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12 *Lead and Liaison Counsel for*
13 *Indirect Purchaser Class*

14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 **OAKLAND DIVISION**

17 IN RE STATIC RANDOM ACCESS
18 MEMORY (SRAM) ANTITRUST
19 LITIGATION

20 Case No. M:07-CV-01819-CW

21 MDL No. 1819

22 **STIPULATION AND ORDER**
23 **AMENDING INDIRECT PURCHASER**
24 **PLAINTIFFS' PROPOSED FORMS OF**
25 **NOTICE REGARDING CLASS ACTION**
26 **AND PARTIAL SETTLEMENTS**

27 This Document Relates to:

28 ALL INDIRECT PURCHASER ACTIONS

WHEREAS, on November 25, 2009, the Court issued an Order Granting Indirect Purchaser Plaintiffs' Motion for Class Certification and Denying Motions to Exclude Expert Opinions (Dkt. 903) ("Order Granting Certification"), wherein the Court certified a nationwide injunctive class of indirect purchasers of SRAM pursuant to Federal Rules of Civil Procedure 23(a) and (b)(2), as well as twenty-seven (27) state classes of indirect purchasers of SRAM seeking damages and/or restitution under Federal Rules of Civil Procedure 23(a) and (b)(3); and

WHEREAS, on March 12, 2010, Indirect Purchaser ("IP") Plaintiffs submitted Proposed Forms of Notice Regarding Class Action and Partial Settlements (Dkt. 971) (the "Proposed Forms of Notice"); and

1 WHEREAS, the Court's Order Granting Certification provides that within fifteen days of IP
2 Plaintiffs' submission of a proposed form of notice, Defendants may file any comments thereto, and
3 that IP Plaintiffs may file a reply fifteen days thereafter; and

4 WHEREAS, in order to facilitate the informal resolution of concerns raised by non-settling
5 Defendants Cypress and Samsung (the "Non-Settling Defendants") regarding the Proposed Forms of
6 Notice, the parties stipulated and the Court ordered that Non-Settling Defendants would have until
7 April 2, 2010 to comment on IP Plaintiffs' Proposed Forms of Notice (Dkt. 978); and

8 WHEREAS, the parties stipulated and requested that the Court order that the Court's Order
9 Granting Certification be amended, for purposes of the litigation of this matter, to add the following
10 language expressly limiting the definition and scope of each of the requested state plaintiff classes to
11 purchasers of the following "products containing SRAM," on page 36 following the Court's
12 descriptions of the state classes and before the class representatives are identified beginning on lines
13 22-23:

14 "Products containing SRAM" as used in each of the foregoing state
15 plaintiff class definitions shall be limited for litigation purposes to
16 handheld computer devices (also known as personal digital assistants
17 ("PDAs") and smart phones), desktop computers (with separate level 2
18 cache memory), servers, mainframes, Voice-Over Internet Protocol
19 Systems, routers, switches, modems, storage area networks and firewalls.

20 (Dkt. 979); and

21 WHEREAS, the parties have worked together to prepare revised "short" and "long" forms of
22 notice that conform to the above limitation which are attached hereto as Exhibits A and B,
23 accordingly;

24 NOW THEREFORE, it is hereby stipulated by the undersigned counsel on behalf of the
25 parties identified below, and subject to the Court's approval, that:

26 In lieu of Non-Settling Defendants' submission of comments to the Proposed Forms of
27 Notice, and in lieu of a reply submission by IP Plaintiffs relating to the Proposed Forms of Notice,
28 the parties jointly submit, and have approved, amended proposed forms of notice, which are attached

1 hereto as Exhibit A (proposed amended "short" form of notice) and Exhibit B (proposed amended
2 "long" form of notice). No further briefing regarding proposed forms of notice shall be permitted or
3 considered by the Court.

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5 Dated: April 1, 2010

By: /s/ Christopher T. Micheletti
CHRISTOPHER T. MICHELETTI
ZELLE HOFMANN VOELBEL
& MASON LLP
*Lead and Liaison Counsel for Indirect-
Purchaser Class*

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9 Dated: April 1, 2010

By: /s/ Michael W. Scarborough
MICHAEL W. SCARBOROUGH
SHEPPARD MULLIN RICHTER &
HAMPTON LLP
*Attorney for Defendants
Samsung Electronics Company, Ltd.,
Samsung Semiconductor, Inc. and
Samsung Electronics America, Inc.*

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13
14 Dated: April 1, 2010

By: /s/ Gary A. Winters
GARY A. WINTERS
MAYER BROWN LLP
*Attorney for Defendant
Cypress Semiconductor Corporation*

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17 *Additional Defendants and Counsel:*

18 By /s/ Belinda Lee
19 BELINDA LEE
20 **LATHAM & WATKINS LLP**
*Attorney for Defendants
Toshiba Corporation and Toshiba
America Electronic Components, Inc.*

By /s/ Matthew S. Leddicotte
MATTHEW S. LEDDICOTTE (*pro hac vice*)
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21
22 By /s/ Joshua D. N. Hess
23 JOSHUA D. N. HESS
24 **GIBSON DUNN & CRUTCHER LLP**
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By /s/ Michael F. Tubach
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*Attorney for Defendants
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Hynix Semiconductor America Inc.*

25
26 By /s/ Craig P. Seebald
27 CRAIG P. SEEBALD (*pro hac vice*)
28 **McDERMOTT WILL & EMERY LLP**
Attorney for Defendants

By /s/ Paul Griffin
PAUL GRIFFIN
WINSTON & STRAWN LLP
Attorney for Defendants

1 *Renesas Technology Corp., Renesas*
2 *Technology America, Inc., Mitsubishi Electric*
3 *Corporation, and Mitsubishi Electric &*
4 *Electronics USA, Inc.*

NEC Electronics Corporation and NEC
Electronics America, Inc. and
Liaison Counsel for Defendants

5 I, Christopher T. Micheletti, hereby attest, pursuant to N.D. Cal. General Order No. 45, that
6 the concurrence to the filing of this document has been obtained from each signatory hereto.

7 */s/ Christopher T. Micheletti*
8 Christopher T. Micheletti

9 **IT IS SO ORDERED.**

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11 Dated: April 5, 2010



12 THE HONORABLE CLAUDIA WILKEN
13 United States District Judge
14 Northern District of California

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