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28 Attorneys for Defendant and Counterclaimant
 SUNLINK CORPORATION

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 (OAKLAND DIVISION)

SUNPOWER CORPORATION, SYSTEMS, a
 Delaware corporation,

Plaintiff and Counterclaim
 Defendant,

vs.

SUNLINK CORPORATION, a Delaware
 Corporation,

Defendant and Counterclaimant.

Case No. CV 08-2807 SBA

**JOINT STIPULATION AND ~~PROPOSED~~
 ORDER GRANTING LEAVE FOR
 SUNLINK CORPORATION TO FILE
 AMENDED ANSWER AND
 COUNTERCLAIMS**

PATENT CASE

1 WHEREAS Defendant and Counterclaimant SunLink Corporation (“SunLink”) seeks the
2 Court’s leave to file an amended answer and counterclaims, and Plaintiff and Counterclaim
3 Defendant SunPower Corporation, Systems (“SunPower”) assents to the filing of this amended
4 pleading as being timely;

5 WHEREAS SunPower reserves all other rights to challenge either the form or the merits
6 of SunLink’s amended answer and counterclaims, including, but not limited to, motions filed
7 under Federal Rules of Civil Procedure 11 and 12;

8 WHEREAS SunPower further reserves its right to seek all remedies afforded to it when
9 challenging unsupported or defective pleadings;

10 WHEREAS a copy of SunLink’s proposed Amended Answer and Counterclaims are
11 attached to this stipulation and [proposed] order; and thirty (30)

12 WHEREAS the parties stipulate that SunPower will have ~~forty (40)~~ days to respond to
13 SunLink’s amended answer and counterclaims.

14 NOW THEREFORE, in accordance with Federal Rule of Civil Procedure 15(a)(2), the
15 parties hereby request the Court give SunLink leave to file an amended answer and
16 counterclaims.

17 Dated: February 20, 2009

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

By: /s/ Morgan Tovey

Attorneys for Defendant and Counterclaimant
SUNLINK CORPORATION

21 Dated: February 20, 2009

FISH & RICHARDSON P.C.

By: /s/ Craig Compton

Attorneys for Plaintiff and Counterclaim
Defendant SUNPOWER CORPORATION,
SYSTEMS

1 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under
2 penalty of perjury that concurrence in the filing of this document has been obtained from Craig
3 Compton.

4 Dated: February 20, 2009

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

5

By: /s/ Morgan Tovey

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7 IT IS SO ORDERED.

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Dated: 3/4/09

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Hon. Sandra Brown Armstrong
United States District Court Judge

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