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 18 **UNITED STATES DISTRICT COURT**  
 19 **NORTHERN DISTRICT OF CALIFORNIA**  
 20 **SAN FRANCISCO DIVISION**

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 22 LAM RESEARCH CORPORATION,  
 23 Plaintiff,  
 24 vs.  
 25 SCHUNK SEMICONDUCTOR and XYCARB  
 26 CERAMICS,  
 27 Defendants.

Case No.: 3:03-cv-1335 CRB

**STIPULATION TO WITHDRAW  
 DEFENDANTS' MOTION TO DISMISS  
 PLAINTIFF'S FIRST SUPPLEMENTAL  
 COMPLAINT AND FOR DEFENDANTS  
 TO ANSWER PLAINTIFF'S FIRST  
 SUPPLEMENTAL COMPLAINT BY  
 OCTOBER 29, 2010**

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 STIPULATION TO WITHDRAW DEFENDANTS' MOTION TO DISMISS AND TO ANSWER THE FIRST  
 SUPPLEMENTAL COMPLAINT

1           **WHEREAS** Plaintiff's First Supplemental Complaint was filed on September 17, 2010;

2           **WHEREAS** Defendants filed a Motion to Dismiss Plaintiff's First Supplemental  
3 Complaint on October 4, 2010;

4           **WHEREAS** a Case Management Conference was held on October 15, 2010 before the  
5 Honorable Charles R. Breyer at which point the case was referred to Magistrate Judge Joseph C.  
6 Spero for discovery proceedings;

7           **WHEREAS** Defendants have agreed to withdraw their Motion to Dismiss Plaintiff's  
8 First Supplemental Complaint;

9           **WHEREAS** both Plaintiff and Defendants agree to the filing of Defendants' Answer and  
10 related Counter-Claims to Plaintiff's First Supplemental Complaint by October 29, 2010.  
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14           The parties to this action, by and through their counsel of record, Robert C. Matz, Esq. of  
15 SHAUB & WILLIAMS, LLP, attorneys for Defendants, SCHUNK SEMICONDUCTOR and  
16 XYCARB CERAMICS, and Patrick T. Michael, Esq. of Winston & Strawn LLP, attorneys for  
17 Plaintiff, LAM RESEARCH CORPORATION, hereby stipulate:  
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- 19  
20           1.           That Defendants Motion to Dismiss Plaintiff's First Supplemental  
21                           Complaint shall be withdrawn and taken off calendar before the Court;  
22                           and  
23           2.           Defendants shall file their Answer and related Counter-Claims to  
24                           Plaintiff's First Supplemental Complaint by October 29, 2010.  
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STIPULATION TO WITHDRAW DEFENDANTS' MOTION TO DISMISS AND TO ANSWER THE FIRST  
SUPPLEMENTAL COMPLAINT

1 It is further agreed that a facsimile copy of the signature of counsel for Defendants and  
2 Plaintiff of this Stipulation shall be effective as though it is an original and that this Stipulation  
3 may be executed in counterparts.  
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5 **IT IS SO STIPULATED.**  
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8 Dated: October 21, 2010

**SHAUB & WILLIAMS LLP**

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11 s/Robert C. Matz/ \_\_\_\_\_

12 Robert C. Matz,

13 Attorneys for Defendants,

14 SCHUNK SEMICONDUCTOR and XYCARB

15 CERAMICS  
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18 Dated: October 21, 2010

**WINSTON & STRAWN LLP**

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21 s/Patrick T. Michael/ \_\_\_\_\_

22 Patrick T. Michael,

23 Attorneys for Plaintiff,

24 LAM RESEARCH CORPORATION  
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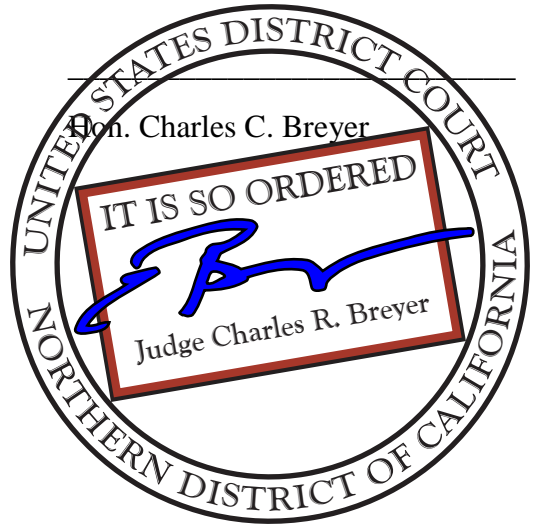
STIPULATION TO WITHDRAW DEFENDANTS' MOTION TO DISMISS AND TO ANSWER THE FIRST  
SUPPLEMENTAL COMPLAINT

**PROPOSED ORDER**

In consideration of the Stipulation entered into between the parties on October 21, 2010, Defendants' Motion to Dismiss Plaintiff's First Supplemental Complaint filed on October 4, 2010 is hereby withdrawn and taken off calendar. In addition, Defendants shall have until October 29, 2010 to file their Answer and related Counter-Claims to Plaintiff's First Supplemental Complaint.

**IT IS SO ORDERED.**

DATED: October 21, 2010



STIPULATION TO WITHDRAW DEFENDANTS' MOTION TO DISMISS AND TO ANSWER THE FIRST  
SUPPLEMENTAL COMPLAINT