

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

SILVACO DATA SYSTEMS,

Plaintiff and Appellant,

v.

INTEL CORPORATION,

Defendant and Respondent.

H032895

(Santa Clara County
Super. Ct. No. CV031946)

**ORDER MODIFYING OPINION
AND DENYING REHEARING**

NO CHANGE IN JUDGMENT

THE COURT:

It is ordered that the opinion filed herein on April 29, 2010, be modified as follows:

1. On page 3, footnote 2, second full paragraph beginning with “A second cause” and ending with “index purpose” is deleted and the following paragraph is inserted in its place:

A second cause of overkill is that each of the appendix’s 27 volumes includes an index to the entire appendix. This would be a welcome convenience if not for the fact that the index is *103 pages long*—a bulk that, replicated 27 times, consumes more than one-third of the appendix. This remarkable feat is achieved by listing not only every distinct *filing* (see Cal. Rules of Court, rules 8.144(b)(1), 8.124(d)(1), 8.122), but every *exhibit or attachment* to each filing, resulting in page after page of references to exhibit titles, including lodged authorities (see preceding paragraph). This level of detail, when judiciously reserved for critical documents, might be of considerable assistance in navigating a complex record. However, when it

enlarges an already overblown record to the present extent, it largely defeats the index's purpose.

There is no change in the judgment.

Appellant's petition for rehearing is denied.

Dated:

RUSHING, P.J.

WE CONCUR:

PREMO, J.

ELIA, J.