

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GEMTEK TECHNOLOGY CO., LTD.,

CASE NO. 5:09-CV-03659-JF

Plaintiff(s),

v.

STIPULATION AND ~~PROPOSED~~  
ORDER SELECTING ADR PROCESS

3COM CORPORATION

Defendant(s).  
\_\_\_\_\_ /

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 agree to proceed  
with mediation with an agreed upon private mediator.

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 As the parties attempted settlement discussions prior to the filing of the complaint, the parties agree that mediation would be most useful during or following discovery.

Dated: 2/22/10

[Signature]  
Attorney for Plaintiff

Dated: 2/22/10

[Signature]  
Attorney for Defendant

When filing this document in ECF, please be sure to use the appropriate ADR Docket Event, e.g., "Stipulation and Proposed Order Selecting Early Neutral Evaluation."

~~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 The parties will complete mediation within 90 days after the close of discovery.

IT IS SO ORDERED.

Dated: 2/23/10

  
The Honorable Jeremy Fogel  
UNITED STATES DISTRICT JUDGE