

1 COOLEY LLP
 2 MICHAEL A. ATTANASIO (151529)
 (mattanasio@cooley.com)
 3 WHITTY SOMVICHIAN (194463)
 (wsomvichian@cooley.com)
 4 AMANDA A. MAIN (260814)
 (amain@cooley.com)
 5 DREW KONING (263082)
 (dkoning@cooley.com)
 6 AARTI G. REDDY (274889)
 (areddy@cooley.com)
 101 California Street, 5th Floor
 7 San Francisco, CA 94111
 Telephone: (415) 693-2000
 8 Facsimile: (415) 693-2222

9 Attorneys for Plaintiff and Counterdefendant
 PHOENIX TECHNOLOGIES LTD.

MORRISON & FOERSTER LLP
 MICHAEL A. JACOBS (111664)
 (MJacobs@mof.com)
 ARTURO J. GONZALEZ (121490)
 (AGonzalez@mof.com)
 ALEXIS A. AMEZCUA (247507)
 (AAmezcu@mof.com)
 DIANE B. KRUIZE (247605)
 (DKruze@mof.com)
 CHRISTOPHER L. ROBINSON (260778)
 (ChristopherRobinson@mof.com)
 425 Market Street
 San Francisco, CA 94105-2482
 Telephone: (415) 268-7000
 Facsimile: (415) 268-7522

Attorneys for Defendant and Counterclaimant
 VMWARE, INC.

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

15 PHOENIX TECHNOLOGIES LTD., a
 Delaware Corporation,

16 Plaintiff,

17 v.

18 VMWARE, INC., a Delaware Corporation,

19 Defendant.

20 VMWARE, INC., a Delaware Corporation,

21 Counterclaimant,

22 v.

23 PHOENIX TECHNOLOGIES LTD., a
 24 Delaware Corporation,

25 Counterdefendant.

Case No. 15-cv-01414-HSG

**SECOND STIPULATION
 REGARDING TRIAL EXHIBITS**

Trial Date: May 30, 2017

Time: 8:30 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 additional
5 trial exhibits from each party’s 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 **IT IS SO STIPULATED.**

16 ///

17 ///

18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: May 22, 2017

COOLEY LLP

/s/ Whitty Somvichian
Whitty Somvichian (194463)
Attorneys for Plaintiff and Counterdefendant
PHOENIX TECHNOLOGIES LTD.

Dated: May 22, 2017

MORRISON & FOERSTER LLP

/s/ Arturo J. González
Arturo J. González (121490)
Attorneys for Defendant and Counterclaimant
VMWARE, INC.

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 23, 2017


Honorable Haywood S. Gilliam, Jr.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A

Trial Exhibits numbered:

1
3
13
17
57
62
69
70
80
82
102
117
141
169
227
230
460
465
472
473
545
565
708
709
717
718
768
1073
1138
1163
1242
1244
1265
1303
1320
1374
1621
1682
1714
1770
1771
1772
1773