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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

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING
EXTENSION OF TIME TO
RESPOND TO COMPLAINT AND
WAIVER OF SERVICE**

Judge Richard Seeborg

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

10 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, Acer intends to file an Amended Complaint within approximately the next
15 thirty days;

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

18 WHEREAS, Defendant NEC Corporation (“NEC”) desires a reasonable amount of time to
19 respond to the Amended Complaint, and wishes to avoid the necessity of responding to the original
20 Complaint;

21 NOW, THEREFORE, it is stipulated by and between the undersigned parties, by their
22 representative attorneys, that Undersigned Counsel of WINSTON & STRAWN LLP agrees to
23 accept service of the complaint in *Acer v. Lite-On IT Corporation, et al.*, Case No. 5:13-cv-04991-
24 RS, on behalf of NEC. NEC shall have until Wednesday, March 26, 2014 to file a response to the
25 Complaint. If Acer amends its Complaint, NEC shall have until either 60 days from the date of
26 amendment, or March 26, 2014, whichever is later, to respond to the Amended Complaint. This
27

1 stipulation does not constitute a waiver by NEC of any defense, including but not limited to those
2 defenses provided under Federal Rule of Civil Procedure 12.

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4 Respectfully submitted,

5 Dated: December 24, 2013

CARLTON FIELDS, P.A.

6 By: /s/ David B. Esau

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

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28 DATED: December 24, 2013

WINSTON & STRAWN LLP

By: /s/ Robert B. Pringle

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Counsel for Defendant
NEC CORPORATION

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

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 1/3/14 _____



HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE