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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16 UNIVISIONS-CRIMSON HOLDING, INC.,
17 on behalf of itself and all others similarly
18 situated,

19 Plaintiff,

20 v.

21 SONY CORPORATION; SONY OPTIARC
22 INC.; SONY OPTIARC AMERICA INC.;
23 TOSHIBA CORPORATION; SAMSUNG
24 ELECTRONICS COMPANY, LTD.;
25 TOSHIBA SAMSUNG STORAGE
26 TECHNOLOGY CORPORATION;
27 HITACHI, LTD.; HITACHI-LG DATA
28 STORAGE, INC.; LG CORPORATION; and
29 NEC CORPORATION,

30 Defendants.

Case No. 09-CV-5186 EMC

**STIPULATION RE EXTENSION
OF TIME FOR DEFENDANT TO
RESPOND TO COMPLAINT;
[PROPOSED] ORDER EXTENDING
TIME TO RESPOND TO
COMPLAINT**

STIPULATION RE: EXTENSION OF TIME TO RESPOND TO; [~~PROPOSED~~] ORDER

1 WHEREAS the undersigned plaintiff has filed the above-captioned case;

2 WHEREAS plaintiff alleges antitrust violations by manufacturers, distributors, and
3 sellers of Optical Disk Drives and products containing Optical Disk Drives (collectively "ODD
4 products");

5 WHEREAS at least four complaints have been filed to date in federal district courts
6 throughout the United States by plaintiffs purporting to bring class actions on behalf of direct
7 purchasers alleging antitrust violations by manufacturers, distributors, and sellers of ODD
8 products (collectively "the ODD Cases");

9 WHEREAS plaintiff anticipates the possibility of Consolidated Amended Complaints in
10 the ODD Cases;

11 WHEREAS plaintiff and Sony Optiarc America, Inc. ("SOA") have agreed that an
12 orderly schedule for any response to the pleadings in the ODD Cases would be more efficient
13 for the parties and for the Court;

14 WHEREAS plaintiff agrees that the deadline for SOA to answer, move, or otherwise
15 respond to its Complaint shall be extended until the earliest of the following dates: (1) forty-
16 five days after the filing of a Consolidated Amended Complaint in the ODD Cases; or (2)
17 forty-five days after plaintiff provides written notice to SOA that plaintiff does not intend to
18 file a Consolidated Amended Complaint; or (3) any earlier response date to which SOA agrees
19 or by which it is ordered to respond in any ODD case;

20 WHEREAS this Stipulation does not constitute a waiver by SOA of any defense,
21 including but not limited to the defenses of lack of personal jurisdiction, subject matter
22 jurisdiction, improper venue, sufficiency of process or service of process;

23 PURSUANT TO LOCAL RULE 6-1(a), PLAINTIFF AND DEFENDANT
24 SOA, BY AND THROUGH THEIR RESPECTIVE
25 COUNSEL OF RECORD, HEREBY STIPULATE AS FOLLOWS:

26 1. The deadline for SOA to answer, move, or otherwise respond to plaintiff's
27 Complaint shall be extended until the earliest of the following dates: (1) forty-five days after
28 the filing of a Consolidated Amended Complaint in the ODD Cases; or (2) forty-five days after

1 plaintiff provides written notice to SOA that plaintiff does not intend to file a Consolidated
2 Amended Complaint; or (3) any earlier response date to which SOA agrees or by which it is
3 ordered to respond in any ODD case.

4 2. This Stipulation does not constitute a waiver by SOA or any other named
5 defendant joining the Stipulation of any defense, including but not limited to the defenses of
6 lack of personal jurisdiction, subject matter jurisdiction, improper venue, sufficiency of process
7 or service of process.

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1 IT IS SO STIPULATED.

2 DATED: November 23, 2009

Respectfully submitted,

3 By: 
Christopher T. Heffelfinger (SBN 118058)
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Attorneys for Plaintiff Univisions-Crimson Holding, Inc.

9 DATED: November 23, 2009

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PROPOSED ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/24/09

