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9 Attorneys for Defendant and Counterclaimant
 10 VMWARE, INC.

Attorneys for Plaintiff and Counterdefendant
 PHOENIX TECHNOLOGIES LTD.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 OAKLAND DIVISION

15 PHOENIX TECHNOLOGIES LTD., a
 16 Delaware Corporation,
 17 Plaintiff,
 18 v.
 19 VMWARE, INC., a Delaware Corporation,
 20 Defendant.
 21 VMWARE, INC., a Delaware Corporation,
 22 Counterclaimant,
 23 v.
 24 PHOENIX TECHNOLOGIES LTD., a
 25 Delaware Corporation,
 26 Counterdefendant.

Case No. 15-cv-01414-HSG
**STIPULATION REGARDING
 EXHIBITS AT TRIAL**
 Trial Date: May 30, 2017
 Pretrial Conference: May 16, 2017
 Time: 10:00 a.m.
 Ctrm: Courtroom 2, 4th Floor
 Judge: Hon. Haywood S. Gilliam, Jr.

1 Pursuant to Local Rule 7-12, Plaintiff Phoenix Technologies Ltd. and Defendant VMware,
2 Inc. (collectively, “the parties”) by and through their respective counsel, stipulate to the following
3 terms regarding exhibits at trial:

4 WHEREAS, the parties have met and conferred regarding the admission of certain trial
5 exhibits from each parties’ exhibit list; and

6 WHEREAS, the parties have agreed to withdraw their objections to certain documents and
7 agree that they should be admitted at trial;

8 NOW, THEREFORE, the parties hereby stipulate and agree that the trial exhibits listed in
9 **Exhibit A** to this stipulation shall be deemed admitted into evidence and be part of the trial record in
10 this action. The parties have attempted in good faith to include only those exhibits that they agreed
11 to in the past few months of negotiations. If an exhibit was included in error, or if the parties
12 inadvertently did not include an exhibit that they had agreed upon, the parties reserve their right to
13 object to that exhibit being admitted and to seek relief from the Court to correct that error, or to
14 request that an inadvertently omitted exhibit be added to the stipulation

15 Additionally, as part of this stipulation, Phoenix hereby withdraws its objection to the
16 deposition testimony of Woodson Hobbs at page 17:13-18:15 and the parties agree that that
17 testimony shall be played to the jury.

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19 **IT IS SO STIPULATED.**

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Dated: May 15, 2017

MORRISON & FOERSTER LLP

By: /s/ Arturo J. González¹
ARTURO J. GONZÁLEZ

Attorneys for Defendant
and Counterclaimant
VMWARE, INC.

Dated: May 15, 2017

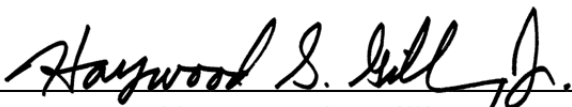
COOLEY LLP

By: /s/ Whitty Somvichian
Whitty Somvichian

Attorneys for Plaintiff and Counterdefendant
PHOENIX TECHNOLOGIES LTD.

IT IS SO ORDERED except that the trial exhibits listed in **Exhibit A** to this stipulation shall be deemed admitted as presented during trial.

Dated: May 22, 2017


Honorable Haywood S. Gilliam, Jr.

¹ I, Arturo J. González, am the ECF User whose ID and password are being used to file this Declaration. In compliance with Civil L.R. 5-1(i)(3). I hereby attest that Whitty Somvichian has concurred in this filing.

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Exhibit A

Trial Exhibits numbered:

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