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7 Attorneys for Plaintiff
 8 VOLTERRA SEMICONDUCTOR CORPORATION

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

13 VOLTERRA SEMICONDUCTOR
 CORPORATION, a Delaware corporation,

14 Plaintiff,

15 vs.

16 PRIMARION, INC., a Delaware
 17 corporation, INFINEON
 TECHNOLOGIES AG, a German
 18 corporation, and INFINEON
 TECHNOLOGIES NORTH AMERICA
 19 CORPORATION, a Delaware corporation,

20 Defendants.

Case No. CV-08-5129 JCS

**STIPULATION TO FACTS AND
 ADMISSIBILITY OF FACTS
 REGARDING PAUL LATHAM AND
 ORION TECHNOLOGIES, INC.**

Dept.: Courtroom A, 15th Floor
 Judge: Honorable Joseph C. Spero

Complaint Filed: November 12, 2008
 Trial Date: January 31, 2011

21 AND RELATED COUNTERCLAIMS.
 22

23 WHEREAS, Paul Latham and Orion Technologies, Inc. are non-party witnesses to facts
 24 and events relevant to the this litigation;

25 WHEREAS, in June 2009, Mr. Latham duly executed a sworn declaration under penalty
 26 of perjury under the laws of the United States attesting to certain facts, which are set forth below;

27 WHEREAS, plaintiff Volterra Semiconductor Corporation and defendants Primarion,
 28 Inc., Infineon Technologies AG, and Infineon Technologies N.A, (the "Parties") do not contest

1 the facts attested to and declared by Paul Latham in his sworn declaration, and wish to stipulate to
2 the truth and admissibility of those facts for all purposes in this action, including trial;

3 THEREFORE, IT IS THEREFORE STIPULATED, by and between the Parties, through
4 their counsel of record, that:

5 (a) the following facts set forth below are deemed to be true and established for all
6 purposes in this litigation;

7 (b) the Court shall instruct the jury or finder of fact that the following facts are true; and

8 (c) the Parties, by and through their counsel of record, may state and refer to the following
9 stipulated facts during pre-trial motions and hearings and during all stages of trial.

10 **STIPULATED FACTS**

11 1. Paul Latham was the President and owner of Orion Design Technologies
12 (“Orion”). During the 2005 time frame, Orion provided Integrated Circuit (“IC”) design services
13 on a work for hire basis.

14 2. In April 2005, Mr. Latham spoke with Bob Carroll, the former Chief Technology
15 Officer of Primarion Inc. (“Primarion”) regarding the possibility of Primarion hiring Orion to do
16 some IC design work. Mr. Carroll told Mr. Latham that Primarion had a project for Orion to
17 work on.

18 3. Mr. Carroll said that Primarion wanted Orion to design and develop a new product
19 for Primarion which would be similar to a voltage regulator product which Volterra
20 Semiconductor Corporation (“Volterra”) was selling. Mr. Carroll stated that Volterra had a
21 power switch product where both the high side and low side FETS were integrated on a single IC
22 chip which was packaged in a flip chip configuration. Mr. Carroll requested Orion to develop a
23 power switch product for Primarion with the same configuration as Volterra’s.

24 4. Orion worked on this project for Primarion from approximately April 2005 until
25 November 2005. Primarion provided Orion with a written set of requirements of what Primarion
26 wanted along with a support library for the design work. During the course of the project, Orion
27 worked with several Primarion engineers, including Laura Carpenter and Kenneth Ostrom. Mr.
28

1 Ostrom became Orion's primary contact after Mr. Carroll left Primarion during the course of the
2 work.

3 5. Orion did not finish its work on the project. Rather, in November 2005, Primarion
4 took the project back from Orion. Orion provided Primarion with a document describing the
5 work that Orion had done up to that point as well as a database containing the actual design work.

6 6. Following the work Orion did in 2005, Mr. Latham did not hear about the project
7 or Primarion developing an actual product relating to the project until early 2009 when Mr.
8 Latham noticed that Primarion's website referenced a new Primarion flip chip integrated power
9 switch product (the PX4640). After seeing this product on Primarion's website, Mr. Latham sent
10 an email to Laura Carpenter seeking to confirm, that as he suspected, the new product related to
11 the design work Orion had done for Primarion in 2005.

12 **IT IS SO STIPULATED.**

13 DATED: July 20, 2010

FARELLA BRAUN & MARTEL LLP

14
15 By: /s/ Jeffrey M. Fisher
Jeffrey M. Fisher

16
17 Attorneys for Plaintiff
VOLTERRA SEMICONDUCTOR
18 CORPORATION

19 DATED: July 20, 2010

McDERMOTT WILL & EMERY LLP

20
21 By: /s/ David H. Dolkas
David H. Dolkas

22 Dated: July 21, 2010

23
24 Attorneys for Defendants
PRIMARION, INC. and INFINEON
25 TECHNOLOGIES NORTH AMERICA
26 CORPORATION

