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1	Pursuant to the Court's November 13, 2008 Scheduling Order, Plaintiff Netbula LLC			
2	("Netbula"), Defendant and Counterclaimant Sun Microsystems, Inc. ("Sun"), and Counterclaim			
3	Defendant Dongxiao Yue ("Yue") (collectively "Parties") respectfully submit the following			
4	stipulation concerning the selection and schedule of alternative dispute resolution ("ADR").			
5	The Parties stipulate that:			
6	1. The Parties agree to participate in private mediation;			
7	2. The Parties will inform the Court of the identity of a mutually agreeable private			
8	mediator no later than December 12, 2008.			
9	3. The Parties will proceed with and complete their private mediation between			
10	January 19 and January 30, 2009.			
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12	IT IS SO STIPULATED.			
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	STIP. AND [PROPOSED] ORDER RE SELECTION & SCHEDULE OF ADR1CASE NO. 06-07391-JW 25689/00400/LIT/1294588.3			

FENWICK & WEST LLP Attorneys at Law San Francisco

1	Dated: December 2, 2008	FENWICK & WEST LLP			
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11		SUN MÌC	ROSYSTEMS, INC.		
12	Dated: December 2, 2008	By:	/S/ ANTONIO L. CORTES		
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10	Facsimile: (415) 256-1911				
17			for Plaintiff and Counterclaim Defendant Netbula, Counter-Defendant Dongxiao Yue		
19		Attorney f	for NETBULA, LLC and DONGXIAO YUE		
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20	PURSUANT TO STIPULATION, IT IS SO ORDERED.				
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23	Dated:December 9, 2008	By	. Qames I he		
24		Dy	Agnorable James Ware		
25			United States District Judge		
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	STIP. AND [PROPOSED] ORDER SELECTION & SCHEDULE OF A		2 CASE NO. 06-07391-JW 25689/00400/LIT/1294588.3		

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