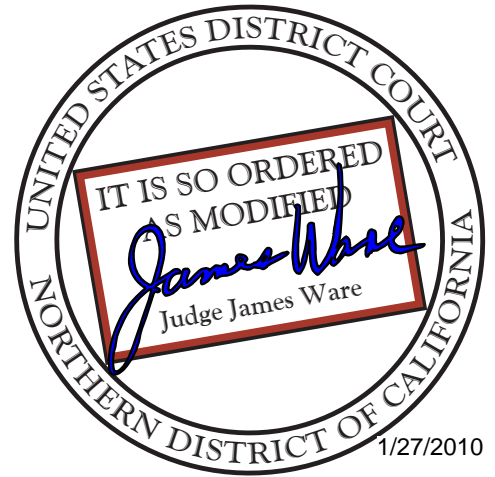


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16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
 18 **SAN JOSE DIVISION**

19 In re:
 20 3DFX INTERACTIVE, INC., a California
 21 corporation,
 22 Debtor.

Case No. 09-02478 JW

**JOINT STIPULATION AND [PROPOSED]
 ORDER RE BRIEFING AND HEARING
 OF CARLYLE'S APPEAL**

Judge: Hon. James Ware

23 **CARLYLE FORTRAN TRUST,**
 24 Plaintiff,

25 vs.

26 **NVIDIA CORPORATION, et al.,**
 27 Defendants.
 28

1 STIPULATION

2 WHEREAS on March 11, 2009, plaintiff Carlyle Fortran Trust (“Carlyle”) filed a Motion
3 For Order Establishing Trustee’s Abandonment of the Carlyle Claims Against nVidia Defendants
4 with the Bankruptcy Court;

5 WHEREAS on May 21, 2009, the Bankruptcy Court entered an Order denying Carlyle’s
6 Motion for Abandonment without prejudice;

7 WHEREAS on May 29, 2009, Carlyle filed a Notice of Appeal and Motion for Leave to
8 Appeal the Order denying Carlyle’s Motion for Abandonment without prejudice;

9 WHEREAS on November 12, 2009, the Court entered an Order denying Carlyle’s Motion
10 for Leave to Appeal;

11 WHEREAS on January 13, 2010, the District Court entered an Order Denying Defendant
12 nVidia’s Motion For Entry Of Judgment; *Sua Sponte* Reconsidering Carlyle’s Motion for Leave
13 to Appeal and Granting Leave; Setting Briefing Schedule, directing the parties to meet and confer
14 and stipulate to a briefing schedule of the appeal and file such stipulation with the Court on or
15 before January 27, 2010;

16 WHEREAS the parties agree that the Case Management Conference currently scheduled
17 in *Carlyle Fortran Trust v. NVIDIA Corp.*, Case No. 05-00427, for February 1, 2010 at 10:00
18 a.m. should be taken off calendar until after the resolution of Carlyle’s interlocutory appeal;

19
20 NOW THEREFORE, the parties hereby stipulate and agree to the following briefing
21 schedule:

- 22 February 26, 2010 Carlyle’s Opening Brief Due
- 23 March 19, 2010 NVIDIA Defendants’ Answering Brief Due
- 24 April 2, 2010 Carlyle’s Reply Brief Due
- 25 **April 26, 2010 at 9:00 AM** Hearing of Carlyle’s Interlocutory Appeal

26 The parties further stipulate and agree that the Case Management Conference currently
27 scheduled in *Carlyle Fortran Trust v. NVIDIA Corp.*, Case No. 05-00427, for February 1, 2010 at
28 10:00 a.m. should be taken off calendar until after the resolution of Carlyle’s interlocutory appeal.

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SO STIPULATED.

Dated: January 22, 2010

DLA PIPER LLP (US)

By: /s/ Henry H. Oh
Henry H. Oh
Attorneys for Plaintiff
CARLYLE FORTRAN TRUST

Dated: January 22, 2010

ORRICK HERRINGTON & SUTCLIFFE LLP

By: /s/ Justin M. Lichterman
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NVIDIA CORPORATION, ET AL.

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ORDER

Pursuant to the stipulation, and GOOD CAUSE appearing therefore, the Court hereby sets the following briefing schedule:

- February 26, 2010 Carlyle’s Opening Brief Due
- March 19, 2010 NVIDIA Defendants’ Answering Brief Due
- April 2, 2010 Carlyle’s Reply Brief Due

The hearing of Carlyle’s interlocutory appeal shall take place on **April 26, 2010 at 9:00 AM**

The Case Management Conference currently scheduled in *Carlyle Fortran Trust v. NVIDIA Corp.*, Case No. 05-00427, for February 1, 2010 at 10:00 a.m. is hereby **VACATED**.

IT IS SO ORDERED AS MODIFIED.

Dated: January 27, 2010



United States District Court Judge