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9 *Attorneys for Plaintiff and the Proposed Class*

10 **IN THE UNITED STATES DISTRICT COURT**
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN JOSE DIVISION**

13
 14 JAMES DOUGLAS WHITE; an individual, on
 behalf of himself and others similarly situated,

15 Plaintiff,

16 v.

17 CARRIER IQ, INC., a Delaware Corporation;
 18 HUAWEI TECHNOLOGIES CO., LTD., a
 Chinese Company; and HUAWEI
 19 TECHNOLOGIES USA, INC., a Texas
 Corporation,
 20

21 Defendants.
 22

CASE No.: 5:12-cv-01449-EMC

CLASS ACTION

**STIPULATION TO ALLOW
 SUBSTITUTION OF PROPER
 DEFENDANT AND [~~PROPOSED~~]
 ORDER**

Action Filed on March 22, 2012

23
 24 WHEREAS, Plaintiff filed this putative class action against Defendants Huawei
 25 Technologies Co., Ltd. and Huawei Technologies USA, Inc. on March 22, 2012;

26 WHEREAS, on March 29, 2012, Plaintiff personally served Defendant Huawei
 27 Technologies USA, Inc.;

28 WHEREAS, on April 12, 2012, Defendant Huawei Technologies USA, Inc.'s counsel

STIPULATION TO ALLOW SUBSTITUTION OF PROPER DEFENDANT

1 represented that Huawei Technologies USA, Inc. does not sell mobile devices and has no
2 involvement in the circumstances set forth in the Complaint and that Huawei Devices USA,
3 Inc. is the name of the subsidiary that sells mobile devices;

4 WHEREAS, the parties have agreed, subject to court approval, to substitute Huawei
5 Devices USA, Inc. as the proper defendant in this case, in place of defendant Huawei
6 Technologies USA, Inc., and to change the caption of this case accordingly, and Huawei
7 Devices USA, Inc. has agreed that service of the Complaint on it shall be deemed complete as
8 of the date of such substitution.

9 THEREFORE, the parties agree, subject to court approval, to substitute Huawei
10 Devices USA, Inc. as the proper defendant in this case, in place of defendant Huawei
11 Technologies USA, Inc., and to change the caption of this case accordingly, to read JAMES
12 DOUGLAS WHITE; an individual, on behalf of himself and others similarly situated, Plaintiff,
13 v. CARRIER IQ, INC., a Delaware Corporation; HUAWEI TECHNOLOGIES CO., LTD., a
14 Chinese Company; and HUAWEI DEVICES USA, INC., a Texas Corporation, Defendants.

15 IT IS SO STIPULATED

16 Dated: May 9, 2012.

By: /s/ Brian R. Strange

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Dated: May 9, 2012.

By: /s/ Simon J. Frankel

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*Attorneys for Defendant Huawei Technologies
USA, Inc. and Huawei Devices USA, Inc.*

Pursuant to stipulation, it is SO ORDERED.

Dated: May 17, 2012



