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12 *Attorneys for Plaintiffs*

13  
 14 **UNITED STATES DISTRICT COURT**  
 15 **NORTHERN DISTRICT OF CALIFORNIA**  
 16 **SAN FRANCISCO DIVISION**  
 17

18  
 19 IN RE OPTICAL DISK DRIVE ANTITRUST  
 LITIGATION

Master File No. 3:10-md-2143 RS

MDL Docket No. M 10-2143

20  
 21 This Document Relates to

22 Case No. 5:13-cv-04991-RS

23 ACER INC.; ACER AMERICA CORPORATION;  
 24 GATEWAY, INC.; AND GATEWAY U.S.  
 RETAIL, INC., F/K/A EMACHINES, INC.

25 Plaintiffs,

26 vs.

27 LITE-ON IT CORPORATION; NEC  
 28 CORPORATION; KONINKLIJKE PHILIPS  
 ELECTRONICS N.V.; PHILIPS & LITE-ON  
 DIGITAL SOLUTIONS CORPORATION; PHILIPS

**JOINT STIPULATION AND  
 [PROPOSED] ORDER  
 REGARDING EXTENSION OF  
 TIME TO RESPOND TO  
 COMPLAINT AND WAIVER OF  
 SERVICE**

Judge Richard Seeborg

1 & LITE-ON DIGITAL SOLUTIONS USA, INC.;  
2 PIONEER CORPORATION; PIONEER DIGITAL  
3 DESIGN & MANUFACTURING COMPANY;  
4 PIONEER ELECTRONICS (USA) INC.; PIONEER  
5 HIGH FIDELITY TAIWAN CO., LTD.; PIONEER  
6 NORTH AMERICA, INC.; SAMSUNG  
7 ELECTRONICS AMERICA, INC.; SAMSUNG  
8 ELECTRONICS CO., LTD.; SONY  
9 CORPORATION; SONY ELECTRONICS INC.;  
10 SONY NEC OPTIARC INC.; SONY OPTIARC  
11 AMERICA INC.; SONY OPTIARC INC.;  
12 TOSHIBA AMERICA INFORMATION SYSTEMS,  
13 INC.; TOSHIBA CORPORATION; TOSHIBA  
14 SAMSUNG STORAGE TECHNOLOGY  
15 CORPORATION; TOSHIBA SAMSUNG  
16 STORAGE TECHNOLOGY KOREA  
17 CORPORATION,

Defendants.

11 WHEREAS, Acer Inc., Acer America Corporation, Gateway, Inc., and Gateway U.S. Retail,  
12 Inc. f/k/a EMachines, Inc. (“Acer”) filed a complaint on October 25, 2013 (the “Complaint”) against  
13 the above-named Defendants;

14 WHEREAS, certain Defendants were served with the Complaint in early December 2013,  
15 and their responses are currently due, at various times, no earlier than December 26, 2013;

16 WHEREAS, Acer intends to file an Amended Complaint within approximately the next  
17 thirty days;

18 WHEREAS, Acer wishes to avoid the burden and expense of serving process on foreign  
19 entities; and

20 WHEREAS, Defendants desire a reasonable amount of time to respond to the Amended  
21 Complaint, and wish to avoid the necessity of responding to the original Complaint;

22 NOW, THEREFORE, it is stipulated by and between the undersigned parties, by their  
23 representative attorneys, that:

24 1. Undersigned Counsel of BAKER BOTTS LLP agree to accept service of the  
25 complaint in *Acer v. Lite-On IT Corporation, et al.*, Case No. 5:13-cv-04991-RS, on behalf of  
26 Defendants Lite-On IT Corporation, Koninklijke Philips Electronics N.V., and Philips & Lite-On  
27 Digital Solutions Corporation. Defendants Lite-On IT Corporation, Koninklijke Philips Electronics  
28 N.V., Philips & Lite-On Digital Solutions Corporation, and Philips & Lite-On Digital Solutions

1 USA, Inc. (collectively, the “PLDS Defendants”) shall have until Wednesday, March 26, 2014 to file  
2 a response to the Complaint. If Acer amends its Complaint, the PLDS Defendants shall have until  
3 either 60 days from the date of amendment, or March 26, 2014, whichever is later, to respond to the  
4 Amended Complaint. This stipulation does not constitute a waiver by the PLDS Defendants of any  
5 defense, including but not limited to those defenses provided under Federal Rule of Civil Procedure  
6 12.

7 2. Undersigned Counsel of LATHAM & WATKINS LLP agree to accept service of the  
8 complaint in *Acer v. Lite-On IT Corporation, et al.*, Case No. 5:13-cv-04991-RS, on behalf of  
9 Defendants Toshiba Corporation (“Toshiba Corp.”), Toshiba Samsung Storage Technology  
10 Corporation (“TSST”), and Toshiba Samsung Storage Technology Korea Corporation (“TSSTK”).  
11 Defendants Toshiba Corp., TSST, TSSTK, and Toshiba America Information Systems, Inc.  
12 (“TAIS”) shall have until Wednesday, March 26, 2014 to file a response to the Complaint. If Acer  
13 amends its Complaint, the Toshiba Defendants shall have until either 60 days from the date of  
14 amendment, or March 26, 2014, whichever is later, to respond to the Amended Complaint. This  
15 stipulation does not constitute a waiver by any of Toshiba Corp., TSST, TSSTK or TAIS of any  
16 defense, including but not limited to those defenses provided under Federal Rule of Civil Procedure  
17 12.

18 3. Undersigned Counsel of O’MELVENY & MYERS LLP agree to accept service of  
19 the complaint in *Acer v. Lite-On IT Corporation, et al.*, Case No. 5:13-cv-04991-RS, on behalf of  
20 Defendant Samsung Electronics Co., Ltd. Defendants Samsung Electronics Co., Ltd. and Samsung  
21 Electronics America, Inc. (collectively, the “Samsung Defendants”) shall have until Wednesday,  
22 March 26, 2014 to file a response to the Complaint. If Acer amends its Complaint, the Samsung  
23 Defendants shall have until either 60 days from the date of amendment, or March 26, 2014,  
24 whichever is later, to respond to the Amended Complaint. This stipulation does not constitute a  
25 waiver by the Samsung Defendants of any defense, including but not limited to those defenses  
26 provided under Federal Rule of Civil Procedure 12.

27 4. Undersigned Counsel of JONES DAY agree to accept service of the complaint in  
28 *Acer v. Lite-On IT Corporation, et al.*, Case No. 5:13-cv-04991-RS, on behalf of Defendants Pioneer

1 Corporation, Pioneer High Fidelity Taiwan Co., Ltd., and Pioneer Digital Design & Manufacturing  
2 Company. Defendants Pioneer Corporation, Pioneer High Fidelity Taiwan Co., Ltd., Pioneer Digital  
3 Design & Manufacturing Company, Pioneer Electronics (USA) Inc., and Pioneer North America,  
4 Inc. (collectively, the “Pioneer Defendants”) shall have until Wednesday, March 26, 2014 to file a  
5 response to the Complaint. If Acer amends its Complaint, the Pioneer Defendants shall have until  
6 either 60 days from the date of amendment, or March 26, 2014, whichever is later, to respond to the  
7 Amended Complaint. This stipulation does not constitute a waiver by the Pioneer Defendants of any  
8 defense, including but not limited to those defenses provided under Federal Rule of Civil Procedure  
9 12.

10 5. Defendants Sony Corporation, Sony Optiarc Inc., and Sony NEC Optiarc Inc. agree to  
11 waive service of the Complaint, and Acer will mail a copy of the Complaint to them via certified  
12 mail or United Parcel Service, addressed and delivered to a designated individual in the Sony  
13 Corporation Legal Department in Japan. Defendants Sony Corporation, Sony Optiarc Inc., Sony  
14 NEC Optiarc, Inc., Sony Optiarc America Inc., and Sony Electronics Inc. (collectively, the “Sony  
15 Defendants”) shall have until Wednesday, March 26, 2014 to file a response to the Complaint. If  
16 Acer amends its Complaint, the Sony Defendants shall have until either 60 days from the date of  
17 amendment, or March 26, 2014, whichever is later, to respond to the Amended Complaint. This  
18 stipulation does not constitute a waiver by the Sony Defendants of any defense, including but not  
19 limited to those defenses provided under Federal Rule of Civil Procedure 12.

20 Respectfully submitted,

21 Dated: December 23, 2013

**CARLTON FIELDS, P.A.**

22 By: /s/ David B. Esau

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*ATTORNEYS FOR PLAINTIFFS ACER INC.;  
ACER AMERICA CORPORATION; GATEWAY,  
INC.; AND GATEWAY U.S. RETAIL, INC., F/K/A  
EMACHINES, INC.*

DATED: December 23, 2013

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SAMSUNG STORAGE TECHNOLOGY KOREA  
CORP.; and TOSHIBA AMERICA INFORMATION  
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DATED: December 23, 2013

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PHILIPS ELECTRONICS N.V.; PHILIPS & LITE-ON  
DIGITAL SOLUTIONS CORP.; and PHILIPS & LITE-  
ON DIGITAL SOLUTIONS USA, INC.*

1 DATED: December 23, 2013

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9 Counsel for Defendant  
10 *SAMSUNG ELECTRONICS CO, LTD. and SAMSUNG*  
11 *ELECTRONICS AMERICA, INC.*

12 DATED: December 23, 2013

**JONES DAY**

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22 *DESIGN & MANUFACTURING COMPANY;*  
23 *PINOEER ELECTRONICS (USA) INC.; PIONEER*  
24 *HIGH FIDELITY TAIWAN CO., LTD.; and PIONEER*  
25 *NORTH AMERICA, INC.*

26 DATED: December 23, 2013

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Counsel for Defendants  
*SONY CORPORATION; SONY ELECTRONICS INC.,*  
*SONY NEC OPTIARC INC.; SONY OPTIARC*  
*AMERICA INC.; AND SONY OPTIARC INC.*

1 Pursuant to Civil Local Rule 5-1(i)(3), the filer attests that concurrence in the filing of  
2 this document has been obtained from the stipulating parties.

3 \* \* \*

4  
5 PURSUANT TO STIPULATION, IT IS SO ORDERED.

6  
7 DATED: 1/3/14



8 HONORABLE RICHARD SEEBORG  
9 UNITED STATES DISTRICT JUDGE