

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

XPOINT TECHNOLOGIES, INC.,

Plaintiff,

v.

MICROSOFT CORP., et al.,

Defendants.

Civil Action No. 09-CV-00628 (SLR)

STIPULATION AND ORDER FOR EXTENSION OF TIME

IT IS HEREBY STIPULATED by Plaintiff and Defendants Sprint Spectrum LP (“Sprint Spectrum”) and Nextel Operations, Inc. (“Nextel”), subject to the approval of the Court, that:

1. Sprint Spectrum and Nextel waive in the above-captioned case, any defenses or objections to personal jurisdiction, any defect in the Summons, and service of the Summons, August 21, 2009 Complaint, and September 18, 2009 Amended Complaint.
2. Sprint Spectrum and Nextel’s time to answer, move against or otherwise respond to the Amended Complaint in this action shall be extended to and including December 18, 2009.

BOUCHARD MARGULES
& FRIEDLANDER, P.A.

MORRIS, NICHOLS, ARSHT
& TUNNELL LLP

/s/ Sean M. Brennecke

David J. Margules (#2254)
Sean M. Brennecke (#4686)
222 Delaware Ave., Suite 1400
Wilmington, DE 19801
(302) 573-3500
dmargules@bmf-law.com
sbrennecke@bmf-law.com

*Attorneys for Plaintiff
Xpoint Technologies, Inc.*

/s/ Andrew C. Mayo

Karen Jacobs Louden (#2881)
Andrew C. Mayo (#5207)
1201 N. Market Street
P.O. Box. 1347
Wilmington, Delaware 19899-1347
(302) 658-9200
klouden@mnat.com
amayo@mnat.com

*Attorneys for Defendants Sprint Spectrum LP
and Nextel Operations, Inc.*

SO ORDERED, this _____ day of _____, 2009.

Judge