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12 Attorneys for Defendant
 13 INTELCOM, INC.

14
 15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

17 INTEL CORPORATION, a Delaware
 corporation,
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 Plaintiff,
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 vs.
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 INTELCOM, INC., a Delaware corporation,
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 Defendant.
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Case No. C-08-02334 SI

**STIPULATION AND [PROPOSED] ORDER
 TO STRIKE FILING OF INTELCOM'S
 LETTER TO THE COURT**

23 **Whereas**, Defendant INTELCOM, INC.'s ("INTELCOM") President, Kassi Tchankpa, sent an
 24 *ex parte* communication letter to the Court dated January 5, 2009;

25 **Whereas**, the Court filed such letter on January 23, 2009 (*see* Dkt. No. 39);

26 **Whereas**, the letter references confidential settlement communications between Plaintiff
 27 INTEL CORPORATION and INTELCOM (the "Parties"); and

1 **Whereas**, therefore, the letter should be stricken and removed from the Court's file as a public
2 record.

3 **It is therefore hereby stipulated** by the Parties that the January 23, 2009 filing of the January
4 5, 2009 letter from INTELCOM to the Court (Dkt. No. 39), be stricken and removed from the Court's
5 file due to its references to confidential settlement discussions.

6 Dated: February 5, 2009 HOWREY LLP

7
8 By: /s/ Robert N Phillips
9 Robert N. Phillips
10 Attorney for Plaintiff
INTEL CORPORATION

11 Dated: February 5, 2009 LAW OFFICES OF ANDREW DÓSA

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13 By: /s/ Andrew Dósa
14 Andrew Dósa
15 Attorney for Defendant
INTELCOM INC.

16 **ATTESTATION AS TO CONCURRENCE**

17 I, Robert N. Phillips, under penalty of perjury of the laws of the United States of America,
18 attest that concurrence in the filing of this document has been obtained from each of the other
19 signatories to this document.

20
21 /s/ Robert N Phillips
22 Robert N. Phillips

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ORDER

PURSUANT TO STIPULATION AND FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED that the January 23, 2009 filing of the January 5, 2009 letter from INTELCOM to the Court (Dkt. No. 39) shall be stricken and removed from the Court's file.

IT IS SO ORDERED.

Dated: _____



Hon. Susan Illston
Judge, United States District Court