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Counsel Listed on Signature Page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NETBULA, LLC,
Plaintiff,
v.
STORAGE TECHNOLOGY CORP., *et al.*
Defendants.

Case No. C-06-07391-JW

**STIPULATION AND [PROPOSED]
ORDER REGARDING SELECTION
AND SCHEDULE OF
ALTERNATIVE DISPUTE
RESOLUTION**

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

AND RELATED COUNTERCLAIMS

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Pursuant to the Court’s November 13, 2008 Scheduling Order, Plaintiff Netbula LLC (“Netbula”), Defendant and Counterclaimant Sun Microsystems, Inc. (“Sun”), and Counterclaim Defendant Dongxiao Yue (“Yue”) (collectively “Parties”) respectfully submit the following stipulation concerning the selection and schedule of alternative dispute resolution (“ADR”).

The Parties stipulate that:

1. The Parties agree to participate in private mediation;
2. The Parties will inform the Court of the identity of a mutually agreeable private mediator no later than December 12, 2008.
3. The Parties will proceed with and complete their private mediation between January 19 and January 30, 2009.

IT IS SO STIPULATED.

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ATTORNEY ATTESTATION

Pursuant to General Order 45, I hereby attest that that concurrence in the filing of this document has been obtained from the signatory indicated by a ‘conformed’ signature (/S/) within this e-filed document.

/S/ LIWEN MAH
Liwen Mah

25689/00400/LIT/1294588.2

FENWICK & WEST LLP
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