

1 JAMES G. KREISSMAN (Bar No. 206740)
 jkreissman@stblaw.com
 2 HARRISON J. FRAHN IV (Bar No. 206822)
 hfrahn@stblaw.com
 3 JASON M. BUSSEY (Bar No. 227185)
 jbussey@stblaw.com
 4 SIMPSON THACHER & BARTLETT LLP
 2550 Hanover Street
 5 Palo Alto, California 94304
 Telephone: (650) 251-5000
 6 Facsimile: (650) 251-5002

7 *Counsel for Defendants*
 ELPIDA MEMORY, INC. and
 8 ELPIDA MEMORY (USA) INC.

9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

SUN MICROSYSTEMS, INC.,
 Plaintiff,
 v.
 HYNIX SEMICONDUCTOR, INC., *et al.*,
 Defendants.

Case No. C 06-01665 PJH

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

**STIPULATION OF DISMISSAL AND
 [PROPOSED] ORDER AS TO
 DEFENDANTS ELPIDA MEMORY,
 INC. AND ELPIDA MEMORY (USA)
 INC.**

1 The parties hereto hereby stipulate to a dismissal of this action as to defendants
2 Elpida Memory, Inc., and Elpida Memory (USA) Inc. with prejudice, pursuant to Rule 41(a)(2),
3 Fed. R. Civ. P. Each party shall bear its own costs and attorneys' fees. This dismissal shall not
4 apply to or affect any other defendant.

5 IT IS SO STIPULATED AND AGREED.

6 Dated: March 20, 2009

SIMPSON THACHER & BARTLETT LLP

7
8 By: /s/
 Harrison J. Frahn IV

9
10 Attorneys for Defendants
ELPIDA MEMORY, INC. and
11 ELPIDA MEMORY (USA) INC.

12 Dated: March 20, 2009

CROWELL & MORING LLP

13
14 By: /s/
 Jerome A. Murphy

15
16 Attorneys for Plaintiff
SUN MICROSYSTEMS

17
18 **ATTESTATION OF FILING**

19 Pursuant to General Order No. 45 § X(B), I hereby attest that I have obtained
20 concurrence in the filing of the stipulation from the parties listed above.

21 By: /s/
 Harrison J. Frahn IV

22
23
24 **[~~PROPOSED~~] ORDER**

25 PURSUANT TO THE STIPULATION OF THE PARTIES IT IS SO ORDERED.

26 Dated: March 24 , 2009

27
28 Hon. Phyllis J. Hamilton
United States District Judge Phyllis J. Hamilton

