

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AVAGO TECHNOLOGIES U.S. INC., a
Delaware corporation; and AVAGO
TECHNOLOGIES ECBU IP (SINGAPORE)
PTE., LTD., a Singapore corporation.

CASE NO. C 08-05268-JF

Plaintiff(s),

v.

MICROSOFT CORPORATION, a Washington
corporation; and MARSHALL T. DEPUE a/k/a
MARK DEPUE, an individual .

Defendant(s).

STIPULATION AND
[PROPOSED] ORDER
SELECTING ADR
PROCESS

_____ /

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

- Non-binding Arbitration (ADR L.R. 4)
- Early Neutral Evaluation (ENE) (ADR L.R. 5)
- Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

- Private ADR *(please identify process and provider)* The parties will meet and confer in good faith to agree upon a mutually satisfactory mediator through JAMS.

The parties agree to hold the ADR session by:

- the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*
- other requested deadline _____

Dated: 3/27/09

Attorney for Plaintiffs
IRELL & MANELLA LLP

/s/ David Schwarz

David Schwarz

Attorney for Defendant Microsoft Corporation
MUNGER, TOLLES & OLSON LLP

/s/ Carolyn Hoecker Luedtke

Carolyn Hoecker Luedtke

Attorney for Defendant Marshall DePue
LITTLER MENDELSON LLP

/s/ John Skonberg

John Skonberg

[PROPOSED] ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- Non-binding Arbitration
- Early Neutral Evaluation (ENE)
- Mediation
- Private ADR

Deadline for ADR session

- 90 days from the date of this order.
- other _____

IT IS SO ORDERED.

Dated: 4/1/09



JUDGE JEREMY FOGEL