

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION**

LUXPRO CORPORATION, a Taiwanese Corporation,)

Plaintiff,)

v.)

APPLE, INC. f/k/a Apple Computer, Inc.,)

Defendant.)

Civil Action No. 4:08-CV-04092-HFB

**STIPULATION AND [PROPOSED] ORDER RE MOTION FOR LEAVE TO FILE
SECOND AMENDED COMPLAINT AND EXTENSION OF TIME TO RESPOND TO
SECOND AMENDED COMPLAINT**

Plaintiff Luxpro Corporation (“Luxpro”) and Defendant Apple Inc. (“Apple”), by and through their undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, on December 19, 2008, Apple filed a motion to dismiss Luxpro’s First Amended Complaint;

WHEREAS, on September 1, 2009, following briefing by the parties, the Court held a hearing on the motion to dismiss;

WHEREAS, on September 28, 2009, the Court issued an order granting in part and denying in part Apple’s motion, and directing Luxpro to file an amended complaint within 14 days;

WHEREAS, Luxpro’s deadline for filing an amended complaint was extended to December 7, 2009;

WHEREAS, on December 7, 2009, Luxpro filed a Motion for Leave to File Second Amended Complaint and Brief in Support (“Motion For Leave to Amend”), and attached a copy of the proposed Second Amended Complaint;

WHEREAS, Apple does not oppose the Motion for Leave to file Second Amended Complaint;

WHEREAS, Apple has requested an extension until January 29, 2010, to respond to the Second Amended Complaint;

WHEREAS, Luxpro does not oppose Apple’s requested extension of time to respond to the Second Amended Complaint up to and including January 29, 2010;

WHEREAS, Luxpro, by not opposing an extension of time for Apple to file a response to the Second Amended Complaint, does not waive any arguments and/or defenses it may have to the filing of the response or to the substance of any such response; and

WHEREAS, Apple, by not opposing the Motion for Leave to Amend and by stipulating to the filing of the Second Amended Complaint, does not waive any arguments and/or defenses it may have to the matters contained in the Second Amended Complaint.

THEREFORE, the parties agree that:

1. The unopposed Motion For Leave to Amend should be granted, and the Second Amended Complaint should be filed with the Court.

2. Apple shall have until January 29, 2010 to respond to the Second Amended Complaint.

IT IS SO STIPULATED.

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Pursuant to the above stipulation, it is hereby ORDERED that the unopposed Motion for Leave to File Second Amended Complaint is granted and Luxpro shall file the Second Amended Complaint forthwith. Apple shall have until January 29, 2010 to respond to the Second Amended Complaint.

Dated:

Harry F. Barnes, Judge
United States District Court