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Additional counsel listed on signature page

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA  
 17 SAN JOSE DIVISION

19 ROWENA SILVERA and ANDREW  
 SANDERS, Individually, and on Behalf of  
 20 all Similarly Situated Persons,

21 Plaintiffs,

22 v.

23 CARRIER IQ, INC., SAMSUNG  
 ELECTRONICS AMERICA, INC., HTC  
 24 AMERICA INC., AT&T, INC. SPRINT  
 COMMUNICATIONS COMPANY, L.P.,  
 25 JOHN DOE MANUFACTURERS (1-10),  
 JOHN DOE CARRIERS (1-10),

26 Defendant.

CASE NO. 5:11-CV-05821-EJD

**STIPULATION RE: EXTENSION OF  
 TIME FOR DEFENDANT TO RESPOND  
 TO COMPLAINT AND [PROPOSED]  
 ORDER EXTENDING TIME TO  
 RESPOND TO COMPLAINT**

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 STIPULATION TO EXTEND TIME TO  
 RESPOND TO COMPLAINT  
 CASE NO. 5:11-CV-05821-EJD

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WHEREAS the above-referenced plaintiffs filed the above-captioned case;  
WHEREAS the above-referenced plaintiffs allege violations of the Federal Wiretap Act and other laws by the defendants in this case;

WHEREAS over 50 other complaints have been filed to-date in federal district courts throughout the United States by plaintiffs purporting to bring class actions on behalf of cellular telephone and other device users on whose devices software made by defendant Carrier IQ, Inc. is or has been embedded (collectively, including the above-captioned matter, the “CIQ cases”);

WHEREAS, a motion is pending before the Judicial Panel on Multidistrict Litigation to transfer the CIQ cases to this jurisdiction for coordinated and consolidated pretrial proceedings pursuant to 28 U.S.C. Sec. 1407, responses to the motion supporting coordination or consolidation have been filed, and plaintiffs and defendants anticipate that additional responses will be filed;

WHEREAS plaintiffs anticipate the possibility of one or more consolidated amended complaints in the CIQ cases;

WHEREAS plaintiffs and defendant HTC America, Inc. have agreed that an orderly schedule for any response to the pleadings in the CIQ cases would be more efficient for the parties and for the Court;

WHEREAS plaintiffs agree that the deadline for defendant HTC America, Inc. to answer, move, or otherwise respond to their complaint shall be extended until the earliest of the following dates: (1) forty-five days after the filing of a consolidated amended complaint in the CIQ cases; or (2) forty-five days after plaintiffs provide written notice to defendants that plaintiffs do not intend to file a consolidated amended complaint; or (3) as otherwise ordered by this Court or the MDL transferee court; *provided*, however, that in the event that HTC America, Inc. should agree to an earlier response date in any of these cases, HTC America, Inc. will respond to the complaint in the above-captioned action on that earlier date;

WHEREAS this Stipulation does not constitute a waiver by HTC America, Inc. of

1 any defense, including but not limited to the defenses of lack of personal jurisdiction, subject  
2 matter jurisdiction, improper venue, sufficiency of process or service of process;

3 WHEREAS, this Stipulation does not constitute a waiver by plaintiffs to move for  
4 a preliminary injunction, motion for expedited discovery or any other pre-answer motion against  
5 HTC America, Inc. or any other defendant and HTC America, Inc. agrees that this Stipulation  
6 shall not be the basis for objection to said motions; and

7 WHEREAS, this Stipulation does not constitute a waiver by HTC America, Inc. of  
8 any defense or objection to any motion for a preliminary injunction, motion for expedited  
9 discovery or any other pre-answer motion filed by plaintiffs, including but not limited to moving  
10 to stay the action; and

11 WHEREAS, plaintiffs and defendant HTC America, Inc., agree that preservation  
12 of evidence in the CIQ cases is vital, that defendants have received litigation hold letters, that  
13 they are complying with and will continue to comply with all of their evidence preservation  
14 obligations under governing law, and that that the delay brought about by this Stipulation should  
15 not result in the loss of any evidence,

16 Now, therefore, pursuant to Civil Local Rule 7-12, plaintiffs in the above-  
17 referenced case and defendant HTC America, Inc., by and through their respective counsel of  
18 record, hereby stipulate as follows:

- 19 1. The deadline for HTC America, Inc. to answer, move, or otherwise respond to  
20 plaintiffs' complaint shall be extended until the earliest of the following dates:  
21 forty-five days after the filing of a consolidated amended complaint in these cases;  
22 or forty-five days after plaintiffs provide written notice to defendant HTC  
23 America, Inc. that plaintiffs do not intend to file a Consolidated Amended  
24 Complaint; or as otherwise ordered by this Court or the MDL transferee court;  
25 *provided*, however, that in the event that HTC America, Inc. should agree to an  
26 earlier response date in any of these cases, except by court order, HTC America,  
27 Inc. will respond to the complaint in the above-captioned case on that earlier date.  
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2. This Stipulation does not constitute a waiver by HTC America, Inc. of any defense, including but not limited to the defenses of lack of personal jurisdiction, subject matter jurisdiction, improper venue, sufficiency of process, or service of process.

3. As a condition of entry into this Stipulation, defendant HTC America, Inc. and the plaintiffs, agree that they are complying with and will continue to comply with all evidentiary preservation obligations under governing law.

IT IS SO STIPULATED.

DATED: December 22, 2011

HERMAN GEREL LLP

By: /s/ Christopher V. Tisi  
Christopher V. Tisi

Attorneys for Plaintiffs

DATED: December 22, 2011

MUNGER, TOLLES & OLSON LLP

By: /s/ Rosemarie T. Ring  
Rosemarie T. Ring

Attorneys for Defendant  
HTC America, Inc.

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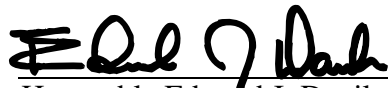
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~~PROPOSED~~ ORDER

Pursuant to stipulation, it is SO ORDERED.

Dated: December 28, 2011

  
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Honorable Edward J. Davila  
United States District Judge

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**CERTIFICATION**

I, Rosemarie T. Ring, am the ECF User whose identification and password are being used to file this STIPULATION RE: EXTENSION OF TIME FOR DEFENDANT TO RESPOND TO COMPLAINT AND [PROPOSED] ORDER EXTENDING TIME TO RESPOND TO COMPLAINT. In compliance with General Order 45.X.B., I hereby attest that Christopher V. Tisi concurred in this filing.