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8 Attorneys for Plaintiff,  
 SPANSION LLC

9  
 10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**  
 12 **SAN JOSE DIVISION**

13 SPANSION LLC,	)	CASE NO.: 3:13-cv-03566-JST
	)	
14 Plaintiff,	)	
	)	<b>STIPULATION AND <del>PROPOSED</del></b>
15 v.	)	<b>ORDER TO VACATE DEADLINES</b>
	)	<b>PENDING ENTRY OF STAY REQUIRED</b>
16 MACRONIX INTERNATIONAL CO.,	)	<b>BY 28 U.S.C. § 1659</b>
LTD.;	)	
17 MACRONIX AMERICA, INC.;	)	Judge: Honorable Jon S. Tigar
ACER INC.;	)	
18 ACER AMERICA CORPORATION;	)	
ASUSTEK COMPUTER, INC.;	)	
19 ASUS COMPUTER INTERNATIONAL;	)	
BELKIN INTERNATIONAL, INC.,	)	
D-LINK SYSTEMS, INC.;	)	
20 NETGEAR INC;	)	
NINTENDO CO., LTD.;	)	
21 NINTENDO OF AMERICA, INC.	)	
	)	
22 Defendants.	)	
	)	
23	)	

1 Plaintiff, Spansion LLC (“Spansion”) and each of the Defendants identified in the above-  
2 captioned civil action (i.e., Macronix International Co., Ltd., Macronix America, Inc.; Acer Inc.;  
3 Acer America Corp.; ASUSTeK Computer Inc.; ASUS Computer International; Belkin  
4 International, Inc.; D-Link Systems, Inc.; NETGEAR, Inc.; Nintendo Co., Ltd.; Nintendo of  
5 America, Inc.), hereby agree and stipulate, subject to the approval of the Court, as follows:  
6

7 1. On August 1, 2013, Spansion filed an Original Complaint against certain party  
8 defendants in this action (“the Northern District of California action”), alleging infringement of six  
9 United States Patents, i.e., U.S. Patent Nos. 6,369,416; 6,459,625; 6,731,536; 6,900,124; 7,018,922;  
10 and 7,151,027 (collectively, the “Spansion Patents”). On August 29, 2013, Spansion amended its  
11 Original Complaint to delete certain defendants, resulting in the eleven party defendants identified  
12 above (“Defendants”), and to make certain additional allegations.  
13

14 2. Spansion also has asserted these same six Spansion Patents against the Defendants  
15 in a co-pending investigation before the United States International Trade Commission (the  
16 “Commission”) entitled Certain Flash Memory Chips and Products Containing the Same,  
17 Investigation No. No. 337-TA-893, filed on August 1, 2013 and instituted on September 9, 2013  
18 (“the ITC action”). See 78 F.R. 55095 (Sept. 9, 2013).  
19

20 3. On October 8, 2013, pursuant to 28 U.S.C. § 1659, each of the Defendants has  
21 asserted its statutory right to a mandatory stay of all proceedings in the Northern District of  
22 California action until the determination of the Commission becomes final.<sup>1</sup> Defendants’ motion is  
23 set for November 14, 2013, at 2:00 p.m. Because the requested stay is mandated by statute,  
24 Spansion does not oppose the motion.  
25

26  
27  
28 <sup>1</sup> See *In re Princo Corp.*, 478 F.3d 1345 (Fed. Cir. 2007).

