

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TESSERA, INC.,

No. C 05-4063 CW

Plaintiff,

ORDER ADOPTING
SPECIAL MASTER'S
REPORT AND

v.

RECOMMENDATION
REGARDING ST
DEFENDANTS' MOTION
TO SEVER (Docket
No. 1164) AND
GRANTING ST
DEFENDANTS' MOTION
TO ADOPT THE
REPORT
RECOMMENDATION
(Docket No. 1167)

ADVANCED MICRO DEVICES, INC.;
SPANSION, LLC; SPANSION, INC;
SPANSION TECHNOLOGY, INC.;
ADVANCED SEMICONDUCTOR
ENGINEERING, INC.; ASE (U.S.),
INC.; CHIPMOS TECHNOLOGIES, INC.;
CHIPMOS U.S.A., INC.; SILICONWARE
PRECISION INDUSTRIES CO., LTD.;
SILICONWARE USA, INC.;
STMICROELECTRONICS N.V.;
STMICROELECTRONICS, INC.; STATS
CHIPPAC, INC.; STATS CHIPPAC
(BVI), LTD.; and STATS CHIPPAC,
LTD.,

Defendants.

AND ALL RELATED COUNTERCLAIMS

Defendants STMicroelectronics N.V. and STMicroelectronics, Inc. (ST Defendants) filed a motion before the Special Master seeking to sever the claims that Plaintiff Tessera, Inc. has asserted against them from those made against the other Defendants in this action. The Special Master recommends to the Court that: (1) ST Defendants' motion be denied without prejudice; (2) the Special Master remain available to the parties for discussion on the subject of trial management and possible severance; (3) Tessera be compelled to submit a plan by June 30, 2013 on how this case and the related cases can be fairly tried; and (4) Defendants be allowed to move for some kind of severance or trial management by August 31, 2013.

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1 ST Defendants have filed a motion, requesting that the Court
2 adopt the Special Master's recommendations without alteration.
3 Tessera opposes ST Defendants' motion and asks that its trial plan
4 be due by July 30, 2013, after the July 15, 2013 due date for the
5 parties' rebuttal expert reports. Tessera does not otherwise
6 object to the Special Master's recommendations.

7 Having considered the papers filed by the parties, the Court
8 finds that the Special Master's recommended deadline represents a
9 fair and appropriate way to balance the concerns expressed by the
10 parties. Therefore, the Court GRANTS ST Defendants' motion to
11 adopt the Special Master's report and recommendations (Docket No.
12 1167) and ADOPTS the Special Master's recommendations (Docket No.
13 1164) without alteration, except minor adjustments to the
14 deadlines to ensure that they do not occur on a Saturday, Sunday
15 or legal holiday. The Court ORDERS that:

16 (1) ST Defendants' motion for severance, made before the
17 Special Master, is denied without prejudice;

18 (2) the Special Master shall remain available to the parties
19 for discussion on the subject of trial management and possible
20 severance;

21 (3) Tessera shall submit a plan by Monday, July 1, 2013 on
22 how this case and the related cases can be fairly tried; and

23 (4) Defendants may file a motion for severance and an
24 alternate trial plan by Tuesday, September 3, 2013.

25 IT IS SO ORDERED.

26
27 Dated: 3/1/2013

28

CLAUDIA WILKEN
United States District Judge