IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

AVID TECHNOLOGY, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 12-627-GMS
	)	
HARMONIC INC.,	)	
	)	
Defendant.	)	

STIPULATION AND [PROPOSED] ORDER

WHEREAS, on April 19, 2013, defendant Harmonic Inc. ("Harmonic") filed a Petition for *Inter Partes* Review ("IPR") with the U.S. Patent and Trademark Office ("PTO") pursuant to 35 U.S.C. § 314 with respect to U.S. Patent No. 5,495, 291;

WHEREAS, Harmonic asked plaintiff Avid Technology, Inc. ("Avid") to meet and confer pursuant to D. Del. L.R. 7.1.1 to determine if the parties could reach agreement regarding Harmonic's intent to file a motion to stay the instant litigation;

WHEREAS, during the meet and confer, the parties agreed, subject to the approval of the Court, that an interim stay, until the PTO issues a decision on whether to institute an IPR based on Harmonic's petition, would benefit the Court and the parties and make any needed briefing on a stay more concise and straight-forward;

NOW, THEREFORE, the parties stipulate and agree, subject to approval of the Court, as follows:

1. This litigation is stayed until the PTO issues a decision, as set forth by 35 U.S.C. § 314, on whether to institute *inter partes* review based on Harmonic's petition.

2. After the PTO issues a decision on whether to institute an IPR on Harmonic's petition, the parties shall file a notice stating the date on which the PTO issued its decision and

the PTO's decision.

3. Within 10 days of the date on which the PTO issues a decision on whether to institute an IPR on Harmonic's petition, the parties shall meet and confer about whether any further stay of the litigation is warranted.

4. Plaintiff Avid Technology, Inc. shall not assert that Defendant Harmonic Inc. has delayed in filing any motion to stay or in taking any other action as a result of the time during which Harmonic, Inc.'s IPR request is pending before the USPTO.

/s/ John W. Shaw
John W. Shaw (No. 3362)
Andrew E. Russell (No. 5382)
SHAW KELLER LLP
300 Delaware Avenue, Suite 1120
Wilmington, DE 19801
(302) 298-0700
jshaw@shawkeller.com
arussell@shawkeller.com
Attorneys for Plaintiff
Avid Technology, Inc.

/s/ Bindu A. Palapura
David E. Moore (No. 3983)
Jonathan Choa (No. 5319)
Bindu A. Palapura (No. 5370)
POTTER ANDERSON & CORROON LLP
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
(302) 984-6000
dmoore@potteranderson.com
jchoa@potteranderson.com
bpalapura@potteranderson.com
Attorneys for Defendant
Harmonic, Inc.

IT IS SO ORDERED this _____ day of _____, 2013.

_____
United States District Judge