



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TOMITA TECHNOLOGIES USA, LLC, AND TOMITA :
TECHNOLOGIES INTERNATIONAL, INC., :
Plaintiffs, : Case No. 1:11-cv-04256-JSR
v. :
NINTENDO CO., LTD., AND :
NINTENDO OF AMERICA INC. :
Defendants. :
-----X

**STIPULATION AND ORDER FURTHER STAYING
EXECUTION AND ENFORCEMENT OF JUDGMENT**

WHEREAS, the Clerk of the Court entered an amended judgment in this matter on December 30, 2013 (D.I. 173) (the "Judgment");

WHEREAS, the parties, as authorized orally by the Court, stipulated and agreed on December 27, 2013 that execution of the Judgment is stayed through and including January 17, 2014 (the "Stay") to allow additional time to discuss and resolve the terms of a stay pending an appeal by Nintendo, including the potential posting of a bond;

WHEREAS, the parties have agreed, for purposes of the bonds only, that Nintendo will post a supersedeas bond in the amount of \$15,388,231.00 and an ongoing royalty bond in the amount of \$1,767,000 in order to procure a stay of the Judgment pursuant to Fed. R. Civ. P. 62(d) (collectively, the "Bonds");

WHEREAS, the parties understand that the Clerk of the Court requires a stipulation to accept the Bonds because they differ from the enumerated amount on the face of the Judgment;

WHEREAS, Nintendo requires additional time for both Nintendo of America Inc. in Redmond, Washington and Nintendo Co., Ltd. in Kyoto, Japan to execute the agreed upon Bonds;

WHEREAS, the Court orally authorized an extension of the Stay through and including January 31, 2014, during a call with counsel for the parties on January 16, 2014;

IT IS HEREBY STIPULATED AND AGREED by and between the parties, through their undersigned counsel, that:

Execution and/or enforcement of the Judgment is stayed through and including January 31, 2014; and

Nintendo will post a supersedeas bond in the amount of \$15,388,231.00 and an ongoing royalty bond in the amount of \$1,767,000 in order to procure a stay of the Judgment.

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Attorneys for Plaintiffs

Attorneys for Defendants

Dated: January 16, 2014

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SO ORDERED.


JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
January 16, 2014