

1 [Counsel listed on signature page.]
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
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12 Apple Inc.,

13 Plaintiff,

14 v.

15 Mobile Star, LLC, a New York Limited
16 Liability Company, and Does 1-50,

17 Defendants.

Case No. 3:16-cv-06001-WHO

**STIPULATION AND ORDER FOR
PRIVATE MEDIATION**

18 Plaintiff Apple Inc. (“Apple”) and defendant Mobile Star, LLC (“Mobile Star”) (Apple
19 and Mobile Star collectively “the Parties”), by and through their respective counsel, hereby
20 stipulate as follows:

21 WHEREAS the Parties held an ADR telephone conference with the Court’s ADR staff on
22 February 16, 2017, during which they discussed ADR options;

23 WHEREAS, the Parties desire to use a private ADR mediation service, such as JAMS, to
24 try to resolve their dispute rather than the services of the Court’s ADR office;

25 WHEREAS, the Parties agree to select a mediator who is mutually agreeable to each of
26 the Parties;

27 WHEREAS, the Parties agree to hold the mediation in the San Francisco Bay Area;

28 WHEREAS, Mobile Star believes that the Parties should complete mediation within 60

1 days of the Case Management Conference, and has requested that the Court stay discovery for 60
2 days to allow the Parties to complete mediation without incurring the expense of additional
3 discovery;

4 WHEREAS, Apple opposes the request for a stay because it believes it needs additional
5 discovery to engage in settlement discussions, to prosecute its case against Mobile Star, and to
6 determine whether and which third-parties should be named as defendants, and believes that the
7 Parties should work in good faith to complete mediation within 90 days of the Case Management
8 Conference.

9 Now, therefore, the Parties, through their respective counsel, stipulate as follows:

- 10 1. The Parties will use a private mediation service, such as JAMS, to mediate their
11 dispute, rather than the services of the Court's ADR office;
- 12 2. The Parties will select a mediator who is mutually agreeable to each of the Parties;
- 13 3. The Parties will hold the mediation in the San Francisco Bay Area;
- 14 4. The Parties will work in good faith to complete the mediation either within 60 or
15 90 days of the Case Management Conference, depending on the Court's order.

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17 [SIGNATURE PAGE FOLLOWS]
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Dated: February 20, 2017

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Attorneys for Defendant
Mobile Star, LLC

Dated: February 20, 2017

By: /s/ Aaron J. Moss
Aaron J. Moss

STIPULATION AND ORDER FOR PRIVATE

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED. The parties shall select**
2 **their mediator by February 24, 2017 and hold the mediation at the earliest date practicable,**
3 **hopefully within 60 days and no later than 90 days from today's date. Discovery is not**
4 **stayed but the parties shall focus on matters that are essential for an effective mediation**
5 **only until the mediation is complete.**

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7 Dated: February 21, 2017

8 By: _____



HON. WILLIAM H. ORRICK
United States District Judge

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STIPULATION AND ORDER FOR PRIVATE