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5 Attorneys for Defendant
 6 SUNLINK CORPORATION

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10

11 SUNPOWER CORPORATION, SYSTEMS, a
 12 Delaware Corporation,
 13 Plaintiff and Counterclaim Defendant,
 14 v.
 15 SUNLINK CORPORATION, a Delaware
 corporation,
 16 Defendant and Counterclaimant.

Case No. CV 08-2807 SBA

**STIPULATION AND ORDER OF
 WITHDRAWING SUNLINK'S FIRST
 AMENDED ANSWER AND
 COUNTERCLAIMS**

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1 Defendant and Counterclaimant SunLink Corporation (“SunLink”) has filed what it has
2 entitled its Corrected First Amended Answer and Counterclaims, and

3 SunLink wishes to withdraw, and hereby withdraws, its First Amended Answer and
4 Counterclaims, and

5 Plaintiff and Counterdefendant SunPower Corporation, Systems (“SunPower”) has not
6 answered the First Amended Answer and Counterclaims,

7 NOW THEREFORE it is stipulated that SunLink’s First Amended Answer and
8 Counterclaims (both unredacted and redacted versions) are hereby withdrawn, and should be
9 stricken from the Court’s docket in the above captioned matter. SunPower reserves the right to
10 move the Court to condition that withdrawal and reserves its right to object and otherwise
11 respond to the filing of a Corrected First Amended Answer and Counterclaims.

12 The parties further stipulate that SunPower shall have twenty (20) days to answer or
13 otherwise respond to the Corrected First Amended Answer and Counterclaims.

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16 Dated: April 10, 2009

DURIE TANGRI PAGE LEMLEY
ROBERTS & KENT LLP

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18
19 By: /s/ _____

20 Michael H. Page
21 Attorneys for Defendant and Counterclaimant
SUNLINK CORPORATION

22
23
24 Dated: April 10, 2009

FISH & RICHARDSON

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26 By: /s/ _____

27 John Farrell
28 Attorneys for Plaintiff and Counterdefendant
SUNPOWER CORPORATION, SYSTEMS

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IT IS SO ORDERED. The Clerk of Court is instructed to strike from the Court's files Docket Entries numbered 63 and 68 in the above-captioned matter. SunPower's Answer to SunLink's Corrected First Amended Complaint shall be filed and served on or before April 30, 2009.

Dated: 4/15/09



Hon. Sandra Brown Armstrong
United States District Judge