

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
4 “ODD 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
7 direct purchasers alleging antitrust violations by manufacturers, distributors, and sellers of
8 ODD products (collectively “the ODD Cases”);

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

11 WHEREAS plaintiff and Philips Lite-On Digital Solutions, U.S.A., Inc. (“PLDS
12 U.S.A.”) have agreed that an orderly schedule for any response to the pleadings in the ODD
13 Cases would be more efficient for the parties and for the Court;

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

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

24 PURSUANT TO LOCAL RULE 6-1(a), PLAINTIFF AND DEFENDANT
25 PLDS U.S.A., BY AND THROUGH THEIR RESPECTIVE
26 COUNSEL OF RECORD, HEREBY STIPULATE AS FOLLOWS:

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25 *Attorneys for Plaintiff KI, Inc.*

26 DATED: November 24, 2009

27 /s/

28 David Lisi
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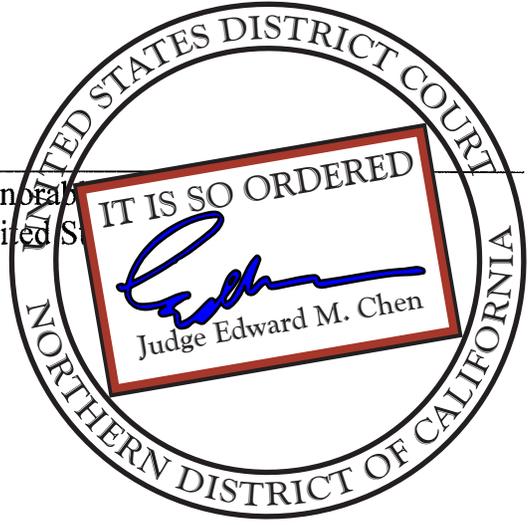
*Attorneys for Defendant Philips Lite-On Digital
Systems, U.S.A.*

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/25/09 _____

Honorable
United States



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1 **PROOF OF SERVICE**

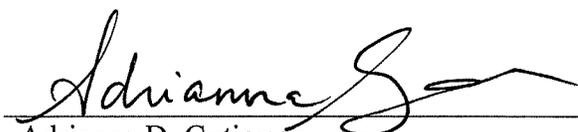
2 I, Adrianna D. Gutierrez, declare that I am over the age of eighteen (18) and not a party to
3 the within action. I am employed in the law firm of Kaplan Fox & Kilsheimer LLP, 350 Sansome
4 Street, San Francisco, California 94104.

5 On November 24, 2009, I used the Northern District of California's Electronic Case Filing
6 System, with the ECF registered to Linda M. Fong to file following document(s):

7 **STIPULATION RE EXTENSION OF TIME FOR DEFENDANT**
8 **PHILIPS LITE-ON DIGITAL SYSTEMS TO RESPOND TO**
9 **COMPLAINT; [PROPOSED] ORDER EXTENDING TIME TO**
10 **RESPOND TO**
11 **COMPLAINT**

12 The ECF system is designed to send an e-mail message to all parties in the case, which
13 constitutes service.

14 Executed November 24, 2009, at San Francisco, California.

15 
16 Adrianna D. Gutierrez