

FILED

OCT X 4 2010

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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11 **NORTH AMERICA CORP., and INFINEON**
TECHNOLOGIES AG
12

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16
17 **VOLTERRA SEMICONDUCTOR**
CORPORATION,

18 **Plaintiff,**

19 **v.**

20 **PRIMARION, INC., a Delaware**
21 **Corporation, INFINEON**
22 **TECHNOLOGIES AG, a German**
Corporation, and INFINEON
23 **TECHNOLOGIES NORTH AMERICA**
CORPORATION, a Delaware Corporation

24 **Defendants.**

25 **AND RELATED COUNTERCLAIMS.**
26

CASE NO. C 08-05129 JCS

PARTIAL STIPULATION REGARDING
INFRINGEMENT OF CLAIMS 26 AND
34 OF U.S. PATENT NO. 6,278,264 AND
CLAIMS 22 AND 24 OF U.S. PATENT
NO. 6,462,522

27
28 **Partial Stipulation Regarding Infringement of Claims 26 and 34**
of U.S. Patent No. 6,278,264 and Claims 22 and 24 of U.S. Patent
No. 6,462,522

CASE NO. C 08-05129 JCS

McDERMOTT WILL & EMERY LLP
ATTORNEYS AT LAW
MENLO PARK

1 Defendants Primarion, Inc., Infineon Technologies AG and Infineon Technologies North
2 America Corp. ("Defendants"), by and through their counsel, stipulate as follows:

3 WHEREAS, the Court has now construed certain disputed claim terms of the asserted
4 claims of U.S. Patent No. 6,278,264 ("the '264 Patent") and the asserted claims of U.S. Patent
5 No. 6,462,522 ("the '522 Patent") (collectively, the "Burstein Patents");

6 WHEREAS, Defendants acknowledge and concede that they have offered for sale, sold,
7 made, and/or used the PX4640, PX4642, PX4650 and PX4652 products ("the Accused Products")
8 in the United States;

9 WHEREAS, in light of the Court's claim construction rulings, in the event it is determined
10 that the Accused Products include the "UBM" element of claims 26 and 34 of the '264 Patent and
11 claims 22 and 24 of the '522 Patent, Defendants acknowledge and concede that they directly and
12 indirectly, both contributorily and by inducement, infringe claims 26 and 34 of the '264 Patent
13 and claims 22 and 24 of the '522 Patent; and

14 WHEREAS, in light of the Court's claim construction rulings, Defendants acknowledge
15 and concede that each of the Accused Products meet each and every element of claims 26 and 34
16 of the '264 Patent and claims 22 and 24 of the '522 Patent, except for the "UBM" element;

17 THEREFORE, Defendants hereby stipulate as follows:

18 (1) For all purposes and further proceedings in this action including but not limited to
19 any trial, it is and shall be determined that, Defendants have offered for sale, sold, made, and/or
20 used the PX4640, PX4642, PX4650 and PX4652 products ("the Accused Products") in the United
21 States;

22 (2) For all purposes and further proceedings in this action, including but not limited to
23 any trial, each of the Accused Products meet each and every element of claims 26 and 34 of the
24 '264 Patent and claims 22 and 24 of the '522 Patent, except for the "UBM" element;

25 (3) For all purposes and further proceedings in this action, including but not limited to
26 any trial, in the event it is determined that the Accused Products include the "UBM" element of
27 claims 26 and 34 of the '264 Patent and claims 22 and 24 of the '522 Patent, it is and shall be
28 determined that Defendants have directly and indirectly, both contributorily and by inducement,

1 infringed claims 26 and 34 of the '264 Patent and claims 22 and 24 of the '522 Patent by having
2 offered for sale, sold, made and/or used each of the Accused Products in the United States; and

3 (4) Defendants reserve the right to argue and contest the singular issue of whether the
4 Accused Products meet the "UBM" element of claims 26 and 34 of the '264 Patent and claims 22
5 and 24 of the '522 Patent as construed by the Court.

6 Defendants reserve their right to appeal the Court's claim construction orders.

7 AGREED AND SO STIPULATED:

8 Dated: September 10, 2010

MCDERMOTT WILL & EMERY LLP

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By: /s/ Vera M. Elson
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PRIMARION, INC., INFINEON
TECHNOLOGIES NORTH AMERICA
CORP., and INFINEON
TECHNOLOGIES AG

PURSUANT TO STIPULATION, IT IS SO ORDERED, ADJUDGED, AND DECREED:

Dated: 10/9/10


THE HONORABLE JOSEPH C. SPERO

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