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9 Attorneys for Defendants-Respondents
 10 NVIDIA CORPORATION and
 NVIDIA US INVESTMENT COMPANY
 11

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

16 In re
 17 3DFX INTERACTIVE, INC., a California
 corporation,
 18 Debtor.

19
 20 WILLIAM A. BRANDT, JR., TRUSTEE,
 Plaintiff and Appellant,
 21
 22 v.
 23 NVIDIA CORPORATION, a Delaware
 corporation, and NVIDIA US INVESTMENT
 24 COMPANY, f/k/a TITAN ACQUISITION
 CORP. NO. 2, a Delaware corporation,
 25
 26 Defendants and
 Respondents.

Case No. CV 08-04634 RMW

**STIPULATION AND []
 ORDER THAT HEARING DATE
 FOR NVIDIA'S MOTION TO
 STRIKE IMPROPER MATERIAL IN
 TRUSTEE'S OPENING BRIEF BE
 TAKEN OFF CALENDAR**

Bankruptcy Case No.: 02-55795
 Adversary Proceeding No.: 03-05079

Date: April 10, 2009
 Time: 9:00 a.m.
 Dept.: Courtroom 6, 4th Floor
 Judge: Hon. Ronald Whyte

1 WHEREAS on January 9, 2009, Plaintiff and Appellant William A. Brandt, Jr. filed the
2 Trustee's Opening Brief on appeal from a judgment entered after trial by the United States
3 Bankruptcy Court on September 11, 2008;

4 WHEREAS on February 27, 2009, Defendants and Respondents NVIDIA Corporation
5 and NVIDIA US Investment Company filed a Motion to Strike Improper Material in Trustee's
6 Opening Brief, and set the motion for hearing on April 10, 2009, at 9:00 a.m.

7 WHEREAS the parties agree that the motion is appropriate for decision on the papers, and
8 no hearing is necessary.

9 NOW THEREFORE the parties hereby stipulate and agree that the hearing date shall be
10 taken off calendar and that the Court may decide the motion on the submissions of the parties.

11 **SO STIPULATED.**

12 Dated: April 2, 2009

13 By: /s/ Justin M. Lichterman
14 Justin M. Lichterman
15 ORRICK HERRINGTON & SUTCLIFFE LLP
16 Counsel for the NVIDIA Respondents

17 *I hereby attest that I have on file all holograph signatures for any signatures indicated by a*
18 *"conformed" signature (/s/) within this efiled document*

19 Dated: April 2, 2009

20 By: /s/ Kim Y. Arnone
21 Kim Y. Arnone
22 BUCHALTER NEMER
23 Counsel for Chapter 11 Trustee William A. Brandt, Jr.

24 **ORDER**

25 Pursuant to the stipulation, and GOOD CAUSE appearing therefore, the Court hereby
26 orders that the hearing on NVIDIA's Motion to Strike Improper Material in Trustee's Opening
27 Brief shall be taken off calendar, and the motion shall be decided on the papers.

28 **IT IS SO ORDERED.**

Dated: 4/9, 2009


United States District Court Judge