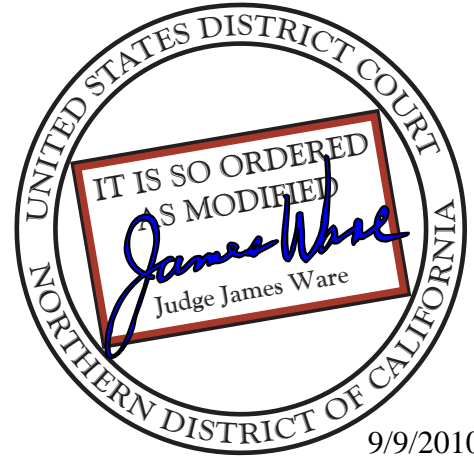


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11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

13 AVAGO TECHNOLOGIES U.S., INC., a  
 14 Delaware corporation, AVAGO  
 15 TECHNOLOGIES INTERNATIONAL  
 16 SALES PTE. LIMITED, AVAGO  
 17 TECHNOLOGIES JAPAN, LTD.,  
 18 AVAGO TECHNOLOGIES CANADA  
 19 CORPORATION,

20 Plaintiffs,

21 v.

22 EMCORE CORPORATION, VENTURE  
 23 CORPORATION LIMITED fka  
 24 VENTURE MANUFACTURING (S)  
 25 LTD.,

26 Defendants.

Case No. 08-CV-03248 JW

**STIPULATION RE: MODIFICATION OF  
 CASE SCHEDULE**

27 AND RELATED COUNTERCLAIMS.

28 Pursuant to Civil Local Rules 6-2 and 16-10(c), Plaintiffs and Counterdefendants  
 AVAGO TECHNOLOGIES U.S., INC., AVAGO TECHNOLOGIES INTERNATIONAL  
 SALES PTE. LIMITED, AVAGO TECHNOLOGIES JAPAN, LTD., AVAGO  
 TECHNOLOGIES CANADA CORPORATION (“Avago”), Defendant and Counterclaimant  
 VENTURE CORPORATION LIMITED fka VENTURE MANUFACTURING (S) LTD. and  
 Counterclaimant TECHNOCOM SYSTEMS SDN BHD (“Venture”) and Defendant and  
 Counterclaimant EMCORE CORPORATION (“Emcore”), hereby request that the Court set a  
 further Case Management Conference to modify the Court’s April 27, 2010 “Order

1 **Modifying Scheduling Order.” Alternatively, the parties request that the Court modify the**  
2 **current Case Schedule, ¶¶ 9-12, to extend each of the deadlines therein by approximately six**  
3 **(6) months.**

4 The parties make this request based on the fact that Emcore recently filed a Counterclaim,  
5 which the parties do not anticipate will be at issue until, at the earliest, two weeks prior to the  
6 close of discovery. Specifically, on August 9, 2010, the Court granted Emcore’s Motion For  
7 Leave to File Counterclaim based on its claim of recently discovered evidence. Emcore filed the  
8 Counterclaim on August 10, 2010. Avago timely filed a Motion to Dismiss on September 3,  
9 2010. Avago set a hearing for the motion on the earliest motion hearing date for which it could  
10 set a hearing, January 24, 2011. Per the operative Scheduling Order, preliminary pretrial  
11 conference statements are due on January 14, 2011, a pretrial conference is set for January 24,  
12 2011, and discovery closes on February 7, 2011. As such, the Emcore Counterclaim will likely  
13 not be at issue until following the pretrial conference, or approximately the close of discovery,  
14 leaving the parties insufficient time to conduct discovery regarding the allegations in the  
15 Counterclaim. Further, Emcore represents that, even were it to initiate discovery regarding the  
16 Counterclaim allegations at this time, it may have insufficient time to conduct discovery  
17 regarding the Counterclaim allegations, particularly given that it believes that the important  
18 witnesses are in Singapore. As a result of the delay caused by the Counterclaim, the parties  
19 request that the Court either set a further Case Management Conference or issue a further  
20 Modified Scheduling Order extending the Case Schedule, ¶¶ 9-12, by approximately six months  
21 to enable the parties to conduct discovery regarding the Emcore Counterclaim.

22 **SO STIPULATED.**

1 Dated: September 8, 2010

HOPKINS & CARLEY  
A Law Corporation

2

3

By:   \s  

4

Erik P. Khoobyarian  
Attorneys for Plaintiffs and  
Counter-Defendants  
AVAGO TECHNOLOGIES U.S., INC.,  
AVAGO TECHNOLOGIES  
INTERNATIONAL SALES PTE. LIMITED,  
AVAGO TECHNOLOGIES JAPAN, LTD.,  
AVAGO TECHNOLOGIES CANADA  
CORPORATION

5

6

7

8

9 Dated: September 8, 2010

WHITE & CASE LLP

10

11

By:   \s  

12

Matthew P. Lewis  
Attorneys for Defendant and Counterclaimant  
VENTURE CORPORATION LIMITED fka  
VENTURE MANUFACTURING (S) LTD.  
and Counterclaimant TECHNOCOM  
SYSTEMS SDN BHD

13

14

15

16 Dated: September 8, 2010

REDENBACHER & BROWN, LLP

17

18

By:   \s  

19

John C. Brown  
Attorneys for Defendant and Counterclaimant  
EMCORE CORPORATION

20

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22

23 **ATTESTATION OF JOHN C. BROWN**

24 I, John C. Brown, am one of the attorneys of record for Defendant and Counterclaimant  
25 EMCORE CORPORATION. I have obtained concurrence in the filing of this document from  
26 Erik Khoobyarian, attorney of record for Plaintiffs and Counterdefendants AVAGO  
27 TECHNOLOGIES U.S., INC., AVAGO TECHNOLOGIES INTERNATIONAL SALES PTE.  
28 LIMITED, AVAGO TECHNOLOGIES JAPAN, LTD., and AVAGO TECHNOLOGIES

1 CANADA CORPORATION; and from Matthew P. Lewis, attorney of record for Defendant and  
2 Counterclaimant VENTURE CORPORATION LIMITED fka VENTURE MANUFACTURING  
3 (S) LTD. and Counterclaimant TECHNOCOM SYSTEMS SDN BHD, which shall serve in lieu  
4 of their signature on the filed document. I have obtained and will maintain records to support this  
5 concurrence for subsequent production for the court if so ordered or for inspection upon request  
6 by a party until one year after final resolution of the action (including appeal, if any).

7 ///

8 ///

9 Dated: September 8, 2010

10 By:   /s/  

11 John C. Brown

12 **ORDER**

13 **IT IS SO ORDERED.**

14  
15 The Court finds good cause to extend the current case schedule beyond the February 7,  
16 2011 discovery deadline. Accordingly, the Court modifies the current Case Schedule by six  
17 months as follows:

18

19 <b>Close of All Discovery (¶ 9)</b>	<b>August 8, 2011</b>
20 <b>Last Date for Hearing Dispositive Motions (¶ 10)</b>	<b>October 3, 2011</b>
21 <b>Preliminary Pretrial Conference at 11 a.m. (¶ 12)</b>	<b>June 27, 2011</b>
22 <b>Preliminary Pretrial Conference Statements (¶ 11)</b> 23 <i>(Due 10 days before conference)</i>	<b>June 17, 2011</b>

24 Except as the Case Schedule is modified herein, the content of the April 27, 2010  
25 Modified Scheduling Order (Docket Item No. 87) remains in effect.

26 DATED:   September 9, 2010  

27   
28 JAMES WARE  
United States District Judge