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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 ADVANCED MICRO DEVICES, et al.,

No. C 08-00986 SI

9 Plaintiffs and Counterdefendants,

**ORDER DENYING AMD'S MOTION TO
COMPEL LICENSE AGREEMENTS**

10 v.

11 SAMSUNG ELECTRONICS CO., LTD, et al.,

12 Defendants and Counterclaimants.
13 _____

14 Plaintiff AMD has filed a motion to compel Samsung to produce all license agreements relating
15 to the patents-in-suit or to technology comparable to the technology at issue in this case for the purpose
16 of calculating damages based on a reasonable royalty. Four specific licenses are at issue in this case.
17 The Nanya and Toshiba licenses are "broad, portfolio-level cross-licenses." The Interdigital and
18 Rambus licenses are settlement agreements reached in connection with pending litigation.

19 The hypothetical negotiation dates in this case range from some time in 1998 to September of
20 2004. The agreements AMD presently seeks were entered into from December 2007 to February 2010
21 – three to five-and-a-half years after the latest hypothetical negotiation date. In the Court's view, AMD
22 is not entitled to discovery of agreements this far removed from the relevant time period, especially in
23 light of the fact that Samsung has already produced 120 licenses spanning the period from 1990 to
24 2006.¹ In addition, Samsung has explained that the two broad-level cross-licenses and the two
25 settlement agreements are substantially different in scope and substance from the single-patent licenses
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27 ¹ Contrary to AMD's assertion, the mere fact that Samsung has voluntarily produced some
28 licenses outside the hypothetical negotiation period does not weigh in favor of compelling production
of the four licenses now requested.

1 that will be relevant to the royalty calculations in this case. That fact further weighs against compelling
2 discovery of the agreements. AMD's motion to compel is therefore DENIED.

3 To the extent Samsung seeks discovery from AMD of license agreements similar to those at
4 issue in this order, that request is also DENIED.

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6 **IT IS SO ORDERED.**

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8 Dated: March 16, 2010



SUSAN ILLSTON
United States District Judge