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18 Attorneys for Defendant FIREEYE, INC.

19 **UNITED STATES DISTRICT COURT**
 20 **NORTHERN DISTRICT OF CALIFORNIA**
 21 **SAN JOSE DIVISION**

22 FORTINET, INC.,
 23 Plaintiff,
 24 vs.
 25 FIREEYE, INC.,
 26 Defendant.

Case No. 5:13-cv-02496-EJD-PSG

**STIPULATION REGARDING
~~PROPOSED~~ AMENDED ANSWER AND
 COUNTERCLAIMS**

JURY TRIAL DEMANDED

**Courtroom: 4
 Judge: Hon. Edward J. Davila
 Floor: 5th Floor**

1 Plaintiff Fortinet, Inc. (“Plaintiff”) and Defendant FireEye, Inc. (“FireEye” or “Defendant”)
2 hereby stipulate and agree to the following terms:

3 WHEREAS on November 21, 2014, Defendant filed its Answer to Fortinet’s First Amended
4 Complaint and Counterclaims; and

5 WHEREAS FireEye sought consent from Plaintiff to amend its Answer and Counterclaims to
6 include a government sales defense under 28 U.S.C. § 1498, and Plaintiff agreed.

7 NOW, THEREFORE, the parties by and through their respective counsel hereby stipulate
8 and agree that the Amended Answer to Fortinet’s First Amended Complaint and Counterclaims
9 attached hereto as Exhibit A may be filed by consent pursuant to Federal Rule of Civil Procedure
10 15(a)(2) and deemed filed and served as of this date.

1 IT IS SO STIPULATED on this 9th day of February, 2015.

2 Respectfully submitted,

3
4 Dated: February 9, 2015

**QUINN EMANUEL URQUHART &
SULLIVAN, LLP**

5
6 By: /s/ Matthew Cannon

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18 By: /s/ Shane Brun

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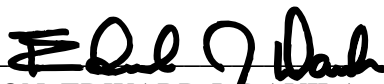
24 Attorneys for Defendant
25 FIREEYE, INC.

26
27 **ORDER**

28 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

The amended answer shall be filed as a separate docket item forthwith.

DATED: 2/10/2015


HON. EDWARD J. DAVILA
United States District Judge

1 **Local Rule 5-1(i)(3) Attestation**

2 I, Shane Brun, am the ECF user whose ID and Password are being used to file this
3 STIPULATION REGARDING [PROPOSED] AMENDED ANSWER AND COUNTERCLAIMS.

4 In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Matthew Cannon counsel
5 for Plaintiff, Fortinet, Inc., has concurred in its filing.

6
7 Dated: February 9, 2015

/s/ Shane Brun
Shane Brun

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1 CERTIFICATE OF SERVICE

2 The undersigned hereby certifies that a true and correct copy of the above and foregoing
3 document has been served on February 9, 2015, to all counsel of record who are deemed to have
4 consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5-5. Any
5 counsel of record who have not consented to electronic service through the Court's CM/ECF system
6 will be served by electronic mail, first class mail, facsimile and/or overnight delivery.

7
8 /s/ Shane Brun
9 Shane Brun