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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

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RAMBUS INC.,

Case No. C-08-03343 SI

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Plaintiff,

Case No. C-08-05500 SI

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v.

**STIPULATION AND [PROPOSED]  
ORDER**

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NVIDIA CORPORATION,

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Defendant.

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and

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NVIDIA CORPORATION

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Plaintiff,

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v.

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RAMBUS, INC.,

27

Defendant.

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Stipulation and [Proposed] Order  
(Case Nos. C-08-03343 SI and C-08-05500 SI)

1 Rambus Inc. and NVIDIA Corporation (collectively, the “Parties”) hereby submit the  
2 following joint stipulation and proposed order:

3 WHEREAS, the Court entered a Protective Order on April 21, 2009 (Docket No. 124):

4 WHEREAS, the Parties are involved in a related proceeding pending in the International  
5 Trade Commission (the “ITC Action”);

6 WHEREAS, the Court entered Orders on April 13, 2009 and June 18, 2009 (“Discovery  
7 Orders”) governing discovery in this case, which among other things implemented an initial  
8 phase of discovery limited to document production from other proceedings, including but not  
9 limited to the ITC Action;

10 WHEREAS, on August 5, 2009, the Court ordered, pursuant to the Parties’ stipulation,  
11 that the initial phase of discovery should continue until the February 12, 2010 case management  
12 conference in part because an initial determination in the ITC Action is due to be issued on  
13 January 22, 2010;

14 WHEREAS, the Parties are meeting and conferring regarding NVIDIA’s proposals to  
15 amend the Court’s April 21, 2009 Protective Order, including without limitation paragraph 7.3(b)  
16 regarding in-house counsel access to information that is designated “HIGHLY CONFIDENTIAL  
17 – ATTORNEYS’ EYES ONLY” pursuant to the Protective Order;

18 WHEREAS, NVIDIA and Rambus each represent that none of their in-house counsel has  
19 accessed the other party’s materials designated “HIGHLY CONFIDENTIAL – ATTORNEYS’  
20 EYES ONLY” in this action; and

21 WHEREAS, the Parties intend to further minimize burden and inefficiency by reaching a  
22 stipulation without the need to engage in motion practice at this time to resolve any dispute  
23 regarding the Protective Order;

24 WHEREAS, the parties agree that the case management conference scheduled for  
25 February 12, 2010, at 3:00 pm should be rescheduled to March 12, 2010, at 3:00 pm, and that the  
26 case management statement should be filed no later than March 5, 2010;

27 WHEREAS, the parties agree that the initial phase of discovery should continue until the  
28 March 12, 2010 case management conference;

1 Rambus and NVIDIA hereby stipulate as follows:

2 1. The case management conference scheduled for February 12, 2010, at 3:00 pm  
3 should be rescheduled for March 12, 2010, at 3:00 pm, and the case management statement  
4 should be filed no later than March 5, 2010;

5 2. The initial phase of discovery should continue until the March 12, 2010 case  
6 management conference;

7 3. Notwithstanding the Protective Order's provision to the contrary, materials that are  
8 designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" shall not be made  
9 available to in-house counsel for any party before March 16, 2010, unless the parties otherwise  
10 agree or the Court so orders. If the March 16, 2010 date is not extended by stipulation or a Court  
11 order and a party files no later than March 15, 2010, a motion to amend the Protective Order with  
12 respect to in-house counsel access, this paragraph 3 shall remain in effect until final resolution of  
13 the motion, including any and all appeals to the district court of the Special Master's ruling on  
14 that motion.

15 4. In view of the Stipulation addressing discovery matters in the interim, neither party  
16 may file a motion in this matter until March 1, 2010.

17 5. Nothing in this Stipulation affects a party's right, pursuant to the terms of the  
18 Protective Order, to challenge the designation of a document as "HIGHLY CONFIDENTIAL –  
19 ATTORNEYS' EYES ONLY."

20 Dated: January 21, 2010

ORRICK, HERRINGTON & SUTCLIFFE LLP

22 /s/ David M. Goldstein

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