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14 *Counsel for Sun Microsystems, Inc., Unisys Corporation, Jaco Electronics, Inc., Edge
 Electronics, Inc., and All American Semiconductor, Inc.*

15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**
 17

18 *Sun Microsystems, Inc., et al. v. Hynix
 Semiconductor, Inc., et al.*

19 *Unisys Corporation v. Hynix
 Semiconductor, Inc., et al.*

20 *All American Semiconductor, Inc. v. Hynix
 Semiconductor, Inc., et al*

21 *Edge Electronics, Inc. v. Hynix
 Semiconductor, Inc., et al.*

22 *Jaco Electronics, Inc. v. Hynix
 Semiconductor, Inc., et al.*

23 *DRAM Claims Liquidation Trust, by its
 Trustee, Wells Fargo Bank, N.A. v. Hynix
 Semiconductor, Inc., et al.*

Case Nos.: C-06-01665 PJH
 C-06-02915 PJH
 C-07-01200 PJH
 C-07-01207 PJH
 C-07-01212 PJH
 C-07-01381 PJH

Assigned for all purposes to the
 Hon. Phyllis J. Hamilton

**STIPULATION AND [~~PROPOSED~~] ORDER
 REGARDING PROCEDURE FOR FILING
 PLAINTIFFS' BRIEFS AND DEFENDANTS'
 REPLY BRIEFS**

1 **STIPULATION**

2 This Stipulation is entered into between plaintiffs Sun Microsystems, Inc., Unisys
3 Corporation, All American Semiconductor, Inc., Edge Electronics, Inc., Jaco Electronics, Inc.,
4 and DRAM Claims Liquidation Trust (collectively, "Plaintiffs") and defendants Hynix
5 Semiconductor Inc., Hynix Semiconductor America Inc., Elpida Memory, Inc., Elpida Memory
6 (USA) Inc., Infineon Technologies AG, Infineon Technologies North America Corp., Nanya
7 Technology Corporation, Nanya Technology Corporation USA, Samsung Electronics Co. Ltd.,
8 Samsung Semiconductor, Inc., Micron Technology, Inc., Micron Semiconductor Products, Inc.,
9 and NEC Electronics America, Inc. (collectively, "Defendants") in the above-captioned actions,
10 and is made with regard to the following facts:

11 WHEREAS, Defendants filed a motion to dismiss certain of Plaintiff Sun Microsystems,
12 Inc.'s claims on July 8, 2008;

13 WHEREAS, Defendants served on Plaintiffs on July 30, 2008, and filed with the Court on
14 August 8, 2008, other dispositive motions and a motion to exclude the testimony of Plaintiffs'
15 expert Dr. Halbert White (collectively, together with Defendants' motion to dismiss,
16 "Defendants' Motions");

17 WHEREAS, the deadline for Plaintiffs to file briefs in opposition to Defendants' Motions
18 (collectively, "Plaintiffs' Opposition Briefs") is September 24, 2008;

19 WHEREAS, the deadline for Defendants to file reply briefs in further support of
20 Defendants' Motions (collectively, "Defendants' Reply Briefs") is October 29, 2008;

21 WHEREAS, the parties met and conferred regarding the service and filing of exhibits to
22 Plaintiffs' Opposition Briefs and Defendants' Reply Briefs containing information designated
23 "Confidential" or "Highly Confidential" pursuant to the protective orders entered in these actions;

24 WHEREAS, the parties are cooperating with each other, and with third parties, in order to
25 minimize the burden on the Court arising from the filing of Plaintiffs' Opposition Briefs and
26 Defendants' Reply Briefs with respect to materials containing information designated
27 "Confidential" or "Highly Confidential" and the need, if any, to file such exhibits under seal;

28 WHEREAS, this Court, during a telephonic conference with the parties held July 24,

1 2008, established a procedure for serving and filing Defendants' Motions that provided the parties
2 and the Court with nine days to determine what materials could be filed under seal, thereby
3 substantially diminishing the burden on the Court by dramatically reducing the number of
4 documents to be presented to the Court for a ruling on motions to seal and then by reducing the
5 number of materials to be lodged with the Court and filed under seal to only one document
6 through the Court's ruling on the motions to seal;

7 WHEREAS, the parties have agreed to follow nearly the same procedure for Plaintiffs'
8 Opposition Briefs and Defendants' Reply Briefs in order to again substantially diminish the
9 burden on the Court;

10 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED as follows:

- 11 1. Plaintiffs will serve their Opposition Briefs on Defendants no later than
12 Wednesday, September 24, 2008, by email (any exhibits that cannot be served by
13 email due to size limitations will be served by overnight delivery);
- 14 2. Defendants will identify the information cited in Plaintiffs' Opposition Briefs for
15 which they will withdraw the "Confidential" or "Highly Confidential"
16 designations no later than 10:00 a.m. (Eastern) on Friday, September 26, 2008;
- 17 3. The parties will file with the Court any necessary motions to seal and supporting
18 declarations relating to Plaintiffs' Opposition Briefs no later than Friday,
19 September 26, 2008;
- 20 4. Plaintiffs will file with the Court their Opposition Briefs with the Court no later
21 than Thursday, October 2, 2008;
- 22 5. Defendants will serve their Reply Briefs on Plaintiffs and file the same with the
23 Court no later than Friday, October 31, 2008 (defendants will serve their Reply
24 Briefs on Plaintiffs by email (any exhibits that cannot be served by email due to
25 size limitations will be served by overnight delivery));
- 26 6. The parties will file with the Court any necessary motions to seal and supporting
27 declarations relating to Defendants' Reply Briefs no later than Friday, October 31,
28 2008; and

1 7. The parties will endeavor in good faith to meet and confer in advance of the filing
2 of Defendants' Reply Briefs to identify information for which the "Confidential"
3 or "Highly Confidential" designations will be withdrawn, such that the
4 information may be publicly filed.

5 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

6 Dated: September 22, 2008

CROWELL & MORING LLP

7
8 By: /s/ David D. Cross
9 David D. Cross

10 Attorneys for Plaintiffs
11 SUN MICROSYSTEMS, INC.;
12 UNISYS CORPORATION;
13 ALL AMERICAN SEMICONDUCTOR, INC.;
14 EDGE ELECTRONICS, INC. and
15 JACO ELECTRONICS, INC.

16 Dated: September 22, 2008

LINDQUIST & VENNUM P.L.L.P.

17 By: /s/ James M. Lockhart
18 James M. Lockhart

19 Attorneys for Plaintiff DRAM CLAIMS
20 LIQUIDATION TRUST, BY ITS TRUSTEE,
21 WELLS FARGO BANK, N.A.

22 Dated: September 22, 2008

O'MELVENY & MYERS LLP

23 By: /s/ Paul B. Salvaty
24 Paul B. Salvaty

25 Attorneys for Defendants
26 HYNIX SEMICONDUCTOR INC. and
27 HYNIX SEMICONDUCTOR AMERICA INC.
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Dated: September 22, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ Howard M. Ullman
Howard M. Ullman
Attorneys for Defendants
NANYA TECHNOLOGY CORPORATION and
NANYA TECHNOLOGY CORPORATION USA

Dated: September 22, 2008

SIMPSON THACHER & BARTLETT LLP

By: /s/ Harrison J. Frahn
Harrison J. Frahn IV

Attorneys for Defendants
ELPIDA MEMORY, INC. and
ELPIDA MEMORY (USA) INC.

Dated: September 22, 2008

THELEN REID BROWN RAYSMAN & STEINER
LLP

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Robert Pringle

Attorneys for Defendants
NEC ELECTRONICS AMERICA, INC.

Dated: September 22, 2008

KAYE SCHOLER LLP

By: /s/ Julian Brew
Julian Brew

Attorneys for Defendants
INFINEON TECHNOLOGIES AG and
INFINEON TECHNOLOGIES NORTH AMERICA
CORP.

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Dated: September 22, 2008

SHEPPARD MULLIN RICHTER & HAMPTON
LLP

By: /s/ David Garcia
David Garcia

Attorneys for Defendants
SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG SEMICONDUCTOR, INC.

Dated: September 22, 2008

GIBSON DUNN & CRUTCHER LLP

By: /s/ Joel Sanders
Joel Sanders

Attorneys for Defendants
MICRON TECHNOLOGY, INC. and
MICRON SEMICONDUCTOR PRODUCTS, INC.

Dated: September 22, 2008

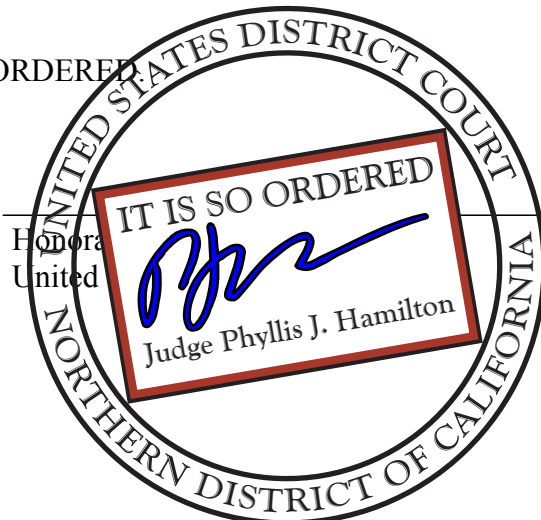
THELEN REID BROWN RAYSMAN & STEINER
LLP

By: /s/ Samuel J. Maselli
Samuel J. Maselli

Attorneys for Defendants
HYNIX SEMICONDUCTOR INC. and
HYNIX SEMICONDUCTOR AMERICA INC. in
the *DRAM Claims Liquidation Trust* matter only

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: 9/23/08



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ATTESTATION OF FILING

I hereby attest that I have obtained concurrence in the filing of this document from the Plaintiffs and the Defendants listed in the signature blocks above.

/s/ David D. Cross
David D. Cross

Attorney for Plaintiffs
SUN MICROSYSTEMS, INC.;
UNISYS CORPORATION;
ALL AMERICAN SEMICONDUCTOR, INC.;
EDGE ELECTRONICS, INC. and
JACO ELECTRONICS, INC.