

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

APPLE INC., and NeXT SOFTWARE, INC.,
f/k/a NeXT COMPUTER, INC.,

Plaintiffs,

v.

HIGH TECH COMPUTER CORP., a/k/a
HTC CORP., HTC (B.V.I.) CORP., HTC
AMERICA, INC., and EXEDEA, INC.,

Defendants.

C.A. No. 10-166-RK

APPLE INC.,

Plaintiff,

v.

HIGH TECH COMPUTER CORP., a/k/a
HTC CORP., HTC (B.V.I.) CORP., HTC
AMERICA, INC., and EXEDEA, INC.,

Defendants.

C.A. No. 10-167-RK

STIPULATION AND PROPOSED ORDER ON MOTION TO TRANSFER

Plaintiffs Apple Inc. and NeXT Software, Inc. (collectively “Apple”) and Defendants High Tech Computer Corp., a/k/a HTC Corp., HTC B.V.I Corp., HTC America, Inc., and Exedeia, Inc. (collectively, “HTC Defendants”), hereby stipulate and agree, subject to the approval of the Court, as follows:

WHEREAS, on March 2, 2010, Apple filed its Complaints in the present actions, each alleging infringement of ten United States Patents;

WHEREAS, on April 9, 2010, certain HTC Defendants filed a motion under 28 U.S.C. § 1404(a) to transfer the present actions to the Northern District of California;

WHEREAS, Apple seeks an extension of time until May 17, 2010 to file its opposition to the HTC Defendants' motion to transfer in order that Apple may depose Jason Mackenzie, Brian Ong, and Andrew Rubin (collectively "Declarants"), each of whom submitted a substantive declaration in support of HTC Defendants' transfer motion;

WHEREAS, HTC Defendants are amenable to depositions of the Declarants subject to the limitations set forth below and, in respect of the Declarants' busy schedules (two of whom are employed by non-party Google Inc. and thus not in HTC's control), also agree to an extension of time until May 17, 2010 for Apple to file its opposition papers; and

WHEREAS, the terms of this stipulation shall be mutual.

NOW THEREFORE, the parties hereby stipulate and respectfully request, subject to the approval of the Court, as follows:

1. Apple may depose each Declarant at a time and location mutually agreeable to the parties and that Declarant. Each deposition shall last no longer than three hours, and will further be limited to the facts stated in the particular Declarant's declaration;

2. As a result of the limitations in paragraph 1, Apple may as otherwise appropriate seek to depose any Declarant subsequently in the present actions. HTC and non-party Google reserve all rights to object to, quash, and seek a protective order from such subsequent deposition.

3. Apple shall file its opposition to HTC Defendants' motion to transfer on or before May 17, 2010.

4. Should Apple submit any substantive declarations with its opposition to HTC Defendants' transfer motion, HTC Defendants may depose each such declarant per the terms in paragraphs 1 and 2.

5. The parties shall confer after Apple files its opposition as to a reasonable extension of time for HTC Defendants to submit their reply.

DATED: April 23, 2010

MORRIS JAMES LLP

/s/ Richard K. Herrmann

Richard K. Herrmann (#405)
Mary B. Matterer (#2696)
500 Delaware Avenue, Suite 1500
Wilmington, Delaware 19801
(302) 888-6800
rherrmann@morrisjames.com
mmatterer@morrisjames.com

*Attorneys for Plaintiffs Apple Inc. and NeXT
Software, Inc. f/k/a NeXT Computer, Inc.*

YOUNG CONAWAY STARGATT & TAYLOR LLP

/s/ Karen L. Pascale

John W. Shaw (#3362)
Karen L. Pascale (#2903)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19801
(302) 571-6600
jshaw@ycst.com
kpascale@ycst.com

*Attorneys for Defendants High Tech Computer
Corp., a/k/a HTC Corp.; HTC (B.V.I.) Corp.;
HTC America, Inc.; and Exedea, Inc.*

SO ORDERED this _____ day of _____, 2010.

UNITED STATES DISTRICT JUDGE