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 14 RADIOSHACK CORPORATION

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 OAKLAND DIVISION

19 AERIELLE TECHNOLOGIES, INC.,

20 Plaintiff,

21 v.

22 BELKIN INTERNATIONAL, INC., BEST
 23 BUY CO., INC., BESTBUY.COM, LLC and
 RADIOSHACK CORPORATION,

24 Defendant.

Case No. CV 10-01301 SBA

**STIPULATION AND ORDER
 REGARDING RADIOSHACK AND
 AERIELLE'S FIRST AMENDED
 COMPLAINT**

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2 On March 26, 2010, Plaintiff and Counterclaim Defendant Aerielle Technologies, Inc.
3 (“Aerielle”) filed its Complaint For Patent Infringement (“Complaint”) [D.I. 1], alleging
4 infringement of United States Patents Numbers 5,771,441 and 6,671,494 by Defendants and
5 Counterclaim Plaintiffs Belkin International, Inc. (“Belkin”), Best Buy Co., Inc. (“Best Buy”),
6 BestBuy.com LLC (“BestBuy.com”), and RadioShack Corporation (“RadioShack”).

7 On June 4, 2010, Belkin timely filed its Answer And Counterclaims to Aerielle’s
8 Complaint [D.I. 15].

9 On June 14, 2010, Best Buy and BestBuy.com timely filed their Answer And
10 Counterclaims responding to Aerielle’s Complaint [D.I. 19].

11 On June 14, 2010, RadioShack timely filed its Answer And Counterclaims responding to
12 Aerielle’s Complaint [D.I. 17].

13 On June 28, 2010, Aerielle timely filed its response to Belkin’s Counterclaims [D.I. 28].

14 On July 9, 2010, Aerielle timely filed its responses to RadioShack’s and
15 BestBuy/Bestbuy.com’s respective Counterclaims [D.I. 34 & 33].

16 On July 9, 2010, Aerielle also timely filed its First Amended Complaint For Patent
17 Infringement [D.I. 32] (“First Amended Complaint”), in which Aerielle named a new Defendant,
18 Best Buy Stores, L.P., and added infringement claims against Best Buy Stores, L.P. regarding the
19 same to two patents originally asserted in Aerielle’s Complaint. Nothing in the First Amended
20 Complaint modified the allegations made against Defendant and Counterclaim Plaintiff
21 RadioShack Corporation (“RadioShack”), except for changes to the numbering of the allegations
22 made against RadioShack and of the paragraphs containing as such allegations and related
23 prayers.

24 Accordingly, the parties have agreed that, in order to avoid unnecessary pleadings and
25 related costs, RadioShack’s original Answer And Counterclaims [D.I. 17] can be deemed
26 RadioShack’s timely response to Aerielle’s First Amended Complaint, and Aerielle’s original
27 response to RadioShack’s Counterclaims [D.I. 34] can be deemed Aerielle’s timely response to
28 the counterclaims RadioShack asserts in its response to Aerielle’s First Amended Complaint.

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To the extent that the Court rejects this stipulation and does not enter the attached Proposed Order, the parties agree to negotiate a reasonable schedule that will allow RadioShack sufficient time to file a response to Aerielle’s First Amended Complaint and allow Aerielle sufficient time to file responses to RadioShack’s counterclaims as presented in RadioShack’s response to Aerielle’s First Amended Complaint.

IT IS SO STIPULATED.

Dated: July 26, 2010

ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ Matthew J. Hult /s/

Matthew J. Hult
Attorneys for Defendant
RadioShack Corporation

Dated: July 26, 2010

DLA PIPER US LLP

/s/ Marc Belloli /s/

Marc Belloli
Attorneys for Plaintiff
Aerielle Technologies, Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 8/2/10



Honorable Saundra Brown Armstrong
United States District Court Judge
Northern District of California