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15 [COUNSEL FOR DEFENDANTS LISTED ON SIGNATURE PAGES]

16 **UNITED STATES DISTRICT COURT**  
 17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 18 **SAN JOSE DIVISION**

19 FUJITSU LIMITED,  
 20 Plaintiff,

21 v.

22 BELKIN INTERNATIONAL, INC., BELKIN,  
 INC., D-LINK CORPORATION, D-LINK  
 23 SYSTEMS, INC., NETGEAR, INC., ZYXEL  
 COMMUNICATIONS CORPORATION, and  
 24 ZYXEL COMMUNICATIONS, INC.,

25 Defendants.

Case No. 10-cv-03972-LHK (PSG)

**STIPULATION AND ~~PROPOSED~~ ORDER  
 AS TO FUJITSU LIMITED'S DAUBERT  
 MOTION TO PRECLUDE CERTAIN  
 TESTIMONY OF DR. ARTHUR BRODY**

26 AND RELATED COUNTERCLAIMS

1 Pursuant to Northern District of California Civil Local Rules 7-1 and 7-12, Plaintiff  
2 Fujitsu Limited (“Fujitsu”) and Defendants Belkin International, Inc., Belkin, Inc., D-Link  
3 Corporation, D-Link Systems, Inc., and NETGEAR, Inc., (collectively, “Defendants”) hereby  
4 submit the following Stipulation and Proposed Order resolving Fujitsu’s October 18, 2012  
5 *Daubert* motion to bar Defendants’ non-infringement expert, Arthur Brody, from opining that  
6 Defendants could not have had specific intent to induce infringement (Dkt. No. 317 at 11).

7 On October 22, 2012, Defendants’ filed their Opposition to Fujitsu’s *Daubert* Motion as  
8 to Dr. Brody (Dkt. No. 322 at 16).

9 The parties have met and conferred, and have agreed that the motion be resolved as  
10 stated below.

11 THEREFORE, IT IS HEREBY STIPULATED, AGREED AND REQUESTED that the Court  
12 enter an Order providing that Arthur Brody’s opinion regarding Defendants’ specific intent to  
13 induce infringement is excluded, unless Fujitsu opens the door by eliciting opinion testimony  
14 as to Defendants’ specific intent to induce infringement.

15  
16 Respectfully submitted,  
17 DATE: November 5, 2012 COVINGTON & BURLING LLP  
18 By: /s/ Robert D. Fram<sup>1</sup>  
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26 Attorneys for Plaintiff and Counterclaim  
27 Defendant FUJITSU LIMITED  
28

1 In compliance with General Order 45.X.B, I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories hereto.

1 DATE: November 5, 2012

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8 Attorneys for Defendants D-LINK CORPORATION  
and D-LINK SYSTEMS, INC.

9  
10 DATE: November 5, 2012

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17 Attorneys for Defendants BELKIN  
INTERNATIONAL INC. and BELKIN, INC.

18  
19 DATE: November 5, 2012

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26 Attorneys for Defendant NETGEAR, INC.

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATE:

*Lucy H. Koh*