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December 13, 2007

BY E-FILING

The Honorable Mary Pat Thynge
United States District Court
844 King Street
Wilmington, DE 19801

Re: *Safety Braking Corporation, et al. v. Six Flags Theme Parks Inc. et al.*, C.A. No. 07-127-***

Dear Judge Thynge:

In anticipation of the status conference scheduled in this matter for Friday, December 14, 2007 at 10:00 a.m., attached is a proposed stipulation and order that the parties have been discussing to address certain scheduling issues. We look forward to discussing these scheduling issues with the Court during tomorrow's status conference.

Respectfully,

/s/ Rodger D. Smith II

Rodger D. Smith II (#3778)

Enclosure

cc: Clerk of the Court (By E-Filing)
Francis DiGiovanni, Esquire (By E-Filing)
Richard L. Horwitz, Esquire (By E-Filing)

1334219

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SAFETY BRAKING CORPORATION, a Delaware corporation, MAGNETAR TECHNOLOGIES CORP., a Nevada corporation, and G&T CONVEYOR CO., a Florida corporation, Plaintiffs, v. SIX FLAGS THEME PARKS INC., a Delaware corporation, TIERCO MARYLAND, INC., a Delaware corporation, GREAT AMERICA LLC, an Illinois company, KKI, LLC, a Delaware company, MAGIC MOUNTAIN LLC, a California company, PARK MANAGEMENT CORP, a California corporation, RIVERSIDE PARK ENTERPRISES, INC., a Mass. Corp., SIX FLAGS OVER GEORGIA II, L.P., a Delaware partnership, SIX FLAGS ST. LOUIS LLC, a Missouri company, TEXAS FLAGS, LTD., a Texas partnership, ASTROWORLD, L.P., a Delaware partnership, DARIEN LAKE THEME PARK AND CAMPING RESORT, INC., a New York corporation, ELITCH GARDENS, L.P., a Colorado partnership, BUSCH ENTERTAINMENT CORP., a Delaware corporation, CEDAR FAIR LP, a Delaware limited partnership, PARAMOUNT PARKS, INC., a Delaware corporation, KNOTT'S BERRY FARM, a California partnership, KINGS ISLAND COMPANY, a Delaware corporation, and CEDAR FAIR, an Ohio partnership, Defendants.	C.A. No. 07-127-***

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, that the Scheduling Order in this case (D.I. 43) is amended as follows:

1. Joinder of other Parties and Amendment of Pleadings. All motions to join other parties shall be filed on or before **February 8, 2008**. All motions to amend or supplement the pleadings shall be filed on or before **March 21, 2008**.

2. Discovery Cut Off. All fact discovery in this case shall be initiated so that it will be completed on or before **June 30, 2008**.

3. Disclosure of Expert Testimony. For the party who has the initial burden of proof on the subject matter, the initial Federal Rule 26(a)(2) disclosure of expert testimony is due on or before **July 28, 2008**. The supplemental disclosure to contradict or rebut on the same matter identified by another party is due on or before **August 25, 2008**. Expert depositions shall be completed by **September 29, 2008**.

4. Tutorial Describing the Technology and Matters in Issue. On **March __, 2008**, at ____ a.m., the parties shall present, in person, a tutorial on the technology at issue.

5. Case Dispositive Motions. All case dispositive motions, an opening brief and affidavits, if any, in support of the motion shall be served and filed on or before **October 20, 2008**.

6. Claim Construction Issue Identification. On **February 6, 2008**, the parties shall exchange a list of those claim term(s)/phrase(s) that they believe need construction and their proposed claim construction of those claim term(s)/phrase(s). Subsequent to exchanging that list, the parties will meet and confer to prepare a Joint Claim Construction Chart to be submitted on **February 13, 2008**.

7. Claim Construction. The parties shall contemporaneously submit initial briefs on claim construction issues on **February 20, 2008**. The parties' answering/responsive briefs shall be contemporaneously submitted on **March 26, 2008**.

8. Hearing on Claim Construction. Beginning at ___ **a.m.** on **April ___, 2008**, the Court will hear evidence and argument on claim construction.

9. Pretrial Conference. On **March ___, 2009**, the Court will hold a Final Pretrial Conference in Chambers with counsel beginning at ____ a.m. The parties shall file with the Court the joint proposed final pretrial order on or before **March ___, 2009**.

10. Trial. Trial is scheduled to begin at 9:30 a.m. on **April ___, 2009**, with the remaining trial days beginning at 9:00 a.m.

11. All other provisions of the Scheduling Order in this case (D.I. 43) remain in full force and effect.

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Attorneys for Defendant Busch Entertainment Corp.

SO ORDERED this ___ day of _____, 2007.

United States Magistrate Judge

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