

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VOLTERRA SEMICONDUCTOR
CORPORATION, a Delaware corporation,

Plaintiff,

v.

PRIMARION, INC., a Delaware
corporation, INFINEON
TECHNOLOGIES AG, a German
corporation, and INFINEON
TECHNOLOGIES NORTH AMERICA
CORPORATION, a Delaware corporation,

Defendant.

Case No. 08-5129 JCS

**FURTHER STIPULATION AND
[PROPOSED] ORDER EXTENDING TIME
TO RESPOND TO DEFENDANTS'
SECOND AMENDED ANSWER,
AFFIRMATIVE DEFENSES, AND
COUNTERCLAIMS**

Location: Courtroom G - 15th Floor
Judge: Honorable Joseph C. Spero

Complaint Filed: November 12, 2008
Trial Date: November 1, 2012

AND RELATED COUNTERCLAIMS

Pursuant to Civ. L.R. 6-1(b), the Parties to this Stipulation, Plaintiff Volterra Semiconductor Corporation and Defendants Primarion, Inc., Infineon Technologies North America Corp., and Infineon Technologies AG, by and through their respective counsel, jointly stipulate to extending the deadline for Volterra to respond to Defendants' Second Amended Answer Affirmative Defenses, and Counterclaims from February 29, 2012¹ until thirty (30) days

¹ The parties had previously stipulated to extend this deadline to February 29, 2012. Dkt No. 1706.

1 after the *en banc* panel of the Federal Circuit issues its ruling in *Marine Polymer Technologies,*
2 *Inc. v. Hemcon, Inc.*, 659 F.3d 1084 (Fed. Cir. 2011), a major authority upon which Defendants'
3 intervening rights defense is based. *See* Docket. No. 1696.

4 Pursuant to Civ. L.R. 6-2(a), the Declaration of Jeffrey M. Fisher in Support of Stipulation
5 and [Proposed] Order Extending Time to Respond to Defendants' Second Amended Answer,
6 Affirmative Defenses, and Counterclaims is being filled concurrently herewith. The Fisher
7 Declaration sets forth with particularity the reasons for the requested time modification, discloses
8 all previous time modifications in this case, and describes the effect the requested modification
9 would have on the schedule for this case.

10 As set forth in the Fisher Declaration, this further extension is sought because the *en banc*
11 panel of the Federal Circuit has recently vacated *Marine Polymer Technologies, Inc. v. Hemcon,*
12 *Inc.*, 659 F.3d 1084 (Fed. Cir. 2011). The addition of Defendants' intervening rights defense is
13 the only amendment in Defendants' Second Amended Answer. Additional time to respond to
14 Defendants' Second Amended Answer as requested in this Stipulation will allow time for the *en*
15 *banc* panel to review and rule on the *Marine Polymer* decision and then allow time for the parties
16 time to consider and further discuss the implications of the *en banc* panel's decision and its
17 impact on Defendants' intervening rights defense. The requested time modifications will not alter
18 the existing schedule for the case.

19 AGREED AND SO STIPULATED.

20 Dated: February 28, 2012

FARELLA BRAUN + MARTEL LLP

21 I represent that concurrence in the filing of this
22 document has been obtained from each of the
23 other signatories which shall serve in lieu of
their signatures on this document.

By: /s/ Jeffrey M. Fisher
Jeffrey M. Fisher

Attorneys for Plaintiff
VOLTERRA SEMICONDUCTOR
CORPORATION, a Delaware corporation

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Dated: February 28, 2012

BAKER BOTTS L.L.P.

By: /s/ David G. Wille
David G. Wille

Attorneys for Defendants and
Counterclaimants PRIMARION, INC.,
INFINEON TECHNOLOGIES AG, and
INFINEON TECHNOLOGIES NORTH
AMERICA CORP.

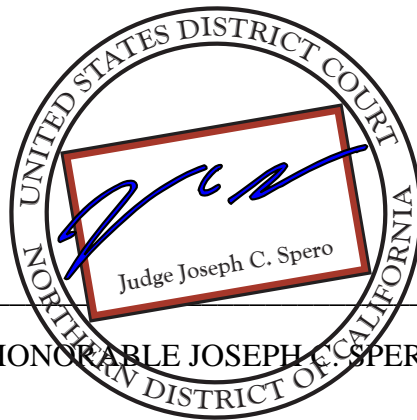
PROPOSED ORDER

PURSUANT TO STIPULATION IT IS ORDERED THAT:

The deadlines to respond to Defendants' Second Amended Answer, Affirmative Defenses and Counterclaims is extended from February 29, 2012 until thirty (30) days after the *en banc* panel of the Federal Circuit issues its ruling in *Marine Polymer Technologies, Inc. v. Hemcon, Inc.*, 659 F.3d 1084 (Fed. Cir. 2011).

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: February 29, 2012



THE HONORABLE JOSEPH C. SPERO