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Samsung Electronics Co., Ltd., et al.

15
16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18
19 ADVANCED MICRO DEVICES, INC., et
al.,

20 Plaintiffs,

21 v.

22 SAMSUNG ELECTRONICS CO., LTD., et
23 al.,

24 Defendants.

Case. No. CV-08-0986-SI

**STIPULATION AND [PROPOSED]
ORDER SUBSTITUTING SAMSUNG
DIGITAL IMAGING CO., LTD.**

[Civil L.R. 7-12]

25 Advanced Micro Devices, Inc. and ATI Technologies ULC (collectively "AMD"), and
26 Samsung Electronics Co., Ltd.; Samsung Semiconductor, Inc.; Samsung Austin Semiconductor,
27 LLC; Samsung Electronics America, Inc.; Samsung Telecommunications America, LLP; Samsung
28

Case. No. CV-08-0986-SI

STIPULATION AND [PROPOSED] ORDER
SUBSTITUTING SAMSUNG DIGITAL
IMAGING CO., LTD.

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1 Techwin Co., Ltd.; and Samsung Opto-Electronics America, Inc. (collectively “Samsung”) jointly
2 submit this Stipulation regarding substituting Samsung Digital Imaging Co., Ltd. (“SDIC”) in this
3 action in place of Samsung Techwin Co., Ltd. and Samsung Opto-Electronics America, Inc.
4 (collectively, “Techwin”) pursuant to Federal Rule of Civil Procedure 25(c).

5 WHEREAS, plaintiff AMD filed this action against defendants on February 19, 2008;

6 WHEREAS, Techwin is a named defendant in AMD’s First Amended Complaint;

7 WHEREAS, AMD’s First Amended Complaint alleges that defendant Techwin has directly
8 infringed U.S. Patent Nos. 5,545,592, 4,737,830, 5,248,893, 5,559,990, 5,377,200, 5,623,434, and
9 6,784,879 by, *inter alia*, manufacturing, importing, marketing, selling, or offering for sale in the
10 United States certain memory, processors, and consumer electronics;

11 WHEREAS, pursuant to a spin-off on February 1, 2009, Techwin’s digital camera business
12 was transferred in its entirety to a separate company, SDIC;

13 WHEREAS, the parties agree that it would be appropriate to substitute SDIC in this action
14 in place of Techwin pursuant to Federal Rule of Civil Procedure 25(c);

15 WHEREAS, the parties wish to stipulate to the continuing alleged liability and discovery
16 obligations of SDIC under the proposed substitution;

17 Now, therefore, pursuant to Civil Local Rule 7-12, IT IS HEREBY STIPULATED AND
18 AGREED, by and between AMD and Samsung, that:

19 1. “Samsung Digital Imaging Co., Ltd.” is hereby substituted for “Samsung Techwin Co., Ltd.
20 and Samsung Opto-Electronics America, Inc.” in the above-captioned action;

21 2. SDIC has assumed all of Techwin’s past liabilities relating to Techwin’s digital camera
22 business for direct infringement of the patents asserted by AMD in this case, to the extent any such
23 liability exists;

24 3. SDIC has assumed all of Techwin’s discovery obligations in this case, and possesses all
25 documents, information, and sales data from Techwin relating to Techwin’s digital camera
26 business;

27 4. If in the course of discovery it is found that SDIC is not in possession of all documents,
28 information, and sales data relating to Techwin’s digital camera business, Samsung’s counsel will

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1 assist in obtaining these documents from Techwin and will accept service of a subpoena on
2 Techwin's behalf.

3
4 DATED: October 28, 2009

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

5
6 By: /s/ William H. Manning
7 William H. Manning
8 Samuel L. Walling

9 **ATTORNEYS FOR ADVANCED MICRO
10 DEVICES, INC. AND ATI TECHNOLOGIES
11 ULC**

12 DATED: October 28, 2009

COVINGTON & BURLING L.L.P.

13 By: /s/ Christine S. Haskett
14 Robert T. Haslam
15 Christine Saunders Haskett

16 **ATTORNEYS FOR SAMSUNG ELECTRONICS
17 CO., LTD.; SAMSUNG SEMICONDUCTOR,
18 INC.; SAMSUNG AUSTIN SEMICONDUCTOR,
19 LLC; SAMSUNG ELECTRONICS AMERICA,
20 INC.; SAMSUNG TELECOMMUNICATIONS
21 AMERICA, LLC; SAMSUNG TECHWIN CO.,
22 LTD.; AND SAMSUNG OPTO-ELECTRONICS
23 AMERICA, INC.**

24 *Plaintiffs' counsel attests that concurrence in the
25 filing of this document has been obtained from the
26 above-named signatory.*

27 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

28 DATED: October __, 2009



Honorable Susan Illston
United States District Judge