

1 Hon. Charles A. Legge (Ret.)  
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 7 Special Master

7 UNITED STATES DISTRICT COURT  
 8 NORTHERN DISTRICT OF CALIFORNIA  
 9 OAKLAND DIVISION

11 TESSERA, INC.,  
 12 Plaintiff,  
 13 vs.  
 14 ADVANCED MICRO DEVICES, INC.;  
 15 SPANSION, LLC; SPANSION, INC.;  
 16 SPANSION TECHNOLOGY, INC.;  
 17 ADVANCED SEMICONDUCTOR  
 18 ENGINEERING, INC.; ASE (U.S.), INC.;  
 19 CHIPMOS U.S.A., INC.; SILICONWARE  
 20 PRECISION INDUSTRIES CO., LTD.;  
 21 SILICONWARE USA, INC.;  
 22 STMICROELECTRONICS N.V.;  
 23 STMICROELECTRONICS, INC.; STATS  
 24 CHIPPAC, INC.; STATS CHIPPAC (BVI),  
 25 LTD.; and STATES CHIPPAC, LTD.,  
 26 Defendants.

CASE NO. 4:05-CV-04063-CW  
**REPORT AND  
 RECOMMENDATIONS  
 REGARDING MOTIONS TO SEAL  
 DOCUMENTS**

22 ~~SILICONWARE PRECISION INDUSTRIES  
 23 CO, LTD; and SILICONWARE U.S.A., INC.,  
 24 Plaintiffs,  
 25 vs.  
 26 TESSERA, INC.,  
 27 Defendant.~~

~~CASE NO. C 08-3667 CW~~

1 CHIPMOS TECHNOLOGIES, INC.; CHIPMOS  
2 U.S.A., INC.; and CHIPMOS TECHNOLOGIES  
(BERMUDA), LTD.,  
3 Plaintiffs,  
4 vs.  
5 TESSERA, INC.,  
6 Defendant.

CASE NO. C 08-3827 CW

7 SPANSION, INC., et al.,  
8 Plaintiffs,  
9 vs.  
10 TESSERA, INC.,  
11 Claimant.

CASE NO. C 10-4954 CW

12 POWERTECH TECHNOLOGY INC.,  
13 Plaintiff,  
14 vs.  
15 TESSERA, INC.,  
16 Defendant.

CASE NO. C 10-945 CW

17 POWERTECH TECHNOLOGY INC.,  
18 Plaintiff,  
19 vs.  
20 TESSERA, INC.,  
21 Defendant.

CASE NO. C 11-6121 CW

22 TESSERA, INC.,  
23 Plaintiff,  
24 vs.  
25 MOTOROLA, INC.; QUALCOMM, INC.;  
26 FREESCALE SEMICONDUCTOR, INC.; and  
ATI TECHNOLOGIES, ULC,  
27 Defendants.

CASE NO. C 12-692 CW

28 AND ALL RELATED COUNTERCLAIMS

1 To the Honorable Claudia Wilken, United States District Judge:

2 The undersigned special master respectfully submits to Your Honor the following report  
3 and recommendations regarding the adjudication of numerous motions to seal documents which  
4 have been made in these cases.

5 In several orders, Your Honor has referred to the special master the responsibility for the  
6 adjudication of the numerous motions; see *e.g.* Doc. No. 1093 in case 4:05-4063CW. Because of  
7 the volume of the motions and the necessity for an analysis of the numerous documents proposed  
8 to be sealed, the special master obtained by stipulation the assistance of a clerk selected by  
9 Tessera (herein called "plaintiff"), and two clerks selected by the adversaries to Tessera (herein  
10 called "defendants"). With the very able participation of those clerks, some progress was made,  
11 particularly in the Powertech cases, in the adjudication of the sealing motions.

12 However, that effort was materially slowed by the volume of other discovery motions  
13 made by the parties which required the attention of the special master, and by a one-month  
14 absence of the special master as the result of a medical issue. In addition, several settlements in  
15 this group of cases have resulted in the withdrawal of law firms from the litigation, and  
16 consequently the withdrawal of clerks from work on the sealing motions. At the present time,  
17 the special master has the assistance of one clerk selected by Tessera, and one clerk selected by  
18 one of the defendants. Although the work of those two clerks is very much valued, they are  
19 simply not enough to reduce the backlog of motions which have been filed and are pending.

20 In order to proceed with the responsibilities, the special master invited the attention of the  
21 parties to the necessity for additional clerk assistance, and suggested that defendants jointly  
22 designate one or more of their clerks to assist, or in the alternative authorize the special master to  
23 retain an outside law clerk to work for the special master with the clerk's time being  
24 compensated by defendants. Four defendants agreed to the alternative of the special master  
25 hiring a law clerk and charging the time to the affected defendants. One defendant did not agree  
26 with that position, and offered to make an associate available, but only to address those motions  
27 that concerned that firm's filings. The special master does not believe that it is workable to have  
28 one clerk representing each of the affected parties, for reasons of ethics and the coordination and


1 supervision of their work.

2 The special master therefore proposes to retain an outside law clerk to assist him on the  
3 sealing motions. The special master recommends the hiring of Ms. Marlo Cohen, who is an  
4 attorney and has served as a law clerk on cases for numerous judges and attorneys associated  
5 with JAMS. She has no known connection with these cases or with any of the litigants. Ms.  
6 Cohen is highly qualified to perform the needed tasks in this case. Her billable rate is  
7 reasonable, and the rate and her CV will be disclosed to the affected parties. The special master  
8 will plan to have her time charged only to the litigants involved in each of the particular sealing  
9 motions. The special master will also continue to use the services of the two law clerks who are  
10 presently assisting in this work, if they and their law firms are willing to do so. Their work  
11 would not be separately billed to the cases and would not be billed to other litigants.

12 The special master therefore recommends that he be authorized to retain the services of  
13 Ms. Marlo Cohen as a clerk to work with him and with the other clerks, on the motions to seal  
14 records in these cases; Ms. Cohen's services will be charged to the parties in these cases, with  
15 JAMS using its best efforts to see that the charges are applied to the particular sealing motions at  
16 issue.

17  
18 Respectfully submitted,

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20 Dated: July 30, 2013

  
21 Hon. Charles A. Legge (Ret.),  
22 Special Master

23 The report and recommendation of the special master is:

24 Approved and Adopted / Denied / Modified

25  
26 Dated: July 31, 2013

  
27 Hon. Claudia Wilken, U.S.D.J.  
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