

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
ATTORNEYS AT LAW
MINNEAPOLIS

1 William H. Manning (*pro hac vice*)
E-mail: WHManning@rkmc.com
2 Brad P. Engdahl (*pro hac vice*)
E-mail: BPEngdahl@rkmc.com
3 **Robins, Kaplan, Miller & Ciresi L.L.P.**
2800 LaSalle Plaza
4 800 LaSalle Avenue
Minneapolis, MN 55402
5 Telephone: 612-349-8500
Facsimile: 612-339-4181

6 Attorneys for Plaintiffs and
7 Counterdefendants Advanced Micro
Devices, Inc., et al.

Robert T. Haslam (Bar No. 71134)
E-mail: Rhaslam@cov.com
Covington & Burling, LLP
333 Twin Dolphin Drive, Suite 700
Redwood Shores, CA 94065
Telephone: 650-632-4700
Facsimile: 650-632-4800

Alan H. Blankenheimer (Bar No. 006164)
E-mail: Ablankenheimer@cov.com
Covington & Burling, LLP
9191 Towne Centre Drive, Suite 600
San Diego, CA 92122
Telephone: 858-658-1800
Facsimile: 858-678-1600

Attorneys for Defendants and Counterclaimants
Samsung Electronics Co., Ltd., et al.

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

14 ADVANCED MICRO DEVICES, INC., et
al.,

15 Plaintiffs,

16 v.

17 SAMSUNG ELECTRONICS CO., LTD., et
18 al.,

19 Defendants.

Case No. CV-08-0986-SI

**STIPULATION REGARDING EXEMPLAR
PRODUCTS FOR DISCOVERY**

[Civil L.R. 7-12]

21 Advanced Micro Devices, Inc. and ATI Technologies, ULC (collectively "AMD"), and
22 Samsung Electronics Co., Ltd.; Samsung Semiconductor, Inc.; Samsung Austin Semiconductor,
23 LLC; Samsung Electronics America, Inc.; Samsung Telecommunications America, LLP; Samsung
24 Techwin Co., Ltd.; and Samsung Opto-Electronics America, Inc. (collectively "Samsung") jointly
25 submit this Stipulation regarding exemplar products

26 This Stipulation shall apply only to this case, captioned *Advanced Micro Devices, Inc., et al.*
27 *v. Samsung Electronics Co., Ltd., et al.*, Case No. CV-08-0986-SI. This Stipulation shall not raise
28 any presumption of infringement by any product in this or any other case or other circumstances.

1 Rather, this Stipulation is intended to identify exemplar products for purposes of discovery only of
2 Accused Instrumentalities identified by AMD and Samsung in their respective Patent Local Rule
3 3-1(c) charts, and the documents referenced therein. The Stipulation does not affect AMD's or
4 Samsung's duty to produce documents and information that relate to the exemplar products, even
5 though said documents and information lack specific reference to the exemplar product name,
6 model number or product ID. The Stipulation is not intended to identify exemplar products for
7 purposes of any infringement analysis or at trial of such Accused Instrumentalities. The parties
8 agree that different exemplary products and groupings may be agreed to or otherwise established
9 for purposes of infringement analyses.

10 Accordingly, as the factual and legal record of this case develops, the parties may determine
11 that products identified as exemplars of Accused Instrumentalities for purposes of discovery herein
12 are not accurate exemplars for purposes of infringement analyses of any product within an
13 identified grouping of Accused Instrumentalities, and new exemplars or groupings of Accused
14 Instrumentalities are required. In that event, the parties shall promptly (1) identify the new
15 proposed exemplars or groupings of Accused Instrumentalities that are required; (2) produce the
16 documents or information upon which each bases its determination that new proposed exemplars or
17 groupings of Accused Instrumentalities are required; and (3) thereafter meet and confer to discuss
18 the new proposed exemplars or groupings of Accused Instrumentalities. If, following the meet and
19 confer, an agreement is reached regarding the new proposed exemplars or groupings of Accused
20 Instrumentalities, the parties will amend this Stipulation to reflect the agreement and the party
21 accused of infringement with respect to each such Accused Instrumentality (hereinafter "the
22 Accused Party") shall promptly produce technical documents sufficient to show the operation or
23 elements of each new or amended group of Accused Instrumentalities identified by the adverse
24 party in its Patent Local Rule 3-1(c) charts, and the documents referenced therein.

25 Pursuant to Civil Local Rule 7-12, IT IS HEREBY STIPULATED AND AGREED, by and
26 between AMD and Samsung that:

27 1. This Stipulation shall apply to discovery only. This Stipulation shall limit, on a
28 patent-by-patent basis, AMD's and Samsung's production of documents related to the manufacture,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
ATTORNEYS AT LAW
MINNEAPOLIS

1 structure and operation of products that are represented by an exemplar product. The parties agree
2 to work collaboratively to identify exemplar products, wherever possible, for use at trial.

3 2. With respect to U.S. Patent No. 5,623,434, Samsung products used, manufactured,
4 imported, sold or offered for sale in the United States that comprise or incorporate Samsung chips
5 or chipsets utilizing ARM cores are represented by five core designs: ARM920T, ARM940T,
6 ARM7TDMI, ARM9TDMI, and ARM7TDMI-S. Those core designs also are exemplary for all
7 Samsung products incorporating third-party chips or chipsets utilizing those ARM cores.

8 3. With respect to U.S. Patent No. 5,377,200, Samsung products used, manufactured,
9 imported, sold or offered for sale in the United States that comprise or incorporate Samsung chips
10 or chipsets utilizing ARM cores are represented by three core designs: ARM966E-S, ARM946E-S,
11 and ARM926EJ-S. Those core designs also are exemplary for all Samsung products incorporating
12 third-party chips or chipsets utilizing those ARM cores.

13 4. With respect to U.S. Patent No. 5,248,893, Samsung RCAT DRAM products used,
14 manufactured, imported, sold or offered for sale in the United States are represented by the
15 Samsung K4H510438C DRAM product, and Samsung S-RCAT DRAM products used,
16 manufactured, imported, sold or offered for sale in the United States are represented by the
17 Samsung K4T51083QE DRAM product. Samsung has advised AMD that there may be material
18 differences for purposes of the '893 patent within those categories based on process flow and recipe.
19 Samsung will produce process flows for all Accused Instrumentalities that are accused of
20 infringing the '893 patent and are currently being sold by Samsung within one week of execution of
21 this Stipulation by the parties. If Samsung determines that the process flows may be material,
22 Samsung will meet and confer with AMD within four weeks of the execution of this Stipulation
23 regarding the methodology to be used to identify the Samsung products used, made, imported, sold
24 or offered for sale in the United States for each of the process flows identified. If the process flows
25 are not material, Samsung will identify the Samsung products used, made, imported, sold or offered
26 for sale in the United States, in the two exemplar categories, within three weeks of the
27 determination that the process flows are not material.
28

1 5. With respect to U.S. Patent No. 6,784,879, the parties were unable to come to an agreement
2 with respect to representative products. However, the parties continue to negotiate with respect to
3 this patent. Samsung has agreed that for discovery purposes, (1) the Samsung SC-HMX10
4 camcorder is representative of the Samsung SC-HMX20C camcorder; (2) the Samsung
5 LN-T4065F television is representative of other Samsung televisions used, manufactured, imported,
6 sold or offered for sale in the United States that have a picture-in-picture function and a menu
7 system that operates in the same way as the LN-T4065F television; (3) the Samsung SCH-u940
8 cellular phone is representative of other Samsung cellular phones used, manufactured, imported,
9 sold or offered for sale in the United States that have the same user interface; and (4) the Samsung
10 S860 digital camera is representative of other Samsung cameras used, manufactured, imported,
11 sold or offered for sale in the United States that have the same user interface.

12 6. With respect to U.S. Patent No. 5,545,592, the Samsung K4T1G164QA DRAM product is
13 representative for purposes of discovery of all Samsung DRAM products used, manufactured,
14 imported, sold or offered for sale in the United States, and the Samsung K9WAG08U1A NAND
15 product is representative of all Samsung NAND products used, manufactured, imported, sold or
16 offered for sale in the United States. Samsung has advised AMD that there may be material
17 variations within these categories for purposes of the '592 patent based on process flow and recipe.
18 Samsung will produce process flows for all Accused Instrumentalities that are accused of
19 infringing the '592 patent and are currently being sold by Samsung within one week of execution of
20 this Stipulation by the parties. Samsung will further identify which accused models correlate to
21 each of those process flows within four weeks of execution of this Stipulation by the parties.

22 7. With respect to U.S. Patent No. 5,559,990, thirty exemplar Accused Instrumentalities will
23 be representative of the accused Samsung memory products. Each of these exemplar Accused
24 Instrumentalities, along with a partial list of accused memory chips that are exemplified by each of
25 those Accused Instrumentalities, is included as Exhibit F to Alan Blankenheimer's letter to Brad
26 Engdahl, of November 12, 2008.

27 8. With respect to U.S. Patent No. 4,737,830, Samsung SRAM products used, manufactured,
28 imported, sold or offered for sale in the United States are represented by the Samsung K7x32xxxC

1 SRAM product. Samsung NAND products used, manufactured, imported, sold or offered for sale
2 in the United States are represented by the Samsung K9F4G08U0m-8XT NAND product.
3 Samsung DRAM products used, manufactured, imported, sold or offered for sale in the United
4 States are represented by either the Samsung K4H51083C DRAM product or the Samsung
5 K4S560832B DRAM product. Samsung will identify which accused DRAM products correlate to
6 each exemplar DRAM product within four weeks of execution of this Stipulation by the parties.

7 9. With respect to U.S. Patent No. 5,781,750, AMD identifies the AMD K6, K8 and "K10"
8 series processors as exemplars. The documents produced for each series of processors will be
9 exemplary for all processors within the series. AMD will identify, within 4 weeks of the execution
10 of this Stipulation by the parties, the specific products within each category.

11 10. With respect to U.S. Patents Nos. 6,407,429 and 6,689,648, AMD has used three different
12 processes to fabricate the relevant features of the Athlon SOI processors over the relevant time
13 period, and will produce documents sufficient to show the three different processes. The
14 documents produced for each process will be exemplary for all Athlon SOI processors
15 manufactured in AMD fabrication using that process. AMD will identify within four weeks of
16 executing this Stipulation the time frames within which each process was used and will meet and
17 confer with Samsung to identify a methodology for establishing the volumes of product produced
18 by each method. For processors produced for AMD, AMD will produce documents within its
19 possession, custody or control relating to the relevant features.

20 11. With respect to U.S. Patent No. 5,740,065, AMD will produce documents sufficient to
21 show the operation of all of the several versions of APC or Catalyst used by AMD since 2002. The
22 documents produced for each version will be exemplary for all semiconductors manufactured in
23 AMD fabrication facilities during the time period that the version was in use. AMD will identify
24 the dates that each version was in use within three weeks of execution of this Stipulation by the
25 parties. AMD will also meet and confer with Samsung within four weeks of execution of the
26 Stipulation by the parties regarding the methodology to be used to identify the AMD products used,
27 manufactured, imported, sold or offered for sale in the U.S., for each of the several versions of
28 Catalyst or APC.

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
ATTORNEYS AT LAW
MINNEAPOLIS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

12. With respect to U.S. Patents Nos. 5,173,442 and 5,091,339, the parties agree that selection of exemplar products is not necessary.

13. For each exemplar category described in this Stipulation, the Accused Party will produce technical documentation sufficient to show the operation of any aspects or elements of the exemplar Accused Instrumentality, as required by Patent Local Rule 3-4(a) within one week of execution of this Stipulation by the parties. The documents produced represent for purposes of discovery all Accused Instrumentalities represented by each exemplar product.

14. For each exemplar category described in this Stipulation, the party asserting infringement may request source code, specifications, schematics, flow charts, artwork, formulas, or other documentation sufficient to show the operation of any aspects or elements of one Accused Instrumentality of that party's choosing other than the agreed-upon representative product. The parties agree to produce such documents promptly or, if the Accused Party contends that the request is unreasonable, promptly to meet and confer to seek resolution of any such dispute.

15. AMD and Samsung will work to complete the determination of which Accused Instrumentalities identified by the adverse party in its Patent Local Rule 3-1(c) charts belong in each representative product category enumerated above.

16. For each Accused Instrumentality that the parties have not identified as represented by an exemplar enumerated above, the Accused Party will produce within one week of execution of this Stipulation, source code, specifications, schematics, flow charts, artwork, formulas, or other documentation sufficient to show the operation of any aspects or elements of such Accused Instrumentality identified by the adverse party in its Patent Local Rule 3-1(c) chart, as required by Patent Local Rule 3-4(a).

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
ATTORNEYS AT LAW
MINNEAPOLIS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: December 10, 2008

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

By: /s/ Brad P. Engdahl

William H. Manning
Brad P. Engdahl

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

DATED: December 10, 2008

COVINGTON & BURLING, LLP

By: /s/ Alan Blankenheimer

Robert T. Haslam
Alan Blankenheimer

**ATTORNEYS FOR SAMSUNG ELECTRONICS
CO., LTD.; SAMSUNG SEMICONDUCTOR,
INC.; SAMSUNG AUSTIN SEMICONDUCTOR,
LLC; SAMSUNG ELECTRONICS AMERICA,
INC.; SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC; SAMSUNG TECHWIN CO.,
LTD.; AND SAMSUNG OPTO-ELECTRONICS
AMERICA, INC.**

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

PURSUANT TO STIPULATION, IT IS SO ORDERED.

December __, 2008



Honorable Susan Illston
United States District Judge