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17 Attorneys for Defendant and Counterclaimant,  
 18 Blockbuster Inc.

19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA

21 NETFLIX, INC., a Delaware corporation,

22 Plaintiff,

23 vs.

24 BLOCKBUSTER INC., a Delaware  
 corporation, DOES 1-50,

25 Defendants.

CASE NO. C 06 2361 WHA (JCS)

Referred To The Hon. Joseph C.  
 Spero For Discovery Matters

**STIPULATION AND  
 [PROPOSED] ORDER RE  
 FURTHER PROCEEDINGS ON  
 PENDING DISCOVERY  
 MOTIONS**

27  
 28 AND RELATED COUNTER ACTION

STIPULATION RE FURTHER PROCEEDINGS  
 ON PENDING DISCOVERY MOTIONS  
 C 06 2361 WHA (JCS)

1 Plaintiff and Counterdefendant, Netflix, Inc., and Defendant and  
2 Counterclaimant, Blockbuster Inc. (collectively, "the Parties"), jointly submit this  
3 stipulation pursuant to the Court's Order of November 15, 2006, with respect to  
4 further proceedings on Blockbuster's Motion to Compel Further Responses to Its  
5 First Set of Requests for Production, Netflix's Motion to Compel Further  
6 Responses to its First Set of Requests for Production, and Netflix's Motion for a  
7 Protective Order Re Non-Party Subpoenas, all of which were previously scheduled  
8 for hearing on December 8, 2006 (collectively, the "Pending Discovery Motions").

9 Unless the parties have resolved all outstanding issues on the Pending  
10 Discovery Motions before December 8, 2006, the respective lead trial counsel for  
11 the Parties shall hold a further in-person conference on those motions on December  
12 8, 2006, beginning at 9:00 a.m. in the Honorable Joseph C. Spero's courtroom.

13 The Parties shall file a stipulation with the Court detailing the orders that they  
14 agree the Court should enter on the Pending Discovery Motions, along with a  
15 description of whatever issues remain for decision by the court on those motions,  
16 no later than Thursday, December 14, 2006.

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The Parties respectfully request that the Court schedule a hearing on any issues that remain, as set forth in that stipulation, on Friday, January 12, 2007, at 9:00 a.m.

Respectfully submitted.

DATED: November 20, 2006 KEKER & VAN NEST, LLP

By         /s/          
Ashok Ramani  
Attorneys for Plaintiff and Counterdefendant,  
Netflix, Inc.

DATED: November 20, 2006 ALSCHULER GROSSMAN STEIN & KAHAN  
LLP

By William J. O'Brien / by [Signature]  
William J. O'Brien  
Attorneys for Defendant and Counterclaimant,  
Blockbuster Inc.

Dated: November 21, 2006

