATED:

GREENBERG TRAURIG

By _____
Barry J. Schindler

Attorneys for Defendant
Systemax, Inc.

DATED: 11/30/09

WILDMAN HARROLD

By _____
John Letchinger

Attorneys for Defendant
OfficeMax, Inc.

DATED:

AMSTER, ROTHSTEIN & EBENSTEIN LLP

By _____
Anthony F. Lo Cicero

Attorneys for Defendants
Macy's, Inc. and Macys.com, Inc.

DATED:

OVERSTOCK.COM, INC.

By _____
Mark Griffin

Attorneys for Defendant
Overstock.com, Inc.

Hennigan, Bennett & Dorman LLP
lawyers
los angeles, california

DATED:

FARELLA BRAUN + MARTELL LLP

By _____
Eugene Y. Mar

Attorneys for Defendant
Dell.com, Inc.

DATED:

FIRM:

By _____

Attorneys for Defendants
Best Buy Co. and Best Buy.com, LLC

DATED:

FIRM: _____

By _____

Attorneys for Defendant
Systemax, Inc.

DATED:

FIRM: _____

By _____

Attorneys for Defendant
Office Max, Inc.

DATED: November 16, 2009

AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK, NEW YORK 10016
TEL.: (212) 336-8000
FAX: (212) 336-8001

By _____
Anthony Lo Cicero AL7538

Attorneys for Defendants
Macy's, Inc. and Macys.com, Inc.

Hennigan, Bennett & Dorman llp
lawyers
los angeles, california

DATED:

ROBINS, KAPLAN, MILLER & CIRESI LLP

By _____
Michael A. Geibelson

Attorneys for Defendants
Best Buy Co. and Best Buy.com, LLC

DATED:

GREENBERG TRAURIG

By _____
Barry J. Schindler

Attorneys for Defendant
Systemax, Inc.

DATED:

WILDMAN HARROLD

By _____
John Letchinger

Attorneys for Defendant
OfficeMax, Inc.

DATED:

AMSTER, ROTHSTEIN & EBENSTEIN LLP

By _____
Anthony F. Lo Cicero

Attorneys for Defendants
Macy's, Inc. and Macys.com, Inc.

DATED:

OVERSTOCK.COM, INC.

By _____
Mark Griffin

Attorneys for Defendant
Overstock.com, Inc.

Hennigan, Bennett & Dorman LLP
Lawyers
Los Angeles, California

DATED: 10/29/09

K & L GATES

By _____
Cristofer I. Leffler
(Admitted Pro Hac Vice)

Attorneys for Defendant
Recreational Equipment, Inc.

DATED:

RADER, FISHMAN & GRAUER, PLLC

By _____
Thomas E. Bejin

Attorneys for Defendant
Value Vision International, Inc., dba,
Shopnbc.com

DATED:

KAYE SCHOLER LLP

By _____
Aaron Stiefel

Attorneys for Defendant
B & H Foto & Electronics Corporation

DATED:

MORGAN, LEWIS & BOCKIUS LLP

By _____
Michael J. Lyons

Attorneys for Defendant
Hewlett-Packard Company

DATED:

TURNER BOYD LLP

By _____
Karen Boyd

Attorneys for Defendant
Redcats USA, Inc.

Hennigan, Bennett & Dorman LLP
lawyers
los angeles, california

DATED:

K & L GATES

By _____
Cristofer I. Leffler
(Admitted Pro Hac Vice)

Attorneys for Defendant
Recreational Equipment, Inc.

DATED: 11/6/09

RADER, FISHMAN & GRAUER, PLLC

By Thomas E. Bejin /APB
Thomas E. Bejin

Attorneys for Defendant
Value Vision International, Inc., dba,
Shopnbc.com

DATED:

KAYE SCHOLER LLP

By _____
Aaron Stiefel

Attorneys for Defendant
B & H Foto & Electronics Corporation

DATED:

MORGAN, LEWIS & BOCKIUS LLP

By _____
Michael J. Lyons

Attorneys for Defendant
Hewlett-Packard Company

DATED:

TURNER BOYD LLP

By _____
Karen Boyd

Attorneys for Defendant
Redcats USA, Inc.

HENNIGAN, BENNETT & DORMAN LLP
LAWYERS
LOS ANGELES, CALIFORNIA

DATED:

K & L GATES

By _____
Cristofer I. Leffler
(Admitted Pro Hac Vice)

Attorneys for Defendant
Recreational Equipment, Inc.

DATED:

RADER, FISHMAN & GRAUER, PLLC

By _____
Thomas E. Bejin

Attorneys for Defendant
Value Vision International, Inc., dba,
Shopnbc.com

DATED:

KAYE SCHOLER LLP

By _____
Aaron Stiefel

Attorneys for Defendant
B & H Foto & Electronics Corporation

DATED:

MORGAN, LEWIS & BOCKIUS LLP

By _____
Michael J. Lyons

Attorneys for Defendant
Hewlett-Packard Company

DATED:

TURNER BOYD LLP

By _____
Karen Boyd

Attorneys for Defendant
Redcats USA, Inc.

Hennigan, Bennett & Dorman LLP
Lawyers
Los Angeles, California

DATED:

K & L GATES

By _____
Cristofer I. Leffler
(Admitted Pro Hac Vice)

Attorneys for Defendant
Recreational Equipment, Inc.

DATED:

RADER, FISHMAN & GRAUER, PLLC

By _____
Thomas E. Bejin

Attorneys for Defendant
Value Vision International, Inc., dba,
Shopnbc.com

DATED:

KAYE SCHOLER LLP

By _____
Aaron Stiefel

Attorneys for Defendant
B & H Foto & Electronics Corporation

DATED:

MORGAN, LEWIS & BOCKIUS LLP

By _____
Michael J. Lyons

Attorneys for Defendant
Hewlett-Packard Company

DATED:

TURNER BOYD LLP

By _____
Karen Boyd

Attorneys for Defendant
Redcats USA, Inc.

Hennigan, Bennett & Dorman LLP
lawyers
los angeles, california

DATED:

K & L GATES

By _____
Cristofer I. Leffler
(Admitted Pro Hac Vice)

Attorneys for Defendant
Recreational Equipment, Inc.

DATED:

RADER, FISHMAN & GRAUER, PLLC

By _____
Thomas E. Bejin

Attorneys for Defendant
Value Vision International, Inc., dba,
Shopnbc.com

DATED:

KAYE SCHOLER LLP

By _____
Aaron Stiefel

Attorneys for Defendant
B & H Foto & Electronics Corporation

DATED:

MORGAN, LEWIS & BOCKIUS LLP

By _____
Michael J. Lyons

Attorneys for Defendant
Hewlett-Packard Company

DATED:

TURNER BOYD LLP

By /S/ Karen Boyd
Karen Boyd

Attorneys for Defendant
Redcats USA, Inc.

HENNIGAN, BENNETT & DORMAN LLP
LAWYERS
LOS ANGELES, CALIFORNIA

DATED: November 13, 2009

K & L GATES

By _____
Michael J. Bettinger

Attorneys for Defendant
Retail Convergence, Inc., dba,
Smartbargains.com

PURSUANT TO STIPULATION, THE COURT ORDERS AS FOLLOWS:

All proceedings in this Action, including discovery, shall be stayed until such time as both (i) the reexamination of the '360 patent is resolved and (ii) judgment or an order dismissing the Wal-Mart Action is entered. After final resolution of the reexamination of the '360 patent and an entry of judgment in the Wal-Mart Action or an order dismissing the Wal-Mart Action, the Court will determine, with input from the parties, how the individual Defendants in this Action are to be tried. Until then, this Action shall trail the Wal-Mart Action.

DATED: November 30, 2009

_____
Hon. Jeffrey S. White
United States District Judge

Hennigan, Bennett & Dorman llp
lawyers
los angeles, california