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 16 ALPHA & OMEGA SEMICONDUCTOR, INC.

17 UNITED STATES DISTRICT COURT
 18 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 19 SAN FRANCISCO DIVISION

20 ALPHA & OMEGA SEMICONDUCTOR,
 INC., a California corporation; and
 21 ALPHA & OMEGA SEMICONDUCTOR,
 LTD., a Bermuda corporation,
 22 Plaintiffs and Counterdefendants,
 23 v.
 24 FAIRCHILD SEMICONDUCTOR
 CORP., a Delaware corporation,
 25 Defendant and Counterclaimant.

Case No. C 07-2638 JSW (EDL)
 (Consolidated with Case No. C 07-2664 JSW)

**STIPULATION AND ~~[PROPOSED]~~
 ORDER LIFTING RESTRICTION ON
 DR. RICHARD A. BLANCHARD FOR
 LIMITED PURPOSES**

26 AND RELATED COUNTERCLAIMS.
 27
 28

1 WHEREAS Alpha & Omega Semiconductor, Inc., Alpha & Omega Semiconductor, Ltd.
2 (collectively “AOS”), and Fairchild Semiconductor Corporation (“Fairchild”), are parties to the
3 above-captioned matters;

4 WHEREAS, on January 17, 2008, pursuant to the parties’ stipulation, the Court issued an
5 Order (Docket No. 131) (the “Blanchard Disclosure Order”) adopting the terms of an agreement
6 between the parties regarding the terms on which Dr. Richard A. Blanchard, Fairchild’s technical
7 expert, could have access to information designated by AOS as “Highly Confidential – Attorneys’
8 Eyes Only” or “Confidential” (“AOS confidential information”) pursuant to the Protective Order
9 entered in this case by the Court on August 2, 2007 (Docket No. 27);

10 WHEREAS, the Blanchard Disclosure Order provides for the following terms, in addition to
11 those set forth in the Protective Order, on which Dr. Blanchard could have access to AOS confidential
12 information:

13 Until three (3) years have passed after the earlier of (1) the conclusion of
14 this litigation or (2) the last day on which AOS confidential information
15 is disclosed to Fairchild:

16 (a) Dr. Blanchard will only have access to AOS confidential
17 information regarding the technical design, manufacture, or operation of
18 AOS’s low-voltage (i.e., 200V or less) trench power MOSFET devices.
19 Dr. Blanchard will be prohibited from reviewing any information that
20 does not concern these products, including but not limited to AOS
21 confidential information concerning high-voltage (i.e., more than 200V)
22 or planar products;

23 (b) Dr. Blanchard will not have access to any AOS confidential
24 information regarding AOS’s agreements with its foundries, including
25 without limitation the terms of agreements with foundries or assembly
26 sub-contractors, including but not limited to wafer pricing and
27 quantities, and volumes for any foundry manufacturing;

28 (c) Dr. Blanchard will abstain from any involvement in consulting
activities including but not limited to research, product development,
engineering, manufacturing activities, or intellectual property
development-relating to low-voltage trench power MOSFET products
and technology, except that Dr. Blanchard shall be allowed to consult on
this litigation for Fairchild as well as on the litigation currently pending
between AOS and Siliconix;

(d) Dr. Blanchard will abstain from being a named inventor on or
otherwise authoring or filing any patent application in the field of low-
voltage trench power MOSFET technology. To allow Dr. Blanchard to
pursue intellectual property based on ideas he has developed prior to
reviewing AOS’s confidential information, Dr. Blanchard will not be

1 given access to any AOS confidential information until February 11,
2 2008, during which time Dr. Blanchard may file applications for patents,
3 which he may continue to pursue after February 11, 2008 so long as he
4 does not add any new matter to the applications on file as of February
5 11, 2008; and

6 (e) Dr. Blanchard will abstain from authoring any paper or
7 publication, in the field of low-voltage trench power MOSFET
8 technology, except that Dr. Blanchard shall be allowed to author papers
9 or publications concerning historical developments in the field of low-
10 voltage trench power MOSFET technology that are reviewed and
11 approved by AOS before publication. Dr. Blanchard shall tender any
12 draft of a historical paper or publication to AOS for review and approval
13 no later than forty-five (45) days before the anticipated publication date.
14 Dr. François Hébert, or another designated representative of AOS, will
15 review and approve for publication any draft of a historical paper or
16 publication within twenty (21) after receiving the draft so long as the
17 draft does not contain, reflect, or reveal any AOS confidential
18 information.

19 WHEREAS, the parties arrived at a settlement of this action, and filed a Stipulation of
20 Dismissal of Consolidated Actions on October 28, 2008 (Docket No. 234), which was adopted and
21 issued as an Order by the Court in each of the above-captioned matters on October 30, 2008 (Docket
22 No. 236 in case 3:07-cv-02638-JSW and Docket No. 22 in case 3:07-cv-02664-JSW);

23 WHEREAS, Fairchild would now like to retain Dr. Blanchard as an expert consultant or
24 witness in two unrelated actions: (1) Infineon Technologies AG, Infineon Technologies Austria AG,
25 and Infineon Technologies North America Corporation v. Fairchild Semiconductor Corporation and
26 Fairchild Semiconductor International, Inc. (U.S.D.C., Dist. of Delaware, Action No. 08-887 (SLR));
27 and (2) Fairchild Semiconductor Corporation v. Infineon Technologies AG and Infineon Technologies
28 North America Corporation (U.S.D.C., Dist. of Maine (Portland), Case No. 2:08-cv-00411-DBH)
(collectively, the “Fairchild/Infineon Actions”);

WHEREAS, because of the nature of the issues in the Fairchild/Infineon Actions,
Dr. Blanchard is potentially precluded from engaging in work relating to the Fairchild/Infineon
Actions in view of paragraph (c) in the Blanchard Disclosure Order, and Fairchild would therefore like
the restrictions on Dr. Blanchard in paragraph (c) of the Blanchard Disclosure Order to be lifted for
the sole purpose of permitting Fairchild to retain Dr. Blanchard as an expert consultant or witness in
the Fairchild/Infineon Actions;

1 NOW, THEREFORE, THE PARTIES STIPULATE AS FOLLOWS:

- 2 1. The restrictions on Dr. Blanchard in paragraph (c) of the Blanchard Disclosure
3 Order shall be lifted for the limited purpose of permitting Dr. Blanchard to
4 serve as an expert consultant or witness in Fairchild/Infineon Actions.
- 5 2. All other restrictions set forth in the Blanchard Disclosure Order will remain in
6 place without prejudice to further modifications pursuant to stipulation or court
7 order.

8 IT IS SO AGREED AND STIPULATED.

9
10 Dated: February 25, 2009

MORGAN, LEWIS & BOCKIUS LLP

11
12 By: /s/ Andrew J. Wu

13 Andrew J. Wu
14 Attorneys for Plaintiffs and Counterdefendants,
15 ALPHA & OMEGA SEMICONDUCTOR, LTD.,
16 AND ALPHA & OMEGA SEMICONDUCTOR,
17 INC.

18
19 Dated: February 25, 2009

TOWNSEND AND TOWNSEND AND CREW
20 LLP

21
22 By: /s/ Matthew R. Hulse

23 Matthew R. Hulse
24 Attorneys for Defendant and Counterclaimant,
25 FAIRCHILD SEMICONDUCTOR CORP.
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~~[PROPOSED]~~ ORDER

Pursuant to the parties' stipulation set forth above,

IT IS SO ORDERED.

DATED: February 26, 2009



HON. ELIZABETH D. LAPORTE
UNITED STATES MAGISTRATE JUDGE

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