IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

U.S. PHILIPS CORPORATION, Plaintiff, v. EASTMAN KODAK COMPANY, Defendant.	)	C.A. No. 06-251-GMS

STIPULATED ORDER

WHEREAS, because of the state of emergency and evacuations in California in October 2007 due to wildfires, and the impact upon counsel to defendant ("Kodak"), the fact discovery cut-off and the opening and answering expert report deadlines in the above action were extended via stipulated order to November 16, 2007, December 14, 2007, and January 7, 2008, respectively (D.I. 123);

WHEREAS, although the parties have been working cooperatively to complete discovery and adhere to that schedule, certain additional damages discovery remains to be produced by both parties – in part because of the disruption caused by the emergency in California causing the delay in Rule 30(b)(6) depositions relating to damages issues, and in part because both parties have been working to secure the agreement of various third parties to permit the disclosure of confidential information reflected in license agreements with the parties to this lawsuit;

WHEREAS, the parties wish to propose certain scheduling adjustments for the Court's consideration that will permit the orderly integration of the remaining damages discovery without interfering with the existing case schedule;

WHEREAS, subject of course to the Court's approval, the parties have agreed: (i) to extend the dates for opening and answering expert reports solely on the issue of damages, with the current deadlines remaining in place for all other expert reports; (ii) to permit the depositions of both sides' damages experts after the expert discovery cut-off, but with the current cut-off remaining in place for depositions of all non-damages experts; and (iii) to set a new deadline for the parties to supplement their drafts of the pretrial order solely on the issue of damages, with drafts on all other issues continuing to be exchanged on the current deadline;

WHEREAS, neither the date by which the joint proposed pretrial order is due to be filed with the Court, nor any other current deadline, would be impacted by the proposed new dates set forth herein; and

WHEREAS, pursuant to Local Rule 16.4, it is hereby certified that trial counsel have sent a copy of this request to their respective clients; now therefore,

IT IS HEREBY STIPULATED AND AGREED, subject to the approval and order of the Court, that the following new deadlines shall apply in this action, but that all other dates reflected in the February 20, 2007 scheduling order (D.I. 18), as subsequently amended (D.I.s 87 and 123), shall remain unchanged:

Opening expert reports due for issue of damages only	January 9, 2008
Answering expert reports due for issue of damages only	January 30, 2008
Deposition of plaintiff's damages expert	February 8, 2008
Deposition of defendant's damages expert	February 15, 2008
Both sides to serve supplemental drafts of the pretrial order for damages portions only	February 22, 2008

ASHBY & GEDDES

/s/ Tiffany Geyer Lydon

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SO ORDERED this _____ day of _____, 2007.

_____
Chief Judge

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