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FEB 10 2010

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

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NEW POWER PLASMA and DOES 1-10

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

*E-filing*

MKS INSTRUMENTS, INC.,	)	Case No. C09-02297-JSW
	)	
Plaintiff,	)	
	)	<b>DEFENDANT'S REQUEST</b>
v.	)	<b>TO PARTICIPATE IN THE</b>
	)	<b>SETTLEMENT</b>
NEW POWER PLASMA Co., Ltd.,	)	<b>CONFERENCE</b>
and DOES 1-10, inclusive,	)	<b>BY TELEPHONE</b>
	)	
Defendants.	)	Date: February 16, 2010
	)	Time: 10:00 a.m.
	)	Place: Judge Larson's Chambers
	)	United States Courthouse
	)	450 Golden Gate Avenue
	)	San Francisco, California 94102

The Defendant, New Power Plasma Co., Ltd. ("NPP"), requests pursuant to the Notice of Settlement Conference and Settlement Conference Order (Dkt. 80) that its officer, specifically Mr. Cho Sang Deog, be allowed to participate in the Settlement Conference by telephone in addition to the "in person" participation of NPP's manager, Mr. Michael Lee. The Settlement Conference is scheduled to occur at

**DEFENDANT'S REQUEST TO PARTICIPATE IN SETTLEMENT CONFERENCE BY  
TELEPHONE**  
Case No. C 09-02297-JSW

10:00 a.m. on February 16, 2010. This request is being made seven days prior to the scheduled conference.

Mr. Cho Sang Deog is located in South Korea. It would be a substantial hardship, in terms of cost and time, for Mr. Cho to travel to California for the Settlement Conference. Mr. Cho will be available for any necessary involvement in the conference by telephone beginning at 10:00 a.m.

Mr. Michael Lee is another member of NPP's management and will be in California on February 16, 2010, to attend the Settlement Conference in person. Mr. Lee will be accompanied by NPP's counsel, Mr. Paul Grandinetti. Mr. Lee is familiar with this matter and is knowledgeable of the parameters acceptable to NPP for settlement. NPP believes that the physical presence of its representative, Mr. Lee, and its counsel will prevent any negative effect that Mr. Cho's telephonic participation might have on the productivity of the conference.

Mr. Mr. Cho Sang Deog does not intend to participate throughout the conference. Mr. Lee is prepared for this purpose. However, Mr. Cho Sang Deog's intermittent participation by telephone may facilitate the negotiation.

Respectfully submitted,

9 Feb 10

Date

*Paul Grandinetti*

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2-10-10  
So Ended  
*James Larson*  
JAMES LARSON  
U.S. MAGISTRATE JUDGE