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, the February 20, 2007 scheduling order in the above action (D.I. 18) (the "Scheduling Order") provides for a fact discovery cut-off of October 1, 2007;

WHEREAS, the parties respectfully have concluded that under the circumstances in this case (as more fully described below), they will not be able to complete fact discovery by the current October 1st deadline;

WHEREAS, the parties have conferred and are in agreement that a 30-day extension of the fact discovery cut-off would not necessitate changes to any other date in the Scheduling Order, but would greatly facilitate the completion of fact discovery, and the parties therefore respectfully request that the Court so extend the deadline for completion of fact discovery;

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; and

WHEREAS, the circumstances which prompt this request are as follows:

1. Both parties are large, multi-national corporations, making the collection of pertinent documents a more complex and time-consuming undertaking than if the parties were

domestic companies with all potentially relevant documents stored in a single location. Here, the requested documents are located in multiple countries and span a period of over 20 years, and although substantial document production has taken place to date, a large volume of documents remains to be copied and produced.

2. A number of witnesses reside in countries other than the United States, including the United Kingdom, The Netherlands, France, and Germany.

3. At least 21 individual depositions and four Rule 30(b)(6) depositions have been noticed to date. Moreover, since the Rule 30(b)(6) notices cover many dozens of topics, it is anticipated that multiple designees will be needed to address those topics, causing those four notices to be the practical equivalent of a much greater number of depositions when evaluating the preparation and deposition time they will consume.

4. Numerous overseas discovery requests via the Hague Convention remain pending, and even some of the Hague Convention requests that have been acted upon are congesting the deposition schedule given the pace at which such discovery proceeds. For example, in connection with Letters Rogatory seeking the depositions of four German citizens that were served in May, the German authorities scheduled deposition dates in September.

5. For all of these reasons, it is the parties' good faith belief that they cannot complete fact discovery in this case without additional time.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the approval and order of the Court, that the deadline for the completion of fact discovery in this action is extended 30 days, through and including October 31, 2007, but that all other dates reflected in the Scheduling Order shall remain unchanged.

ASHBY & GEDDES

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SO ORDERED this _____ day of _____, 2007.

_____
Chief Judge

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