

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KONINKLIJKE PHILIPS N.V.,
U.S. PHILIPS CORPORATION,

Plaintiffs,

v.

ASUSTEK COMPUTER INC.,
ASUS COMPUTER INTERNATIONAL,

Defendants.

C.A. No. 15-1125-GMS

KONINKLIJKE PHILIPS N.V.,
U.S. PHILIPS CORPORATION,

Plaintiffs,

v.

HTC CORP., HTC AMERICA, INC.,

Defendants.

C.A. No. 15-1126-GMS

KONINKLIJKE PHILIPS N.V.,
U.S. PHILIPS CORPORATION,

Plaintiffs,

v.

VISUAL LAND, INC.,

Defendant.

C.A. No. 15-1127-GMS

KONINKLIJKE PHILIPS N.V.,
U.S. PHILIPS CORPORATION,.

Plaintiffs,

v.

SOUTHERN TELECOM INC.,

Defendant.

C.A. No. 15-1128-GMS

KONINKLIJKE PHILIPS N.V.,
U.S. PHILIPS CORPORATION,.

Plaintiffs,

v.

DOUBLE POWER TECHNOLOGY, INC.,
ZOWEE MARKETING CO., LTD.,
SHENZEN ZOWEE TECHNOLOGY CO.,
LTD.,

Defendants.

C.A. No. 15-1130-GMS

KONINKLIJKE PHILIPS N.V.,
U.S. PHILIPS CORPORATION,.

Plaintiffs,

v.

YIFANG USA, INC. D/B/A E-FUN, INC.,

Defendant.

C.A. No. 15-1131-GMS

KONINKLIJKE PHILIPS N.V.,
U.S. PHILIPS CORPORATION,,

Plaintiffs,

v.

ACER INC.,
ACER AMERICA CORPORATION,

Defendants.

C.A. No. 15-1170-GMS

**STIPULATION AND [PROPOSED] ORDER PERMITTING INTERVENTION
BY MICROSOFT CORPORATION IN CERTAIN ACTIONS
AND ADJUSTING THE CASE SCHEDULE IN ALL ACTIONS**

WHEREAS, plaintiffs Koninklijke Philips N.V. and U.S. Philips Corporation (collectively, "Philips") filed complaints in the above-captioned actions against defendants ASUSTeK Computer Inc., ASUS Computer International, HTC Corp., HTC America, Inc., Visual Land, Inc., Southern Telecom Inc., Double Power Technology, Inc., Zowee Marketing Co., Ltd., Shenzhen Zowee Technology Co., Ltd., YiFang USA, Inc. D/B/A E-Fun, Inc., Acer, Inc., and Acer America Corporation (collectively, "Defendants"), accusing various of Defendants' smartphones, tablet computers, notebooks, and PC computers (hereinafter the "Accused Devices") of patent infringement;

WHEREAS, ASUSTeK Computer Inc., ASUS Computer International, Visual Land, Inc., Double Power Technology, Inc., Zowee Marketing Co., Ltd., Shenzhen Zowee Technology Co., Ltd., YiFang USA, Inc. D/B/A E-Fun, Inc., Acer, Inc., and Acer America Corporation (collectively, the "Microsoft Customer Defendants") are customers of proposed intervenor Microsoft Corporation ("Microsoft"), and certain of the Accused Devices in those actions, when sold by the Microsoft Customer Defendants, are pre-loaded with Microsoft's Windows software;

WHEREAS, Microsoft believes that the infringement allegations against the Microsoft Customer Defendants in these actions relating to U.S. Patent Nos. RE 44,913, 6,690,387, 7,184,064, 6,522,695, and RE 43,564 (collectively, the “Microsoft-Asserted Patents”) are based at least in part upon the inclusion of Microsoft’s Windows software in certain Accused Devices;

WHEREAS, as the developer and supplier of the accused Windows functionality, Microsoft contends that it has a strong interest in defending its software and represents that it wishes to intervene in the cases involving the Microsoft Customer Defendants so that it can participate in these litigations;

WHEREAS, Microsoft possesses technical documents concerning its Windows software, Microsoft employs individuals who are knowledgeable about technical issues concerning its Windows software, and Microsoft believes that its participation in these cases as a party would greatly facilitate the taking of relevant discovery;

WHEREAS, Philips and Microsoft have agreed upon dates by which to exchange the disclosures under FRCP 26 and the Delaware default standard that already have taken place between the existing parties in these cases and have further agreed on limited scheduling order revisions to accommodate Microsoft’s entry into these cases, all of which proposed date changes are set forth below and none of which would impact the Court’s calendar; and

WHEREAS, the Microsoft Customer Defendants do not oppose Microsoft’s intervention into their actions, and all parties to these actions have agreed to the proposed modifications to the case schedule set forth below,

IT IS HEREBY STIPULATED AND AGREED by the parties, pursuant to Rule 24 of the Federal Rules of Civil Procedure, and subject to the approval and order of the Court, as follows:

1. Microsoft Corporation is granted permission to intervene in the actions against the Microsoft Customer Defendants (Case Nos. 15-1125-GMS, 15-1127-GMS, 15-1130-GMS, 15-1131-GMS, and 15-1170-GMS), and to file the Complaints in Intervention for Declaratory Judgment of Non-Infringement that are attached hereto as Exhibits A-E in the corresponding actions. The filing of Microsoft's Complaints in Intervention for Declaratory Judgment of Non-Infringement shall be without prejudice to Philips' right to challenge the sufficiency of these pleadings or to its right to assert any defense.

2. Upon the filing of the Complaints in Intervention for Declaratory Judgment of Non-Infringement that are attached hereto as Exhibits A-E, the captions of Case Nos. 15-1125-GMS, 15-1127-GMS, 15-1130-GMS, 15-1131-GMS, and 15-1170-GMS shall be as set forth in Exhibits A-E.

3. The scheduling order entered in each of the above-captioned cases is hereby amended as follows:

| EVENT | CURRENT DEADLINE | NEW DEADLINE |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------|
| As between Philips and Microsoft only, initial disclosures (Rule 26(a) and Delaware Default Standard Paragraphs 3 and 4(a)) with respect to the Microsoft-Asserted Patents | | November 7, 2016 |
| As between Philips and Microsoft only, Delaware Default Standard Paragraph 4(b) production with respect to the Microsoft-Asserted Patents | | November 18, 2016 |
| As between Philips and Microsoft only, Delaware Default Standard Paragraph 4(c) contentions with respect | | December 9, 2016 |

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