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11 Attorneys for Intel Corporation

12 *(Additional counsel on signature page)*

13
                    UNITED STATES DISTRICT COURT
14
              FOR THE NORTHERN DISTRICT OF CALIFORNIA
15

16 NORTHPEAK WIRELESS, LLC,   Case No: 3:15-cv-5273

17   Plaintiff,   **STIPULATION TO RELATE CASES
                                                   UNDER CIVIL L.R. 3-12**
18   v.

19 INTEL CORPORATION,

20   Defendant.

21

22   Plaintiff NorthPeak Wireless, LLC ("NorthPeak") and Defendant Intel Corporation

23 ("Intel") hereby stipulate as follows:

24   1.   This action was filed pursuant to an order approving severance of certain claims

25 in a previously-filed, pending action in this District, styled NorthPeak Wireless, LLC v. 3COM

26 Corp., et al., Case No. 3:09-cv-00602 SI (the "Remaining Action"). A copy of the order of

27 severance ("Severance Order," Dkt. 621 in the Remaining Action) is attached as Exhibit A.

28   2.   Before issuing the Severance Order, on November 4, 2015, the Court held a

STIPULATION TO RELATE CASES
CASE NO: 3:15-CV-5273

1 | further case management conference in the Remaining Action. Following the conference, on

2 | November 5, 2015, the Court issued a minute entry ordering counsel for Intel and NorthPeak to

3 | "open a new case with the severed out claims, which will then be related back to Judge Illston."

4 | *See* Dkt. 620 in the Remaining Action, attached as Exhibit B.

5 | 3.   Pursuant to the November 5, 2015, minute entry and to paragraph 3 of the

6 | Severance Order, the parties stipulate that this action is related to the Remaining Action within

7 | the meaning of Civil L.R. 3-12(c). Accordingly, the parties stipulate and jointly request that this

8 | action be assigned to the Honorable Susan Illston, who is presiding over the Remaining Action.

9 | 4.   The parties also stipulate and jointly request that all documents docketed in the

10 | Remaining Action, from the initial Complaint (Dkt. 1 in the Remaining Action) up through and

11 | including the Severance Order (Dkt. 621 in the Remaining Action), should be deemed to be

12 | docketed in this action.

13 |

14 | PURSUANT TO STIPULATION, IT IS SO ORDERED.

15 |

16 | _____   ___11/24/15_____

     Date

17 |

18 | Hon. _Susan Illston_____

STIPULATION TO RELATE CASES
CASE NO: 3:15-CV-5273

1

DATED: November 19, 2015   **PERKINS COIE LLP**

By: /s/ Chad S. Campbell
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Attorneys for Intel Corporation

DATED: November 19, 2015

By:/s/ Christian Hurt

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2

– and –

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Attorneys for Plaintiff NorthPeak Wireless, LLC

CONSENT TO FILING PURSUANT TO GENERAL ORDER 45(X)

The undersigned hereby attests that written concurrence in the filing of the **Stipulation to Relate Cases Under Civil L.R. 3-12** has been obtained from each of the parties listed in the signature block above.

Dated: November 19, 2015

/s/ Aaron Matz_____

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was electronically filed in compliance with Local Rule CV-5 and served via the Court's electronic filing system on all counsel who have consented to electronic service on November 19, 2015.

/s/ Indy Fitzgerald_____

128558357.1

Exhibit A

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UNITED STATES DISTRICT COURT

9

NORTHERN DISTRICT OF CALIFORNIA

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NORTHPEAK WIRELESS, LLC,

13

Plaintiff,

14

v.

15

3COM CORPORATION, et al.,

16

Defendants.

17

Case No. 3:09-cv-00602 SI

ORDER APPROVING STIPULATION OF NONINFRINGEMENT AND FOR SEVERANCE OF CLAIMS REGARDING INTEL

Judge: The Honorable Susan Illston
Courtroom 10, 19th Floor

18   Plaintiff NorthPeak Wireless, LLC ("NorthPeak") and Intervenor Intel Corporation

19 (Intel") have filed a Stipulation of Noninfringement and for Severance of Claims Regarding Intel,

20 Docket No.614. The Court has reviewed the stipulation and finds good cause to approve it.

21   Accordingly, IT IS ORDERED that:

22   1. The claims for declaratory judgment relief against NorthPeak in Intel's Complaint

23   in Intervention (Dkt. 339), the defenses and claims for affirmative relief against

24   Intel in Plaintiff NorthPeak Wireless LLC's Answer and Counterclaim to

25   Intervenor Intel Corporation's Complaint in Intervention (Dkt. 347), and all

26   defenses in Intel's Answer to Plaintiff NorthPeak Wireless LLC's Counterclaim

27   (Dkt. 373) are hereby severed (the "Severed Action");

28

[PROPOSED] ORDER APPROVING
STIPULATION

Case No: 3:09-cv-00602-SI

2. Counsel shall file documents comprising the Severed Action as a new civil action, with a new cover sheet and filing fee;

3. Counsel shall file a stipulation that the newly-filed Severed Action is related to the pending action within the meaning of L.R. 3-12(c); and

4. The steps set out in paragraphs 18-21 of the Stipulation of Noninfringement and for Severance of Claims Regarding Intel are approved. Upon the docketing of the newly filed Severed Action, NorthPeak and Intel shall cooperate to implement those steps.

Dated: November 5, 2015.

_____

Honorable Susan Illston
U.S. District Court Judge

[PROPOSED] ORDER APPROVING STIPULATION

-2-

Case No: 3:09-cv-00602-SI

Exhibit B

 Time: 15 minutes

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
<u>CIVIL PRETRIAL MINUTES</u>

Date: <u>11/4/15</u>

Case No.   <u>C-09-0602 SI</u>   Judge: <u>SUSAN ILLSTON</u>

Title: <u>NORTHPEAK WIRELESS</u> -v- <u>3COM CORP, ET AL.,</u>

Attorneys for Pltf: Edward Chin, Christian Hurt
Attorneys for Deft: see attached

 Deputy Clerk: <u>Tracy Kasamoto</u> Court Reporter: <u>n/a</u>

<u>PROCEEDINGS</u>

1)   <u>Further Case Management Conference -HELD by phone   </u>

Order to be prepared by: ( )Pltf   ( )Deft   ( )Court

Disposition : ( ) GRANTED, ( ) DENIED, ( ) GRANTED/DENIED IN   ( ) SUBMITTED
                                                    PART

Case continued to__for Further Case Management Conference

ORDERED AFTER HEARING:
The parties have agreed to sever claims and file a judgment on this case. Counsel shall open a new case with the severed out claims, which will then be related back to Judge Illston. Counsel shall prepare the order.

Defense Counsel:

Netgear: Ryan Smith
SMC Networks:
Sony Electronics/Sony Computer Ent.:William Dyer III
Link Systems/Zyxel Comm.: Duncan Palmatier
Acer/Gateway: Michael Ting
Toshiba America/Information Systems, Inc.: John Sethaus
Belkin Int'l: Kevin Murray
Epson America:
HP/3Com:Tom Daivs
Dell: Steven Heminger & Ryan Koppelman
Asus: Alfred Bismonte, JeremyDuggan
Viewsonic: Dana Herberholz
Buffalo USA: Russell Faegenburg
U.S. Robotics: David Bloch
Trendnet:
Fujitsu America: Daniel Hubin
Intel: Chad Campbell, Tyler Bowen, Aaron Matz

Matt Wade- client unknown