

1 Martin C. Fliesler (SBN 073768)
2 FLIESLER MEYER LLP
3 650 California Street, 14th Floor
4 San Francisco, CA 94108
5 Telephone: (415) 362-3800
6 Facsimile: (415) 362-2928
7 Email: mcf@fdml.com

8 Attorneys for Plaintiff
9 SOFTWARE TREE, LLC

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 SOFTWARE TREE, LLC,

14 Plaintiff

15 vs.

16 RED HAT, INC., HEWLETT-PACKARD
17 COMPANY, GENUITEC, L.L.C., and DELL INC.,

18 Defendants.

) Action No. 10-80133-MISC-JSW (BZ)

) **JOINT STIPULATION AND**
) **[PROPOSED] AGREED ORDER**

19 Following the Court's August 2, 2010 telephonic conference in the referenced matter,
20 counsel for Movant Software Tree LLC ("Software Tree") and counsel for third-party respondent
21 Geeknet, Inc. ("Geeknet") held several conferences regarding the relief sought by Software Tree,
22 and have reached the following agreed joint stipulation, which the parties request the Court to
23 enter as a final resolution of the referenced matter:

- 24 1. Geeknet agrees to update its collection of download access logs showing
25 downloads of Hibernate and other products that include Hibernate through and
26 including July 31, 2010.
- 27 2. No later than August 31, 2010, Geeknet will produce the updated download access
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

logs along with the previously produced download access logs to Software Tree, in their native electronic form. Geeknet will not remove or obfuscate any information contained on the download access logs.

3. Immediately upon receipt of the download access logs, Software Tree will remit to Geeknet the sum of \$3,000 as the agreed amount to reimburse Geeknet's expenses incurred in complying with this Agreed Order.

Dated: August 13, 2010

Respectfully Submitted,

/s/ Martin C. Fliesler
Martin C. Fliesler (SBN 073768)
FLIESLER MEYER LLP
650 California Street, 14th Floor
San Francisco, California 94108
Telephone: (415) 362-3800
Facsimile: (415) 362-2928
Email: mcf@fdml.com

Attorneys for Plaintiff and Movant
SOFTWARE TREE, LLC

Dated: August 13, 2010

Respectfully Submitted:

/s/ Michael A. Sweet
Michael A. Sweet
Douglas C. Graham
MCNUTT LAW GROUP LLP
188 The Embarcadero, Suite 800
San Francisco, California 94105
Tel. (415) 995-8475
Fax (415) 995-8487
Email: msweet@ml-sf.com
Email: dgraham@ml-sf.com

Attorneys for Third-Party Respondent
GEEKNET, INC.

~~PROPOSED~~

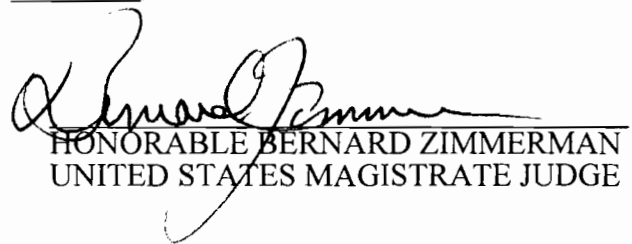
PROPOSED] AGREED ORDER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Based on the Court's August 2, 2010 telephonic conference in the referenced matter, and noting the stipulation entered in this case by Movant Software Tree LLC ("Software Tree") and third-party respondent Geeknet, Inc. ("Geeknet"), the Court hereby enters the following Order:

1. Geeknet will update its collection of download access logs showing downloads of Hibernate and other products that include Hibernate through and including July 31, 2010.
2. No later than August 31, 2010, Geeknet will produce the updated download access logs along with the previously produced download access logs to Software Tree, in their native electronic form. Geeknet will not remove or obfuscate any information contained on the download access logs.
3. Immediately upon receipt of the download access logs, Software Tree will remit to Geeknet the sum of \$3,000 to reimburse Geeknet's expenses incurred in complying with this Agreed Order.

IT IS SO ORDERED, this 13 Aug day of _____, 2010


 HONORABLE BERNARD ZIMMERMAN
 UNITED STATES MAGISTRATE JUDGE