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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

VOLTERRA SEMICONDUCTOR CORPORATION,  
  
Plaintiff,  
  
v.  
  
PRIMARION, INC., a Delaware Corporation, INFINEON TECHNOLOGIES AG, a German Corporation, and INFINEON TECHNOLOGIES NORTH AMERICA CORPORATION, a Delaware Corporation  
  
Defendants.

**CASE NO. C 08-05129 JCS**  
  
**ORDER AND PARTIAL JUDGMENT OF NON-INFRINGEMENT OF U.S. PATENT NO. 6,713,823 PURSUANT TO FRCP 54(b)**

AND RELATED COUNTERCLAIMS.

On this day the parties' Stipulation of Partial Judgment of Non-Infringement of U.S. Patent No. 6,713,823 ("823 Patent") Pursuant to FRCP 54(b) ("Stipulation") was presented to the Court. After considering the Stipulation, the Court accepts the parties' Stipulation and the rights reserved by the Parties under the Stipulation. The Court finds good cause exists and renders final judgment:

1 Pursuant to Federal Rule of Civil Procedure 54(b), this Court finds that there is no just  
2 reason for delay and renders final judgment in favor of all Defendants that Defendants' PX4640  
3 and PX 4650 products identified in Plaintiff's First Amended Infringement Contentions served on  
4 July 3, 2009 do not infringe claims 24, 25, 26, 28, 29, 30, 31, 32, 34, 35, 37, and 38 of the '823  
5 Patent. Although Defendants have asserted invalidity and unenforceability defenses as well as  
6 other defenses and counterclaims related to the '823 Patent, there is no need to reach these issues  
7 in view of the non-infringement judgment, and all counterclaims by the Defendants with regard to  
8 invalidity and/or enforceability of the '823 Patent and/or Defendants' antitrust counterclaims  
9 related to the '823 Patent shall be dismissed without prejudice.  
10

11 All parties shall bear their own attorneys' fees and costs as to any and all matters covered  
12 by and/or pertaining to this Order And Partial Judgment.  
13

14 The clerk of court shall enter final judgment in accordance herewith.

15  
16 Dated: 04/28/2010 \_\_\_\_\_

17 JOSEPH  
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