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2	PAULINE T. WAN JEANE HAMILTON NIALL E. LYNCH LISA V. TENORIO United States Department of Justice Antitrust Division			
3				
4				
5	450 Golden Gate Avenue Room 10-0101, Box 36046			
6	San Francisco, CA 94102 Telephone (415) 436-6660			
7	7 Attorneys for the United States			
8	UNITED STATES DISTRICT COURT			
9	NORTHERN DISTRICT OF CALIFORNIA			
10	SAN FRANCISCO DIVISION			
11	1			
12	2 UNITED STATES OF AMERICA,			
13	Plaintiff,	Civil Action No. C 00-2227 TEH		
14	4 v. (
15	and E-TEK DYNAMICS, INC.,) Filed: June 22, 2000)		
16	Defendants.)			
17	,			
18	3			
19	STIPULATION A	ND ORDER		
20	It is hereby STIPULATED by and between t	It is hereby STIPULATED by and between the undersigned parties, by their respective		
21	1 attorneys, as follows:	attorneys, as follows:		
22	1. The Court has jurisdiction over the su	1. The Court has jurisdiction over the subject matter of this action and over each of		
23	the parties hereto, and venue of this action is proper in the United States District Court for the			
24	Northern District of California.			
25	2. The parties stipulate that a Final Judgment in the form hereto attached may be filed			
26	and entered by the Court, upon the motion of any party or upon the Court's own motion, at any			
27	time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15			
28	U.S.C. § 16), and without further notice to any party or other proceedings, provided that the			
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1 2 plaintiff has not withdrawn its consent, which it may do at any time before the entry of the 3 proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the 4 Court. 5 3. Defendants shall abide by and comply with the provisions of the proposed Final 6 Judgment pending entry of the Final Judgment by the Court, or until expiration of the time for all 7 appeals of any Court ruling declining entry of the proposed Final Judgment, and shall, from the 8 date of the entry of this Stipulation and Order, comply with all the terms and provisions of the 9 proposed Final Judgment as though the same were in full force and effect as an order of the 10 Court. 11 4. This Stipulation shall apply with equal force and effect to any amended proposed 12 Final Judgment agreed upon in writing by the parties and submitted to the Court. 13 5. In the event that the plaintiff withdraws its consent, as provided in paragraph 2 14 above, or if the proposed Final Judgment is not entered pursuant to this Stipulation, or the time 15 has expired for all appeals of any Court ruling declining entry of the proposed Final Judgment, 16 and the Court has not otherwise ordered continuing compliance with the terms and provisions of 17 the proposed Final Judgment, this Stipulation shall be of no effect whatsoever, and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding. 18 19 /// 20 /// 21 22 23 24 25 /// 26 /// 27 28 /// STIPULATION AND ORDER - Page 2

1	6. Defendants agree not to consumma	ate their transaction before the Court has signed
2	this Stipulation and Order.	
3		D (CH 1 24 1
4		Respectfully submitted,
5		/s/
6		/s/ Howard J. Parker, Esq. U.S. Department of Justice
7		Antitrust Division 450 Golden Gate Avenue
		Room 10-0101, Box 36046
8		San Francisco, CA 94102 Telephone (415) 436-6660
9		Facsimile (415) 436-6687 Attorney for United States of America
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11		W. Stephen Smith, Esq.
12		Morrison & Foerster LLP
13		2000 Pennsylvania Avenue, N.W. Washington, D.C. 20006-1888
14		Telephone (202) 887-1514 Facsimile (202) 887-0763
15		Attorney for JDS Uniphase Corporation
16		Charles T. C. Compton, Esq.
17		Wilson Sonsini Goodrich & Rosati 650 Page Mill Road
18		Palo Alto, CA 94304-1050 Telephone (650) 493-9300
19		Facsimile (650) 565-5100 Attorney for E-TEK Dynamics, Inc.
20		Auomey for E-TER Dynamics, mc.
21	Dated: June 22, 2000	
22		
23	SO ORDERED:	
24	This day of June, 2000.	
25		
26		United States District Judge
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