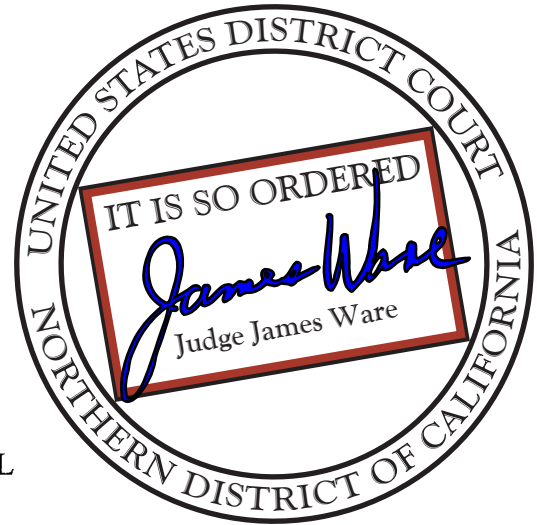


1 LAURENCE F. PULGRAM (CSB NO. 115163)
 lpulgram@fenwick.com
 2 JEDEDIAH WAKEFIELD (CSB NO. 178058)
 jwakefield@fenwick.com
 3 ALBERT L. SIEBER (CSB NO. 233482)
 asieber@fenwick.com
 4 LIWEN A. MAH (CSB NO. 239033)
 lmah@fenwick.com

5 FENWICK & WEST LLP
 555 California Street, 12th Floor
 6 San Francisco, CA 94104
 Telephone: (415) 875-2300
 7 Facsimile: (415) 281-1350

8 Attorneys for Defendants
 CHORDIANT SOFTWARE, INC.,
 9 DEREK P. WITTE, and STEVEN R. SPRINGSTEEL



10 **[ADDITIONAL PARTY APPEARS ON
 SIGNATURE PAGE]**

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

FENWICK & WEST LLP
 ATTORNEYS AT LAW
 SAN FRANCISCO

NETBULA, LLC and DONGXIAO YUE,

Plaintiffs,

v.

CHORDIANT SOFTWARE, INC., a
 Delaware corporation; DEREK P. WITTE,
 an individual; and STEVEN R.
 SPRINGSTEEL, an individual,

Defendant.

Case No. C-08-00019-JW

**STIPULATION AND ~~PROPOSED~~
 ORDER GRANTING LEAVE TO FILE
 SECOND AMENDED COMPLAINT**

1 WHEREAS, Plaintiffs Netbula, LLC and Dongxiao Yue (collectively "Plaintiffs") filed and
2 served their First Amended Complaint ("FAC") on September 8, 2008;

3 WHEREAS, the FAC's Third and Fourth Causes of Action allege claims for Unfair
4 Competition and Accession and Confusion of Property, respectively (collectively, the "State Law
5 Claims") against Defendant Chordiant Software, Inc. ("Chordiant");

6 WHEREAS, counsel for the parties have conferred regarding whether the FAC's State Law
7 Claims are preempted by the Copyright Act;

8 WHEREAS, Plaintiffs have agreed to file a Second Amended Complaint ("SAC"), which
9 withdraws the State Law Claims, and all prayers for relief based thereon;

10 IT IS THEREFORE STIPULATED AND AGREED by and between the parties that
11 Plaintiffs may file the SAC, a true and correct copy of which is submitted herewith as Exhibit A.

12 Respectfully,

13 Dated: September 30, 2008

FENWICK & WEST LLP

14 By: /s/ JEDEDIAH WAKEFIELD
15 Jedediah Wakefield

16 Attorneys for Defendants CHORDIANT
17 SOFTWARE, INC., STEVEN R. SPRINGSTEEL
and DEREK P. WITTE

18 Dated: September 30, 2008

19 By: /S/ ANTONIO L. CORTÉS
Antonio L. Cortés


20 Attorney for Plaintiffs NETBULA, LLC and
21 DONGXIAO YUE

22 ~~PROPOSED~~ **ORDER**

23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24 Plaintiffs shall file the Second Amended Complaint as a separate docket entry on or before
25 **October 31, 2008.**

26 Dated: October 22, 2008

27 By: 
28 The Honorable James Ware
United States District Court Judge