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10 *Attorneys for Plaintiff HP Inc.*

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

15 IN RE OPTICAL DISK DRIVE PRODUCTS
 16 ANTITRUST LITIGATION

MDL Docket No. 3:10-md-02143-RS-JCS

17 This document relates to:
 18 Hewlett-Packard Company,
 19 Plaintiff,
 20 v.
 21 Toshiba Corporation, et al.,
 22 Defendants.

Case No. 3:13-cv-05370-RS

**STIPULATION AND [PROPOSED]
 ORDER REGARDING AMENDED
 COMPLAINT OF HP INC.**

Hon. Richard Seeborg

1 Plaintiff HP Inc. (“HP”) and Defendants Hitachi-LG Data Storage, Inc., Hitachi-LG Data
2 Storage Korea, Inc., LG Electronics, Inc., LG Electronics USA, Inc., Quanta Storage, Inc.,
3 Quanta Storage America, Inc., Toshiba Corporation, Toshiba Samsung Storage Technology
4 Corp., Toshiba Samsung Storage Technology Korea Corp., Toshiba America Information
5 Systems Inc., Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., NEC
6 Corporation, Sony Corporation, Sony Optiarc America, Inc., Sony Optiarc, Inc., and Sony
7 Electronics Inc. (collectively, “Defendants”) by and through undersigned counsel, stipulate and
8 agree to the below:

9 WHEREAS, HP filed Complaints against Defendants on October 24, 2013, in the
10 Southern District of Texas, Houston Division (the “Complaints”), which actions were transferred
11 to the Northern District of California, San Francisco Division, on November 15, 2013. *See* Case
12 No. 3:13-CV-05370-RS (N.D. Cal), Dkt. Nos. 1, 8; *see also* Case No. 3:13-CV-05371-RS (N.D.
13 Cal), Dkt. Nos. 1, 8.

14 WHEREAS, HP filed First Amended Complaints against Defendants on May 8, 2014 (the
15 “First Amended Complaints”). *See* Case No. 3:13-CV-05370-RS (N.D. Cal), Dkt. No. 26; *see*
16 *also* Case No. 3:13-CV-05371-RS (N.D. Cal), Dkt. No. 29.

17 WHEREAS, HP’s actions were consolidated into a single action under Case Number
18 3:13-CV-05370-RS (the “Consolidated Action”) on January 4, 2016. *See* Case No. 3:13-CV-
19 05370-RS (N.D. Cal), Dkt. No. 76; *see also* Case No. 3:13-CV-05371-RS (N.D. Cal), Dkt. No.
20 64.

21 WHEREAS, HP has proposed to amend its First Amended Complaint in the Consolidated
22 Action and provided Defendants with its proposed Second Amended Complaint, and Defendants
23 consent to such amendment;

24 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the undersigned
25 counsel for HP and Defendants as follows:

- 26 1. HP is granted leave to amend pursuant to Fed. R. Civ. P. 15(a)(2). HP’s Second
27 Amended Complaint shall be filed within five (5) days after entry of this stipulation
28 and order by the Court;

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2. HP's Second Amended Complaint shall relate back for all purposes to HP's Complaints filed on October 24, 2013;
3. Defendants' answers shall be due 45 days from HP's filing of its Second Amended Complaint;
4. Defendants need answer only paragraphs 1, 44-49, 56-64, 135, 140, 156-162, 209, and 219 of HP's Second Amended Complaint; and
5. This Stipulation and [Proposed] Order does not constitute a waiver by Defendants of any defenses to HP's claims.

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IT IS SO STIPULATED.

Dated: January 19, 2017

CROWELL & MORING LLP

By: */s/ Beatrice B. Nguyen*

Beatrice B. Nguyen
Michael J. Songer
Matthew J. McBurney

Attorneys for Plaintiff HP Inc.

Dated: January 19, 2017

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