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Attorneys for Plaintiff, Counter-Defendant
 and Counter-Claimant NETFLIX, INC.

Attorneys for Defendants, Counterclaimants, and
 Counterdefendants ROVI CORPORATION and
 UNITED VIDEO PROPERTIES, INC.,
 Defendants and Counterclaimants ROVI
 TECHNOLOGIES CORPORATION AND
 ROVI GUIDES, INC. (f/k/a GEMSTAR-TV
 GUIDE INTERNATIONAL);, and
 Counterdefendants APTIV DIGITAL, INC. and
 STARSIGHT TELECAST, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

NETFLIX, INC.,

Plaintiff,

v.

ROVI CORPORATION; ROVI
 TECHNOLOGIES CORPORATION;
 ROVI GUIDES, INC. (f/k/a GEMSTAR-
 TV GUIDE INTERNATIONAL); and
 UNITED VIDEO PROPERTIES, INC.,

Defendants.

ROVI CORPORATION; ROVI
 TECHNOLOGIES CORPORATION;
 ROVI GUIDES, INC. (f/k/a GEMSTAR-
 TV GUIDE INTERNATIONAL); UNITED
 VIDEO PROPERTIES, INC.; APTIV
 DIGITAL, INC.; and STARSIGHT
 TELECAST, INC.,

Counter-Claimants,

Case No. 4:11-CV-6591 PJH

STIPULATION AND PROPOSED ORDER

Date: Nov. 26, 2014
 Time: 9:00 a.m.
 Dept.: Courtroom 3, 3rd Floor
 Judge: Hon. Phyllis J. Hamilton

Date Filed: December 21, 2011

Trial Date: None

v.
NETFLIX, INC.,
Counter-Defendant.

NETFLIX, INC.,
Counter-Claimant,

v.
ROVI CORPORATION; UNITED VIDEO
PROPERTIES, INC.; APTIV DIGITAL,
INC.; and STARSIGHT TELECAST, INC.,
Counter-Defendants.

After Plaintiff Netflix Inc. (“Netflix”) filed its Notice of Motion and Motion to Amend its Answer and Counterclaims to the Counterclaims of Defendants Rovi Corp., et al. (Dkt. 70) (“Motion”), Defendants Rovi Corporation, Rovi Technologies Corporation, Rovi Guides, Inc. (f/k/a Gemstar-TV Guide International), United Video Properties, Inc., Aptiv Digital, Inc., and Starsight Telecast, Inc. (collectively, “Rovi”) filed its opposition (Dkt. 79) (“Opposition”), and Netflix filed its Reply (Dkt. 83) (“Reply”), Netflix and Rovi further met and conferred.¹ Pursuant to Civil L.R. 7-12, Netflix and Rovi now hereby **STIPULATE AND AGREE** as follows:

1. On October 20, 2014, Netflix filed its Motion to add six affirmative defenses to its Answer and reflect the dismissal with prejudice of Rovi’s First, Second, and Seventh Counterclaims for alleged infringement of U.S. Patent Nos. 6,305,016, 7,100,185, and 8,112,776. See Dkt. 70.

2. On November 3, 2014, Rovi filed its Opposition indicating it opposed the Motion to the extent Netflix maintained its third and fourth counterclaims for declaratory judgment of non-infringement and invalidity of U.S. Patent No. 8,112,776. See Dkt. 79. Rovi did not oppose the Motion to the extent Netflix seeks to add new affirmative defenses or reflect dismissal of Rovi’s Counterclaims on U.S. Patent No. 6,305,016, 7,100,185, and 8,112,776.

3. On November 10, 2014, Netflix filed its Reply agreeing to withdraw its counterclaims regarding U.S. Patent No. 8,112,776.

4. In view of Netflix’s agreement to dismiss its claims of non-infringement and invalidity of U.S. Patent No. 8,112,776, Rovi agrees to withdraw its opposition (Dkt. 79) to Netflix’s Motion to Amend its Answer and Counterclaims (Dkt. 70).

5. Netflix submits the updated document attached hereto as **Exhibit 1** as its Amended Answer and Counterclaims. This would supersede the version attached as Exhibit A (Dkt. 70-1) to Netflix’s Motion to Amend (Dkt. 70). Rovi does not oppose entry of the Amended Answer and Counterclaims attached hereto as **Exhibit 1**.

¹ In correspondence after the close of pleadings, counsel for Rovi alerted counsel for Netflix to correspondence it sent dated August 6, 2014, which mentioned the re-examination of U.S. Patent No. 8,112,776. Netflix accordingly withdraws its statement to the Court that Rovi did not mention the reexamination of the ’776 patent during the parties’ meet-and-confer. See Reply at 2.

6. Because Netflix's Motion to Amend (Dkt. 70) is now unopposed, Netflix and Rovi agree that the matter can be taken off-calendar if the Court agrees.

Dated: Nov. 17, 2014

KEKER & VAN NEST LLP

By: /s/ Stacy Chen

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Dated: Nov. 17, 2014

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/s/ Amol A. Parikh

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Rovi Technologies Guides, Inc. (f/k/a
Gemstar-TV Guide International), Rovi
Guides, Inc., United Video Properties, Inc.,
Aptiv Digital, Inc., StarSight Telecast, Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED. Plaintiff Netflix, Inc., shall file its Amended Answer and Counterclaims within 3 days of this order's issuance.

Dated: _____

Hon. Phyllis J. Hamilton
United States District Court Judge