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6 7	matthew.buchanan@skadden.com; jigang.jin@skadden.com; matthew.paik@skadden.com		
8	SPANSION LLC		
9 10	UNITED STATES DISTRICT COURT		
10	NORTHERN DISTRICT OF CALIFORNIA		
12	SAN JOSE	DIVISION	
13	SPANSION LLC,) CASE NO.: 3:13-cv-03566-JST	
14	Plaintiff,)) STIPULATION AND [PROPOSED]) ORDER TO VACATE DEADLINES	
15	v. MACRONIX INTERNATIONAL CO.,	 OKDER TO VACATE DEADLINES PENDING ENTRY OF STAY REQUIRED BY 28 U.S.C. § 1659 	
16	LTD.; MACRONIX AMERICA, INC.;) Judge: Honorable Jon S. Tigar	
	ACER INC.; ACER AMERICA CORPORATION;		
	ASUSTEK COMPUTER, INC.; ASUS COMPUTER INTERNATIONAL; BELKIN INTERNATIONAL, INC.,		
	D-LINK SYSTEMS, INC.; NETGEAR INC;	/))	
	NINTENDO CO., LTD.; NINTENDO OF AMERICA, INC.		
22	Defendants.		
23)	
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26 27			
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	STIPULATION AND [Proposed] ORDER	CASE No. 3:13-CV-03566-JST Dockets.Justia	

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 5	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:
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 13	above ("Defendants"), and to make certain additional allegations.
13	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 19	3. On October 8, 2013, pursuant to 28 U.S.C. § 1659, each of the Defendants has
20 21	asserted its statutory right to a mandatory stay of all proceedings in the Northern District of
21 22	California action until the determination of the Commission becomes final. ¹ 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.
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27 28	¹ See In re Princo Corp., 478 F.3d 1345 (Fed. Cir. 2007).
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	STIPULATION AND [Proposed] ORDER CASE NO. 3:13-CV-03566-JST

1	4. In view of the foregoing, Spansion and the Defendants agree, and hereby stipulate,		
2	to vacate all deadlines in the above-captioned Northern District of California action, until the Court		
3	enters the requested order pursuant to 28 U.S.C. § 1659, staying all proceedings in this case until		
4	the resolution of the ITC Action .		
5			
6	DATED: October 15, 2013 SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP		
7			
8	By: <u>/s/ Andrew Thomases</u> Andrew Thomases	-	
9			
10			
11	DATED: October 15, 2013 WINSTON & STRAWN LLP		
12	By/S/ David Enzihinger	_	
13	David Enzminger		
14	Attorneys for Defendants, Macronix International Co., Ltd.,		
15	Macronix America, Inc., Acer Inc., Acer America Corporation, ASUSTek Computer Inc.,		
16	DEIKIII IIIteritatioliai, IIIC., D-LIIIK Systems, IIC.,		
17	NETGEAR Inc., Nintendo Co., Ltd., and Nintendo of America, Inc.		
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21	IT IS SO ORDERED:		
22	Dated: <u>October 15</u> , 2013		
23	Q.A. Tim		
24			
25	UNITED STATED DISTRICT JUDGE NORTHERN DISTRICT OF CALIFORNIA		
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