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12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 OAKLAND DIVISION

15 TESSERA, INC.,  
 16 Plaintiff, Counter-defendant,  
 17 v.  
 18 ADVANCED MICRO DEVICES, INC. et al.,  
 19 Defendants, Counter-claimants.

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

**JOINT STIPULATION AND  
~~PROPOSED~~ ORDER CHANGING THE  
 DATE OF UPCOMING CASE  
 MANAGEMENT CONFERENCE AND  
 RELATED DATES**

1           1.       WHEREAS, this Court stayed the case known as *Tessera, Inc. v. Advanced Micro*  
2 *Devices, Inc. et al*, Case No. C 05-04063 (CW) (the “AMD case”) by its order of May 24, 2007  
3 with respect to International Trade Commission Investigation 337-TA-605 “until the  
4 determination of the ITC, including appeals becomes final,” and WHEREAS, on August 5, 2008  
5 the Court ordered that the stay of the AMD case “shall be extended until a determination in the  
6 International Trade Commission Investigation 337-TA-649, including appeals, becomes final;”  
7 and

8           2.       WHEREAS, the Court issued a Related Case Order on September 11, 2008 in the  
9 AMD case finding that the three cases known as, *Siliconware Precision Industries Co., Ltd. et al.*  
10 *v. Tessera*, Case No. C 08-03667 RS; *Advanced Semiconductor Engineering Inc. et al. v.*  
11 *Tessera*, Case No. C 08-03726 EMC; and *Chipmos Technologies Inc. et al. v. Tessera, Inc.*, Case  
12 No. C 08-03827 CW, were related to the AMD case (these three cases are collectively the  
13 “Related Cases”); and

14           3.       WHEREAS the Court stayed all proceedings in the Related Cases, to include all  
15 claims and counterclaims, by its order of December 19, 2008 “[i]n light of the decision by the  
16 International Trade Commission (‘ITC’) granting Tessera’s motion to amend the Complaint and  
17 Notice of Investigation adding U.S. Patent No. 5,663,106 to the investigation” known as 337-  
18 TA-649 and the stipulation of the parties in the Related Cases; and

19           4.       WHEREAS, by its orders of June 8, 2009 this Court subsequently set a Case  
20 Management Conference in both the AMD case and the Related Cases for December 22, 2009 at  
21 2:00 p.m; and

22           5.       WHEREAS the parties in the Related Cases, by their undersigned counsel, report  
23 to the Court that the current status of the pending International Trade Commission Investigation  
24 337-TA-605 is that the Final Determination is under appeal to the Federal Circuit in Case  
25 Number 09-1460 with the notice of appeal having been filed on July 20, 2009 and briefs for  
26 Appellants Freescale Semiconductor, STMicroelectronics N.V., Qualcomm, Inc., Spansion, Inc.  
27 and Spansion, LLC having been filed on October 30, 2009, and;

28

1           6.       WHEREAS, since a final resolution of ITC's 337-TA-605 investigation,  
2 including appeals, is unlikely to occur before June 1, 2010, the parties in the AMD case and in  
3 the Related Cases believe that it would be most efficient to further postpone the case  
4 management conference and related activity in the AMD case and the Related Cases until at least  
5 June 22, 2010; and

6           7.       WHEREAS Spansion Inc. and certain of its subsidiaries, including Spansion LLC  
7 and Spansion Technology LLC, filed a Notice of Commencement of Bankruptcy Proceedings  
8 and of Automatic Stay in this case on March 11, 2009 and therefore do not join in this  
9 Stipulation; and

10          8.       WHEREAS, the parties appearing below agree that there would be no prejudice to  
11 the parties in moving the case management conference, as that case is currently stayed;

12           THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the  
13 parties appearing below through their undersigned respective attorneys of record, based on the  
14 foregoing, and subject to the approval of this Court, that:

15          1.       The case management conference currently scheduled for December 22, 2009 at  
16 2:00 p.m. in the AMD shall be rescheduled for 6/22/10 at 2:00 p.  
17 thereafter as the Court is available;

18           PURSUANT TO STIPULATION, IT IS SO ORDERED.

19  
20 Dated this 16th day of December, 2009.

  
\_\_\_\_\_  
Honorable Claudia Wilken  
United States District Judge

1 Dated: December 9, 2009

/s/  
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Robert E. Camors, Jr.  
FOLEY & LARDNER LLP  
Attorneys for defendants and counter-claimants  
ADVANCED SEMICONDUCTOR  
ENGINEERING, INC., ASE TEST LIMITED, and  
ASE (U.S.) INC.

5 Dated: December 9, 2009

/s/  
\_\_\_\_\_  
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SILICONWARE PRECISION INDUSTRIES CO.,  
LTD. and SILICONWARE U.S.A.

9 Dated: December 9, 2009

/s/  
\_\_\_\_\_  
Elaine Chow  
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ADVANCED MICRO DEVICES, INC.

12 Dated: December 9, 2009

/s/  
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CHIPMOS TECHNOLOGIES INC. and CHIPMOS  
U.S.A. INC.

15 Dated: December 9, 2009

/s/  
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STMICROELECTRONICS N.V. and  
STMICROELECTRONICS, INC.

19 Dated: December 9, 2009

/s/  
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STATS CHIPPAC INC., STATS CHIPPAC LTD  
and STATS CHIPPAC (BVI) LIMITED

23 Dated: December 9, 2009

/s/  
\_\_\_\_\_  
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IRELL & MANELLA LLP  
Attorneys for plaintiff and counter-defendant  
TESSERA, INC.

