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16 Attorneys for Defendants Nanya Technology Corporation  
 17 and Nanya Technology Corporation USA

18 UNITED STATES DISTRICT COURT  
 19 NORTHERN DISTRICT OF CALIFORNIA  
 20 SAN FRANCISCO DIVISION

21 This document pertains to the following cases:

22 SUN MICROSYSTEMS, INC., *et al.* v.  
 23 HYNIX SEMICONDUCTOR, INC., *et al.*,

24 UNISYS CORP. v. HYNIX  
 25 SEMICONDUCTOR, INC., *et al.*,

26 ALL AMERICAN SEMICONDUCTOR,  
 27 INC. v. HYNIX SEMICONDUCTOR, INC.,  
 28 *et al.*,

EDGE ELECTRONICS, INC. v. HYNIX  
 SEMICONDUCTOR, INC., *et al.*,

JACO ELECTRONICS, INC. v. HYNIX  
 SEMICONDUCTOR, INC., *et al.*,

DRAM CLAIMS LIQUIDATION TRUST,  
 by its Trustee Wells Fargo Bank, N.A. v.  
 HYNIX SEMICONDUCTOR, *et al.*

Case No. C 06-01665-PJH  
 C 06-02915-PJH  
 C 07-01200-PJH  
 C 07-01207-PJH  
 C 07-01212-PJH  
 C 07-01381-PJH

**STIPULATION AND [PROPOSED]  
 ORDER REGARDING PLAINTIFFS'  
 FILING OF CERTAIN DEPOSITION  
 EXCERPTS AND EXHIBITS AND  
 PAGE LENGTH OF NANYA  
 TECHNOLOGY CORPORATION  
 AND NANYA TECHNOLOGY  
 CORPORATION USA SUMMARY  
 JUDGMENT 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 Nanya  
5 Technology Corporation ("NTC") and Nanya Technology Corporation USA ("NTC USA") in  
6 the above-captioned actions and is made with regard to the following facts:

7 WHEREAS, NTC and NTC USA each filed a motion for summary judgment  
8 against all Plaintiffs in the above-captioned matters on August 7, 2008;

9 WHEREAS, Plaintiffs filed their joint opposition to NTC's and NTC USA's  
10 motions for summary judgment on October 2, 2008;

11 WHEREAS, the Court previously approved a stipulation between and among the  
12 parties granting Plaintiffs up to 35 pages for their opposition brief;

13 WHEREAS, the Rule 30(b)(6) deposition of NTC on certain specified topics was  
14 taken in the matter of *State of California, et al. v. Infineon Technologies AG, et al.*, C 06 4333  
15 PJH on October 14, 2008 (the "October 14 2008 deposition");

16 WHEREAS, Plaintiffs would like to submit certain deposition excerpts and  
17 exhibits from the October 14, 2008 deposition in support of their opposition to NTC's and NTC  
18 USA's motions for summary judgment;

19 WHEREAS, NTC and NTC USA stipulate that Plaintiffs may file the specified  
20 deposition excerpts and exhibits, but reserve their arguments concerning the admissibility,  
21 relevance, and materiality of same;

22 WHEREAS, the parties have agreed that Plaintiffs may file the specified  
23 deposition excerpts and excerpts without any additional argument;

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

- 26 1. Plaintiffs may file with the Court the following pages from the October  
27 14, 2008 deposition in support of their opposition to NTC's and NTC  
28 USA's motions for summary judgment: 19; 22-24; 46-50; 82-85; 92; 135-

1 136; 167-169;

- 2 2. Plaintiffs may file with the Court the following exhibits from the October  
3 14, 2008 deposition in support of their opposition to NTC's and NTC  
4 USA's motions for summary judgment: Exhibit 7, NTC 005424-36, and  
5 Exhibit 22, NTC-51 0620-21;
- 6 3. Plaintiffs may file the above transcript excerpts and exhibits, but may not  
7 submit any additional written argument in support of their opposition to  
8 NTC's and NTC USA's motions for summary judgment; and
- 9 4. NTC and NTC USA shall each have up to an additional two pages (for a  
10 total of up to 17 pages) for their reply briefs in support of their motions for  
11 summary judgment. Each of these reply briefs shall apply to, and be filed  
12 in, all six of the above-captioned cases (*i.e.*, NTC and NTC USA shall  
13 each have one reply brief, as they each had one opening brief)

14  
15 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

16  
17 Dated: October 28, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

18 By: /s/ Howard M. Ullman  
Howard M. Ullman

19 Attorneys for Defendants  
20 NANYA TECHNOLOGY CORPORATION  
NANYA TECHNOLOGY CORPORATION USA

21 Dated: October 28, 2008

CROWELL & MORING LLP

22  
23 By: /s/ David D. Cross  
David D. Cross

24 Attorneys for Plaintiffs  
25 SUN MICROSYSTEMS, INC.;  
UNISYS CORPORATION;  
26 ALL AMERICAN SEMICONDUCTOR, INC.;  
EDGE ELECTRONICS, INC. and  
27 JACO ELECTRONICS, INC.

1 Dated: October 28, 2008

LINDQUIST & VENNUM P.L.L.P.

2  
3 By: /s/ James M. Lockhart  
James M. Lockhart

4 Attorneys for Plaintiff DRAM CLAIMS  
5 LIQUIDATION TRUST, BY ITS TRUSTEE,  
6 WELLS FARGO BANK, N.A.

7 PURSUANT TO STIPULATION, IT IS SO ORDERED.

8 DATED: 10/29/08



1 **ATTESTATION OF FILING**

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

4  
5 ROBERT E. FREITAS  
6 HOWARD M. ULLMAN  
7 NA'IL BENJAMIN  
8 CATHERINE LUI  
9 ORRICK, HERRINGTON & SUTCLIFFE LLP

10 /s/ Howard M. Ullman  
11 Howard M. Ullman  
12 Attorneys for Nanya Technology Corporation and  
13 Nanya Technology Corporation USA  
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Executed on October 28, 2008, at San Francisco, California.

I declare under penalty of perjury that the foregoing is true and correct.

*Rica Rivera*

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Rica Rivera