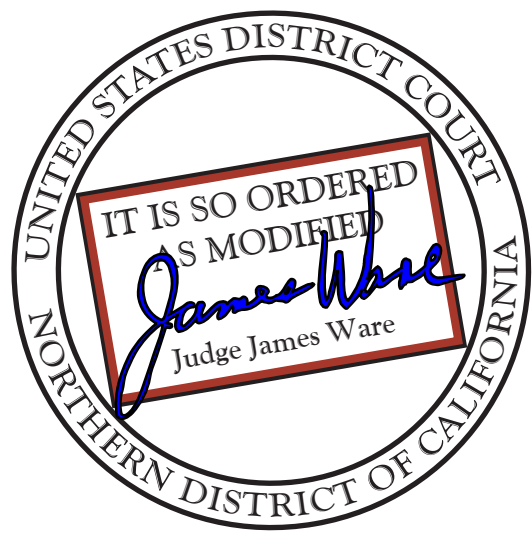


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22 UNITED STATES DISTRICT COURT
 23 NORTHERN DISTRICT OF CALIFORNIA

24 THE NVIDIA GPU LITIGATION)

CLASS ACTION

) Case No. C 08-4312 JW

25 This Document Relates To:

) STIPULATION TO EXTEND TIME TO
 26) FILE MOTION FOR CLASS
 27) CERTIFICATION AND CONTINUE
 28) HEARING DATE

ALL ACTIONS.

AND ORDER AS MODIFIED

STIP TO EXTEND TIME TO FILE MOT. FOR CLASS CERT. & CONTINUE HR'G DATE Case No. C 08-4312 JW		
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1 This Court, in its Scheduling Order dated May 14, 2009, set a hearing date on Plaintiffs'
2 anticipated motion for class certification for December 7, 2009 at 9:00 a.m., and instructed the
3 parties to meet and confer and determine a briefing schedule to be completed by November 16,
4 2009. In its Order dated July 1, 2009, the Court granted the parties' stipulation to continue the
5 hearing date for Defendant's anticipated motion to dismiss to October 19, 2009 at 9:00 a.m. The
6 parties have met and conferred with respect to the briefing schedules and, based on the reasons
7 set forth below, request that the Court continue the hearing on Plaintiffs' motion for class
8 certification until after the Court hears Defendant's motion to dismiss. The parties wish to
9 continue the hearing on Plaintiffs' motion for class certification from December 7, 2009 to
10 March 22, 2010.

11 The parties are in discussions regarding discovery, have exchanged information and
12 documents informally and have exchanged information and documents formally pursuant to
13 Fed.R.Civ.P. 26. Accordingly, the case will be well underway by the time of the hearing on
14 Defendant's motion to dismiss and, due to certain issues that will be adjudicated as part of the
15 motion to dismiss, the parties agree it is more efficient to brief class certification after the Court
16 has made its determinations with respect to the motion to dismiss.

17 Furthermore, pursuant to the Court's comments on settlement at the February 23, 2009
18 Case Management Conference, the parties have met and conferred regarding settlement and plan
19 to hold a formal settlement conference before the end of the year. The parties do not believe it is
20 necessary to decide class certification prior to that conference. The parties wish to prevent the
21 need to notify the class twice in the event of settlement.

22 In any event, the briefing on class certification will be completed well in advance - over
23 three months - before the Preliminary Pretrial Conference, which is currently set for June 14,
24 2010. Finally, all other deadlines set forth in the Scheduling Order will remain unaffected.

25 IT IS STIPULATED AND AGREED, by and between Plaintiffs and Defendant, through
26 their counsel of record, subject to Court approval, that:

27 1. All briefing on any motion to dismiss shall be completed by September 28, 2009;

28

STIP TO EXTEND TIME TO FILE MOT. FOR CLASS CERT. & CONTINUE HR'G DATE Case No. C 08-4312 JW		- 1 -
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1 2. The hearing on Defendant's motion to dismiss remains set on October 19, 2009;

2 3. All briefing on the motion for class certification shall be completed by
3 **January 5, 2010;** and

4 4. The hearing date for the motion for class certification currently set for December
5 7, 2009 at 9:00 a.m. shall be vacated and a new hearing date for the motion for class certification
6 shall be scheduled for **January 25, 2010 at 9 a.m.**

7 DATED: August 12, 2009

MILBERG LLP
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/s/ Jeff S. Westerman

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15 DATED: August 12, 2009

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Counsel for Defendant NVIDIA Corporation

24 PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED.

25 DATED: August 19, 2009


JAMES WARE
United States District Judge