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12 Attorneys for Defendant
 MICROSOFT CORPORATION

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

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 18 DATEL HOLDINGS LTD. and DATEL
 DESIGN & DEVELOPMENT, INC.,

19 Plaintiffs,

20 vs.

21 MICROSOFT CORPORATION,

22 Defendant.
 23

CASE NO. CV 09-5535 EDL

**STIPULATION REGARDING PARTIES'
 FILING OF AMENDED ANSWERS**

STIPULATION

1
2 WHEREAS, Plaintiffs Datel Holdings Ltd. And Datel Design & Development, Inc.
3 (collectively, “Datel”), filed their Complaint on November 20, 2009;

4 WHEREAS, Defendant Microsoft Corporation (“Microsoft”) filed its Answer and
5 Counterclaims on May 28, 2010;

6 WHEREAS, Datel filed its Answer to Microsoft’s Counterclaims on June 25, 2010;

7 WHEREAS, on April 1, 2010, Microsoft filed complaints in the District Court of the
8 Western District of Washington and the ITC against Datel alleging that Datel’s wired and
9 wireless controllers for the Xbox 360 infringe upon six design patents owned by Microsoft (the
10 “ITC Action”) and seeking to preclude Datel from importing infringing controllers.

11 WHEREAS, on approximately August 7, 2010, the parties reached a settlement of the ITC
12 Action and Western District of Washington proceedings. Pursuant to the settlement, the parties
13 agreed that Microsoft may amend its Answer in this action to plead an affirmative defense and
14 seek a finding in this action that Datel’s original controllers infringed one or more of Microsoft’s
15 design patents in order to defend itself against any antitrust or other claim that Datel may assert
16 with respect to that original controller. The parties have now further agreed that Datel may
17 amend its answer to set forth its defenses to Microsoft’s assertion of its design patents.

18 NOW, THEREFORE, IT IS HEREBY STIPULATED by Microsoft and Datel, by and
19 through their attorneys of record, that

20 1. Microsoft may file its First Amended Answer and Counterclaims to Datel’s
21 Complaint (“Microsoft’s Amended Answer”), attached hereto as Exhibit A, that Microsoft may
22 plead an affirmative defense asserting its design patents (denominated the Third Affirmative
23 Defense) in Microsoft’s Amended Answer, and that Microsoft make seek a finding in this action
24 that Datel’s original controllers infringe one or more of Microsoft’s design patents to defend itself
25 against any claim with respect to Datel’s original controller; and

26 2. Datel may file a First Amended Answer to Microsoft’s First Amended Answer and
27 Counterclaims (“Datel’s Amended Answer”), attached hereto as Exhibit B, and that Datel may
28 plead specific defenses to Microsoft’s assertion of its design patents in Datel’s Amended Answer.

