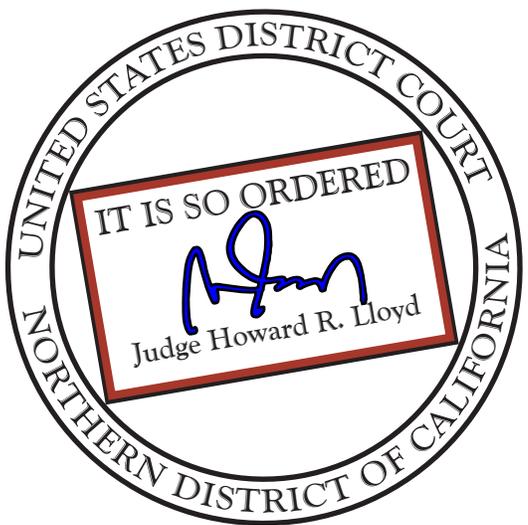


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10 Attorneys for Plaintiff

11 [Additional counsel appear on signature page.]

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14

15 ROBERT KLEER, Individually and on Behalf )  
 of All Others Similarly Situated, )  
 16 )  
 Plaintiff, )  
 17 )  
 vs. )  
 18 )  
 CARRIER IQ, et al., )  
 19 )  
 Defendants. )  
 20 )

Case No. CV11-06630-HRL  
 STIPULATION

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1 In support of this Stipulation, Robert Kleer (“Plaintiff” or “Kleer”) and HTC America, Inc.  
2 (“Defendant” or “HTC America, Inc.”) or (collectively, the “Parties”), state as follows:

3 WHEREAS the above-referenced Plaintiff filed the above-captioned case;

4 WHEREAS the above-referenced Plaintiff alleges violations of the Federal Wiretap Act and  
5 other laws by the Defendant in this case;

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

10 WHEREAS, a motion is pending before the Judicial Panel on Multidistrict Litigation to  
11 transfer the CIQ cases to this jurisdiction for coordinated and consolidated pretrial proceedings  
12 pursuant to 28 U.S.C. Sec. 1407, and responses to the motion supporting coordination or  
13 consolidation have been filed;

14 WHEREAS, in light of the pending MDL Motion and to facilitate an orderly schedule for  
15 responding to the pleadings in the CIQ cases, the Parties have agreed that the deadline for HTC  
16 America, Inc. to answer, move, or otherwise respond to the Complaint shall be extended until 45  
17 days after the Judicial Panel on Multidistrict Litigation issues an order deciding the MDL Motion, or  
18 as otherwise ordered by the MDL transferee court if the MDL Motion is granted; *provided*, however,  
19 that in the event that HTC America, Inc. shall respond on an earlier response date in any of the CIQ  
20 cases, HTC America, Inc. shall respond to the Kleer Complaint on that earlier date;

21 WHEREAS this Stipulation does not constitute a waiver by HTC America, Inc. of any  
22 defense, including but not limited to the defenses of lack of personal jurisdiction, subject matter  
23 jurisdiction, improper venue, sufficiency of process or service of process;

24 WHEREAS, the Parties agree that that preservation of evidence in the CIQ cases is vital, that  
25 defendant has received litigation hold letters, that they are complying with and will continue to  
26 comply with all of their evidence preservation obligations under governing law, and that the delay  
27 brought about by this Stipulation shall not result in the loss of any evidence;

28

1 NOW THEREFORE, Kler and HTC America, Inc., by and through their respective counsel  
2 of record, hereby stipulate as follows:

3 1. The deadline for HTC America, Inc. to answer, move, or otherwise respond to the  
4 Complaint in the above-captioned case shall be extended until 45 days after the Judicial Panel on  
5 Multidistrict Litigation issues an order deciding the MDL Motion, or as otherwise ordered by the  
6 MDL transferee court if the MDL Motion is granted; *provided*, that in the event that HTC America,  
7 Inc. shall respond on an earlier response date in any of the MDL Cases, HTC America, Inc. shall  
8 respond to the Kler Complaint on that earlier date.

9 2. In the event that HTC America, Inc. provides documents or information to any  
10 plaintiff in any of the MDL cases or any of the various actions filed in the many Districts throughout  
11 the United States, HTC America, Inc. will provide those documents or information to Kler at the  
12 same time and in the same format.

13 3. As a further condition of entry into this Stipulation, Defendant agrees that they are  
14 complying with and will continue to comply with all evidentiary preservation obligations under  
15 governing law.

16 This Stipulation does not constitute a waiver by HTC America, Inc. or any other named  
17 defendant joining the Stipulation of any defense, including but not limited to the defenses of lack of  
18 personal jurisdiction, subject matter jurisdiction, improper venue, sufficiency of process, or service  
19 of process.

20 IT IS SO STIPULATED.

21 DATED: December 30, 2011

ROBBINS GELLER RUDMAN  
& DOWD LLP  
FRANK J. JANECEK, JR.  
CHRISTOPHER COLLINS

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s/ CHRISTOPHER COLLINS  
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Attorneys for Plaintiff

DATED: December 30, 2011

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Attorneys for Defendant HTC America, Inc.

1 CERTIFICATE OF SERVICE

2 I hereby certify that on December 30, 2011, I authorized the electronic filing of the foregoing  
3 with the Clerk of the Court using the CM/ECF system which will send notification of such filing to  
4 the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I  
5 caused to be mailed the foregoing document or paper via the United States Postal Service to the non-  
6 CM/ECF participants indicated on the attached Manual Notice List.

7 I certify under penalty of perjury under the laws of the United States of America that the  
8 foregoing is true and correct. Executed on December 30, 2011.

9 s/ CHRISTOPHER COLLINS  
10 CHRISTOPHER COLLINS

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