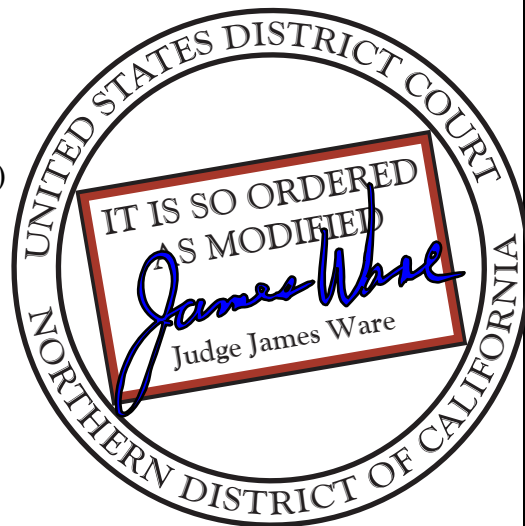


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8 Attorneys for Defendant  
 NVIDIA CORPORATION



9  
 10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN JOSE DIVISION

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 14 The NVIDIA GPU Litigation  
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Case No. C 08-04312 JW

**STIPULATION REGARDING  
 HEARING DATE FOR RULE 12  
 MOTIONS**

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1           WHEREAS, this Court in its Scheduling Order dated May 14, 2009 (“Scheduling Order”),  
2 set a hearing on anticipated Rule 12 motions for September 28, 2009 at 9 a.m., and instructed the  
3 parties to adhere to the briefing schedule as set forth in the Civil Local Rules of the Court;

4           WHEREAS, continuing the September 28 hearing date for anticipated Rule 12 motion to  
5 October 5, 2009 at 9 a.m. would resolve two conflicts on the part of NVIDIA Corporation’s  
6 (“NVIDIA’s”) counsel, and enable the Court to have more time to review the papers in advance  
7 of the hearing;

8           WHEREAS, all other deadlines set out in the Scheduling Order would remain unaffected;

9           IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and NVIDIA,  
10 through their counsel of record and Interim Lead Class Counsel for Plaintiffs, that the hearing  
11 date for anticipated Rule 12 motions currently set for September 28, 2009 at 9 a.m. be vacated  
12 and a new hearing date for anticipated Rule 12 motions be scheduled for October 5, 2009 at 9  
13 a.m.

14  
15 Dated: June 16, 2009

ROBERT P. VARIAN  
JUSTIN M. LICHTERMAN  
JOSHUA D. WATTS  
Orrick, Herrington & Sutcliffe LLP

*/s/ Robert P. Varian*

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ROBERT P. VARIAN  
Attorneys for Defendant  
NVIDIA CORPORATION

16  
17  
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21 Dated: June 16, 2009

JEFF S. WESTERMAN  
SABRINA S. KIM  
Millberg LLP

*/s/ Jeff S. Westerman*

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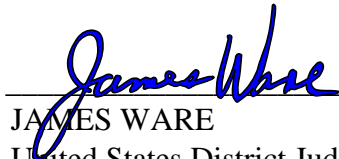
JEFF S. WESTERMAN  
Interim Lead Class Counsel for  
Plaintiffs and All Others Similarly Situated

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**\*\*\* ORDER \*\*\***

The Court finds good cause to grant the parties' Stipulation to continue the hearing on Defendants' anticipated Rule 12 motions. However, the Court's October 5, 2009 calendar cannot accommodate these motions. Accordingly, the hearing is set for **October 19, 2009 at 9 a.m.** In light of this change, the parties may Stipulate to a different briefing schedule, except that all briefing shall be completed on or before **September 28, 2009.**

Dated: July 1, 2009

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge