

ORIGINAL

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7 Attorneys for Plaintiff
CAPCOM U.S.A., INC.

FILED

OCT 31 1994

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
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OCT 26 1994

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Handwritten signature in red ink, possibly "AJI".

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12	CAPCOM U.S.A., INC.,)	
13	a California corporation,)	No. C-93-3259 WHO
14	Plaintiff,)	STIPULATION AND ORDER
15	v.)	REGARDING FLOOR PLAN AND
16	DATA EAST CORP., a Japanese)	PHOTOGRAPHS OF DATA
17	corporation, and)	<u>EAST'S PREMISES</u>
18	DATA EAST USA, INC., a)	
19	California corporation,)	
20	Defendants.)	Trial Date: December 5, 1994

20 It is hereby stipulated by and between the parties,
21 through their respective counsel, as follows:

22 At the offices of Fenwick & West, Data East will make
23 available to Capcom for production and/or copying the floor plan
24 of Research and Development Department No. 1 created on July 27,
25 1994 and of the 55 photographs of Research and Development
26 Department No. 1 created on or about July 26, 1994. Data East
27 does not, by this production, waive any attorney-client and/or
28

1 work-product privilege it may have with respect to any other
2 document or communication. Capcom does not waive any right it
3 may have to production of additional documents responsive to its
4 Fourth Request for Production of Documents and Tangible Things.

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6 Dated: October 25, 1994

PRESTON MOORE
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By Judson E. Lobdell
Judson E. Lobdell

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13

Attorneys for Plaintiff
CAPCOM U.S.A., INC.

14

15 Dated: October 26, 1994

WILLIAM A. FENWICK
DAVID L. HAYES
SALLY M. ABEL
JEPPERSON F. SCHER
ERIC A. BOCHNER

16

17

18

19

By Eric A. Bochner
Eric A. Bochner

20

21

Attorneys for Defendants
DATA EAST CORPORATION and
DATA EAST USA, INC.

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IT IS HEREBY ORDERED.

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Dated: October 31, 1994

Joan S. Brennan
Honorable Joan S. Brennan
Magistrate Judge, District Court
Northern District of California

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PROOF OF SERVICE BY MAIL
(FRCivP 5(b))

I am employed with the law firm of MORRISON & FOERSTER, whose address is 345 California Street, San Francisco, California 94104; I am not a party to the cause; I am over the age of eighteen years and I am readily familiar with MORRISON & FOERSTER's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of MORRISON & FOERSTER's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at MORRISON & FOERSTER with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of

STIPULATION REGARDING FLOOR PLAN AND
PHOTOGRAPHS OF DATA EAST'S PREMISES

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at MORRISON & FOERSTER, 345 California Street, San Francisco, California 94104 in accordance with MORRISON & FOERSTER's ordinary business practices:

William A. Fenwick
David L. Hayes
Claude M. Stern
Eric A. Bochner
Fenwick & West
Two Palo Alto Square
Palo Alto, CA 94306

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at San Francisco, California, this 26th day of October, 1994.

Tonja Jennings
(typed)


(signature)