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 9 special appearance for JEFFREY KINGSTON, who has  
 10 not yet been served

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25 Attorneys for Applicant MICROSOFT, CORP.

26 UNITED STATES DISTRICT COURT  
 27 NORTHERN DISTRICT OF CALIFORNIA  
 28 SAN JOSE DIVISION

In re Application of Microsoft Corp.

Case No. 06-80038 JF (PVT)

**JOINT STIPULATION FOR  
 EXTENSION OF TIME TO OBJECT  
 AND TO FILE A MOTION TO QUASH  
 SUBPOENA DUCES TECUM**

Judge: The Hon. James Ware

Application Date: March 3, 2006

Trial Date: Not Applicable

1           **WHEREAS**, on March 6, 2006, this Court issued an order granting Microsoft  
2 Corporation's ("Microsoft") application to allow discovery pursuant to 28 U.S.C. § 1782. This  
3 Court ordered that objections shall be served no more than three court days after the service of  
4 the subpoena and any motion to quash shall be served no more than five court days after  
5 service of the subpoena;

6           **WHEREAS**, on March 7, 2006, Microsoft served a subpoena on Morgan, Lewis &  
7 Bockius, LLP ("MLB"), which sought documents and testimony from MLB and Jeffrey  
8 Kingston, who has not yet been served with a subpoena and is not waiving service in this  
9 matter;

10           **WHEREAS**, on March 8, 2006, Microsoft served a subpoena on Sun Microsystems,  
11 Inc. ("Sun");

12           **WHEREAS**, on March 10, 2006, Microsoft, Oracle Corp. ("Oracle"), Clifford Chance,  
13 Daniel Harris, Ronald Alepin, Sun, MLB, and Jeffrey Kingston stipulated to extend the time to  
14 file objections to Microsoft's subpoenas to Oracle, Clifford Chance, Daniel Harris, Ronald  
15 Alepin, Sun, MLB, and Jeffrey Kingston until Monday, March 13, 2006 and to extend the time  
16 to file any motions to quash said subpoenas until Wednesday, March 15, 2006;

17           **WHEREAS**, on March 10, 2006, the parties agreed to serve Microsoft's Washington  
18 counsel with any objections and any motions to quash by electronic mail in PDF version by  
19 4:00 p.m., Pacific Time, on the date that said objection or motion to quash is to be filed with the  
20 Court, and, if counsel for Microsoft so desires, service will also be made by facsimile and  
21 overnight courier per the terms of the March 6, 2006 court order; and

22           **WHEREAS**, on March 10, 2006, Microsoft, Oracle Corp. ("Oracle"), Clifford Chance,  
23 Daniel Harris, Ronald Alepin, Sun, MLB, and Jeffrey Kingston stipulated that any  
24 requirements relating to privilege logs, or other logs, will be stayed until after a ruling on the  
25 objections and any motions to quash.

26           **THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:**

27           1.       MLB's objections shall be filed by Monday, March 13, 2006, and any  
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1 motion to quash the subpoenas shall be filed by Wednesday, March 15, 2006.

2           2.       Jeffrey Kingston's objections, if he files as a precaution, shall be filed by  
3 Monday, March 13, 2006, and any motion to quash the subpoena shall be filed by Wednesday,  
4 March 15, 2006.

5           3.       Sun's objections shall be filed by Monday, March 13, 2006, and any  
6 motion to quash the subpoena shall be filed by Wednesday, March 15, 2006.

7           4.       Oracle's objections shall be filed by Monday, March 13, 2006, and any  
8 motion to quash the subpoena shall be filed by Wednesday, March 15, 2006.

9           5.       Clifford Chance's objections shall be filed by Monday, March 13, 2006,  
10 and any motion to quash the subpoena shall be filed by Wednesday, March 15, 2006.

11           6.       Daniel Harris's objections shall be filed by Monday, March 13, 2006,  
12 and any motion to quash the subpoena shall be filed by Wednesday, March 15, 2006.

13           7.       Ronald Alepin's objections shall be filed by Monday, March 13, 2006,  
14 and any motion to quash the subpoena shall be filed by Wednesday, March 15, 2006.

15           8.       The parties have agreed to serve Microsoft's Washington counsel with  
16 any objections and any motions to quash by electronic mail in PDF version by 4:00 p.m.,  
17 Pacific Time, on the date that said objection or motion to quash is to be filed with the Court,  
18 and, if counsel for Microsoft so desires, service will also be made by facsimile and overnight  
19 courier per the terms of the March 6, 2006 court order.

20           9.       The parties have agreed that any requirements relating to privilege logs,  
21 or other logs, will be stayed until after a ruling on the objections and any motions to quash.

22           10.      This stipulation and the time limits set forth herein remain in full force  
23 and effect regardless of whether the Court signs and enters it as an order.

24           **IT IS SO AGREED.**

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1 DATED: March 10, 2006

MORGAN, LEWIS & BOCKIUS LLP

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By: \_\_\_\_\_ /s/  
James Penrod

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Attorneys for  
Sun Microsystems, Inc. and Morgan, Lewis &  
Bockius LLP; and appearing specially for Jeffrey  
Kingston, who has not yet been served with a  
subpoena and is not waiving service in this matter

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8 DATED: March 10, 2006

LATHAM & WATKINS LLP

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By: \_\_\_\_\_ /s/  
Daniel Wall

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Attorneys for  
Clifford Chance; Oracle Corp.; Daniel Harris; and  
Ronald Alepin

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14 DATED: March 10, 2006

COVINGTON & BURLINS

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By: \_\_\_\_\_ /s/  
Josh Wolson

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Attorneys for Applicant  
Microsoft, Corp.

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**IT IS SO ORDERED.**

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21 DATED: March \_\_\_\_, 2006

\_\_\_\_\_  
JUDGE JAMES WARE  
United States District Court  
in and for the Northern District of California

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**PROOF OF SERVICE**

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is One Market, Spear Street Tower, San Francisco, CA 94105-1126. On March 10, 2006, I served the within documents:

**JOINT STIPULATION FOR EXTENSION OF TIME TO OBJECT  
AND TO FILE A MOTION TO QUASH SUBPOENA DUCES TECUM**

ATTORNEYS	PARTIES	METHOD OF FILING
<b>Richard Allen Jones</b> Covington & Burling One Front Street 35th Floor San Francisco, CA 94111 415-591-7065 Fax: 415-955-6565 Email: rjones@cov.com	<b>Microsoft Corporation</b>	<b>E-FILING</b>
<b>Joshua David Wolson</b> Covington & Burling 1201 Pennsylvania Avenue N.W. Washington, DC 20004 202-662-6000 Email: jwolson@cov.com	<b>Microsoft Corporation</b>	<b>E-FILING</b>
<b>William D. Iverson</b> Covington & Burling 1201 Pennsylvania Avenue, N.W. Washington, DC 2004 202-662-6000	<b>Microsoft Corporation</b>	<b>E-FILING</b>

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on March 10, 2006, San Francisco, California.

I declare under penalty of perjury, under the laws of the State of California and the United States of America, that the foregoing is true and correct.

\_\_\_\_\_  
/S/  
Margaret Y. Tai