

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FUZZYSHARP TECHNOLOGIES, INC

CASE NO. 4:08 CV-4284 SBA

Plaintiff(s),

v.

STIPULATION AND ~~PROPOSED~~
ORDER SELECTING ADR PROCESS

SUN MICROSYSTEMS, INC.

Defendant(s).

_____ /

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

- Non-binding Arbitration (ADR L.R. 4)
- Early Neutral Evaluation (ENE) (ADR L.R. 5)
- ✓ Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

Private ADR (please identify process and provider) _____

The parties agree to hold the ADR session by:

- ✓ the presumptive deadline (The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)

other requested deadline _____

Dated: 02/11/2009

/s/ David Fink
Attorney for Plaintiff

Dated: 02/11/2009

/s/ J. Michael Woods
Attorney for Defendant

~~PROPOSED~~ ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- Non-binding Arbitration
- Early Neutral Evaluation (ENE)
- ✓ Mediation
- Private ADR

Deadline for ADR session

- ✓ 90 days from the date of this order.
- other

IT IS SO ORDERED.

Dated: 2/17/09



UNITED STATES DISTRICT JUDGE

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ATTESTATION PURSUANT TO GENERAL ORDER 45

I, David Fink, attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 11, 2009 at Houston, Texas.

By: /s/ David Fink

David Fink