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   ADVANCED MICRO DEVICES, INC.,
7 XFX TECHNOLOGY, INC., and
   BEST DATA PRODUCTS, INC. D/B/A
8 DIAMOND MULTIMEDIA

9   **UNITED STATES DISTRICT COURT**

10   **NORTHERN DISTRICT OF CALIFORNIA**

11

12 RICHTEK TECHNOLOGY CORPORATION,   Case No. C09-05659 WHA
   et al.,
13   **CORRECTED UNOPPOSED MOTION
                Plaintiffs,   FOR ENTRY OF PROTECTIVE ORDER
14   REGARDING CONFIDENTIAL
       v.   MATERIALS OF THIRD PARTIES
15   ADVANCED MICRO DEVICES, INC.,
   uPI SEMICONDUCTOR CORPORATION,   XFX TECHNOLOGY, INC., AND BEST
   et al.,   DATA PRODUCTS, INC. D/B/A
16   DIAMOND MULTIMEDIA
17   Defendants.

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                                           CORRECTED PROTECTIVE ORDER
                                           RE: AMD, XFX, AND DIAMOND
                                           NO. C09-05659 WHA

1   WHEREAS, third parties Advanced Micro Devices, Inc. ("AMD"), XFX Technology, Inc.

2 ("XFX"), and Best Data Products, Inc. d/b/a Diamond Multimedia ("Diamond") disclosed

3 materials designated Confidential Business Information ("CBI") to Plaintiff Richtek Technology

4 Corp. ("Richtek") and Defendant uPI Semiconductor Corporation ("uPI") in the International

5 Trade Commission ("ITC") investigation and enforcement proceedings designated *In the Matter of*

6 *Certain DC-DC Controllers And Products Containing The Same*, Investigation No. 337-TA-698

7 (the "ITC Proceedings"), and

8   WHEREAS, the CBI materials were designated by AMD, XFX, and Diamond pursuant to

9 protective orders issued by the ITC, and

10   WHEREAS, pursuant to the protective orders issued in the ITC, and contingent on (i) entry

11 of this Protective Order and (ii) the application of the Stipulated Protective Order (Docket 119)

12 and the Order Approving Stipulated Protective Order Subject To Stated Conditions (Docket 130)

13 to their CBI materials, AMD, Diamond, and XFX have agreed to grant consent to uPI and Richtek

14 to use in this Action materials designated CBI by AMD, Diamond, and XFX in the ITC Actions,

15 and

16   WHEREAS, AMD, XFX, and Diamond jointly request that the Court enter this Protective

17 Order, and Richtek and uPI do not oppose this motion:

18   IT IS HEREBY ORDERED that any Party in this Action intending to file with the Court

19 (whether under seal or not) or disclose or discuss at any Court hearing (whether at trial or

20 otherwise) materials designated CBI in the ITC proceedings by AMD, Diamond, and XFX must

21 give advance notice of ten (10) business days to the third party that designated the CBI materials

22 through the undersigned counsel for AMD, Diamond, and XFX. If the third party that designated

23 the CBI materials in the ITC provides a written objection to the Party in this Action that seeks to

24 use the CBI materials within five (5) business days after receiving notice, and if the dispute cannot

25 be resolved after reasonable efforts to meet and confer, the third party that designated the CBI

26 materials in the ITC may file a motion to prevent the use of the CBI materials. Until such a

27 motion is resolved, the CBI materials that are the subject of the objection shall not be filed with

28 the Court, or disclosed, or discussed at any Court hearing in this Action.

Nothing in this Protective Order affects the admissibility (or not) in this Action of any materials disclosed in the ITC proceedings.

PURSUANT TO UNOPPOSED MOTION, IT IS SO ORDERED.

DATED: _____March 18, 2013._____

_____
Honorable William Alsup
United States District Judge

DATED: February 28, 2013

DARIN W. SNYDER
MICHAEL SAPOZNIKOW
O'MELVENY & MYERS LLP

/s/ Michael Sapoznikow
_____
    Michael Sapoznikow

Attorneys for Third Parties
ADVANCED MICRO DEVICES, INC.,
XFX TECHNOLOGY, INC., and
BEST DATA PRODUCTS, INC. D/B/A
DIAMOND MULTIMEDIA