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 18 Engineering, Inc., and ASE (U.S.) Inc.*

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA
 21 OAKLAND DIVISION

22 Tessera, Inc.,
 23 Plaintiff and Counterdefendant,
 24 v.
 25 Advanced Micro Devices, Inc., et al.,
 26 Defendants and Counterclaimants.

27 AND RELATED CASES

Case No. 4:05-cv-04063-CW

**JOINT STIPULATED REQUEST
 FOR ORDER TO EXPEDITE
 BRIEFING AND HEARING OF
 TESSERA'S EMERGENCY
 MOTION TO ENFORCE
 SETTLEMENT AGREEMENT,
 AND ASE'S CROSS-MOTION TO
 RESCIND THE TERM SHEET
 AGREEMENT**

1 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff and Counterdefendant Tessera,
2 Inc. (“Tessera”), and Defendants and Counterplaintiffs Advanced Semiconductor Inc., and
3 ASE (U.S.), Inc. (collectively, “ASE”), submit this Joint Stipulated Request for Order to
4 Expedite Briefing and Hearing of Tessera’s Emergency Motion to Enforce Settlement
5 Agreement (“Motion to Enforce”), and ASE’s Cross-Motion to Rescind the Term Sheet
6 Agreement (“Cross-Motion to Rescind”).

7 WHEREAS, Tessera and ASE entered into a Term Sheet Agreement on or around
8 February 20, 2014 in connection with a mediation session before Judge Infante.

9 WHEREAS, Tessera and ASE endeavored to prepare and finalize a long-form
10 settlement agreement, but are at an impasse on one remaining term. Tessera is concurrently
11 filing its Motion to Enforce in which it seeks an order enforcing the Term Sheet Agreement
12 as written, dismissing the parties’ claims and counterclaims, and taking the trial off-calendar.
13 ASE intends to file a Cross-Motion to Rescind seeking to void the Term Sheet Agreement
14 and proceed to trial.

15 WHEREAS, a Final Pretrial conference is scheduled for November 5, 2014, and trial
16 is scheduled to begin on November 10, 2014.

17 WHEREAS, the parties jointly request that their motions be briefed and heard on an
18 expedited basis and resolved prior to the trial because ASE is the last remaining defendant in
19 the case and resolution of the motions will be dispositive of whether the trial should
20 proceed, and there is not enough time before the trial for the motions to be briefed and
21 heard under the normal 35-day briefing schedule.

22 WHEREAS, the parties have not previously sought an order changing time on the
23 Motion to Enforce or the Cross-Motion to Rescind.¹

24 ¹ As required by Civ. L-R 6.2, the parties provide the following brief list of the prior orders
25 or stipulations modifying time in this case: D.E. 196: Order Granting Plaintiff Tessera,
26 Inc.’s Motion to Shorten Time for Hearing on Motion for Clarification of Discovery
27 Obligations; D.E. 402: Order Granting in Part Plaintiff’s Motion for Modification of the
28 Case Management Schedule, Vacating Dates in Case Management Schedule and Ordering
Parties to Show Cause why Court-Appointed Expert Should not be Appointed; D.E. 740:
Amended Order Setting Briefing Schedule Regarding Tessera’s Motion for a Declaratory
Ruling that it has Complied with the Court’s November 1, 2007 Order, and the ST

1 NOW, THEREFORE, the parties, by and through their counsel of record, subject to
2 the approval of the Court, hereby jointly request and stipulate as follows:

- 3 1. Tessera shall file its Emergency Motion to Enforce on or before October 20,
4 2014 (subject to a 15-page limit);
- 5 2. ASE shall file a consolidated Opposition to Tessera's Motion to Enforce,
6 and Cross-Motion to Rescind, on or before October 27, 2014 (subject to a
7 25-page limit);
- 8 3. Tessera shall file a consolidated Reply in Support of Its Motion to Enforce,
9 and Opposition to ASE's Cross-Motion to Rescind, on or before October
10 31, 2014 (subject to the 25-page limit for oppositions);
- 11 4. ASE shall file a Reply in Support of its Cross-Motion to Rescind on or
12 before November 3, 2014 (subject to a 15-page limit);
- 13 5. To the extent a hearing is required, a hearing on the Motion to Enforce and
14 Cross-Motion to Rescind shall take place at the Final Pretrial Conference on
15 **November 5, 2014, at 2:00 PM.**

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24 Defendants' Renewed Motion for a Preliminary Injunction; D.E. 1119: Special Master's
25 Order on Motion for Extension of Scheduled Dates; D.E. 1125: Order Granting
26 Unopposed Motion to Shorten Time Regarding Motion for Relief From Case Management
27 Schedule; D.E. 1192: Order Approving Report and Recommendation Regarding Schedule
28 and Trial Date; DE 1292: Stipulation and Order Modifying Case Management Schedule; DE
1319: Order Granting Motion to Short Time [on Motion to Provide Summary of
Defendants' Supplemental Expert Reports to the Court-Appointed Expert]; DE 1411: Order
Regarding Motions to Alter Case Schedule; DE 1419: Amended Order Regarding Motions
to Alter Case Schedule; and DE 1504: Order Regarding Remaining Defendants.

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DATED: October 20, 2014

**BARTLIT BECK HERMAN
PALENCHAR & SCOTT LLP**

By : /s/ Nosson D. Knobloch

*Attorneys for Plaintiff and Counterdefendant
Tessera, Inc.*

DATED: October 20, 2014

FOLEY & LARDNER LLP

By: /s/ Steven J. Rizzi

*Attorneys for Defendants and Counterclaimants
Advanced Semiconductor Engineering, Inc., and
ASE (U.S.) Inc.*

PURSUANT TO STIPULATION, IT IS SO ORDERED, except:

Tessera's motion is due 10/20/2014; ASE's cross-motion/opposition is due 10/25/2014; Tessera's reply/opposition is due 10/28/2014 by 12:00 PM; ASE's reply is due 10/31/2014 by 12:00 PM; and the pretrial conference will be held on 11/5/2014 at 2:00 PM.

Dated: 10/21/2014



The Honorable Claudia Wilken
United States District Judge

CERTIFICATION OF CONCURRENCE

I hereby attest that concurrence in the filing of this document has been obtained from counsel for ASE, Steven J. Rizzi.

DATED: October 20, 2014

**BARTLIT BECK HERMAN
PALENCHAR & SCOTT LLP**

By : /s/ Nosson D. Knobloch

*Attorneys for Plaintiff and Counterdefendant
Tessera, Inc.*

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