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8 Attorneys for Plaintiff State of New York

9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

<p>12 In re DYNAMIC RANDOM ACCESS          MEMORY (DRAM) ANTITRUST          LITIGATION</p>
<p>16 This Document Relates to:          STATE OF NEW YORK,          18 Plaintiff,          v.          19 MICRON TECHNOLOGY, INC., et al.,          20 Defendants.</p>

Master File No. M-02-1486 PJH  
 MDL No. 1486  
 Case No. C 06-6436 PJH

**STIPULATION AND [PROPOSED] ORDER**

Judge: Hon. Phyllis J. Hamilton

22 WHEREAS New York has been taking discovery, pursuant to the Court Orders dated  
 23 January 5, 2009 and July 27, 2009, from certain Defendants, including Infineon Technologies  
 24 AG & Infineon Technologies North America Corp. (the "Infineon defendants"), concerning  
 25 certain affirmative defenses; and  
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2 WHEREAS the Stipulation and Order dated July 27, 2009 requires the parties to schedule  
3 and conduct Fed. R. Civ. P. 30(b)(6) depositions noticed in 2009 by New York within 150 days  
4 of entry of the Order, *i.e.*, by December 24, 2009; and

5 WHEREAS following extensive meet and confer discussions, New York was able to  
6 schedule and conduct depositions of certain defendants other than the Infineon defendants in  
7 December 2009; and

8  
9 WHEREAS it was not possible, for practical reasons, for New York and the Infineon  
10 defendants to schedule a deposition of an appropriate Infineon witness during the same time  
11 frame as the other depositions that have already been held in December 2009; and

12 WHEREAS New York and Infineon have negotiated in good faith and have reached an  
13 agreement to conduct the deposition on or about January 14, 2010, *i.e.*, after the deadline  
14 otherwise imposed by the July 27, 2009 Stipulation and Order;

15  
16 IT IS HEREBY STIPULATED BY NEW YORK AND THE INFNEON DEFENDANTS  
17 THAT:

18 Paragraph 8(b) of the Stipulation and Order dated July 27, 2009 is hereby modified so as  
19 to permit New York to depose an Infineon witness pursuant to New York's 2009 Fed. R. Civ. P.  
20 30(b)(6) Notice of Deposition on or about January 14, 2010. Aside from this date modification,  
21 the remainder of the stipulation shall remain in place and shall have the same force and effect on  
22 the deposition of the Infineon witness as if the deposition had taken place prior to December 24,  
23 2009.  
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28 STIPULATION AND ORDER

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Dated: December 18, 2009

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Infineon Technologies North America Corp.

Dated: 12/18/09

SO ORDERED:

U.S.M.J. JOSEPH S.

