

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MENTOR GRAPHICS	§
CORPORATION, an Oregon	§
corporation,	§ No. 377, 2003
	§
Defendant Below-	§
Appellant,	§
	§ Court Below—Court of Chancery
v.	§ of the State of Delaware,
	§ in and for New Castle County
TERA SYSTEMS, INC., a Delaware	§ C.A. No. 20300
corporation,	§
	§
Plaintiff Below-	§
Appellee.	§

Submitted: July 31, 2003

Decided: July 31, 2003

Before **HOLLAND, BERGER, and JACOBS**, Justices.

ORDER

This 31st day of July 2003, it appears to the Court that:

(1) The defendant below, Mentor Graphics Corporation, has petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from an interlocutory ruling of the Court of Chancery entered on July 18, 2003. The Court of Chancery's ruling denied Mentor's motion to dismiss Tera Systems, Inc.'s complaint on the ground of ripeness. Mentor also has filed a motion seeking to stay the Court of Chancery's ruling, which would require Mentor to answer

Tera's complaint by August 1, 2003, pending the outcome of this petition for interlocutory review.

(2) On July 30, 2003, the Court of Chancery denied Mentor's application to certify an interlocutory appeal to this Court.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in extraordinary cases.

(4) In the exercise of its discretion, this Court has concluded that the application for interlocutory review does not meet the requirements of Supreme Court Rule 42(b) and should be refused.

NOW, THEREFORE, IT IS HEREBY ORDERED that the within interlocutory appeal is REFUSED. The motion to stay is DENIED as moot.

BY THE COURT:

/s/ Carolyn Berger
Justice