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 13 TESSERA, INC.

14 UNITED STATES DISTRICT COURT
 15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 16 OAKLAND DIVISION

17 CHIPMOS TECHNOLOGIES, INC., et al.
 18 Plaintiffs/Counter-defendants,

19 v.

20 TESSERA, INC.,
 21 Defendant, Counter-claimant.

CASE NO. 4:08-CV-03827 CW
 CASE NO. 4:08-CV-03667 CW
 CASE NO. 4:08-CV-03726 CW

22 SILICONWARE PRECISION INDUSTRIES
 23 CO., LTD, et al.

24 Plaintiffs, Counter-defendants,

25 v.

26 TESSERA, INC.
 27 Defendant, Counter-claimant.

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

28 ADVANCED SEMICONDUCTOR
 ENGINEERING INC., et al.

Plaintiffs,

v.

TESSERA, INC.
 Defendant.

1 WHEREAS, on September 11, 2008, this Court found that the above-captioned cases are
2 related to *Tessera, Inc. v. Advanced Micro Devices, Inc.*, Case No. C 05-04063 CW (the “AMD
3 case”), and set a case management conference for November 18, 2008, at 2:00 p.m.;

4 WHEREAS, the AMD case has been stayed by order of this Court pending resolution of an
5 Investigation by the International Trade Commission involving the same parties and patents;

6 WHEREAS, Defendant and Counterclaimant Tessera, Inc. (“Tessera”) has filed a motion to
7 amend the Complaint in ITC Investigation No. 337-TA-649 (the “ITC investigation”) to include
8 claims for infringement of the same patent at issue in this case against Plaintiffs and
9 Counter-defendants ChipMOS Technologies, Inc., ChipMOS Technologies (Bermuda), Ltd., and
10 ChipMOS U.S.A., Inc. (collectively, “ChipMOS”), Plaintiffs and Counter-defendants Siliconware
11 Precision Industries Co, Ltd. and Siliconware U.S.A., Inc. (collectively, “SPIL”), and Plaintiffs
12 Advanced Semiconductor Engineering Inc., ASE Test Limited, and ASE (U.S.) Inc. (collectively,
13 “ASE”);

14 WHEREAS, the parties believe that it would be most efficient to postpone the case
15 management conference and related activity in these cases until the Administrative Law Judge rules
16 on Tessera’s motion to amend the complaint in the ITC investigation; and

17 WHEREAS, there would be no prejudice to the other defendants in the AMD case in moving
18 the case management conference, as that case currently is stayed;

19 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between ChipMOS,
20 ASE, SPIL and Tessera, through their respective attorneys of record, based on the foregoing, and
21 subject to the approval of this Court, that:

22 1. The case management conference currently scheduled for November 18, 2008 at 2:00
23 p.m. shall be rescheduled for February 17, 2009 at 2:00 p.m., or as soon thereafter as the Court is
24 available;

25 2. Dates for disclosures and reports required by F.R.Civ.P. 16 and 26 shall be adjusted
26 accordingly; and

1 3. The parties shall file ADR Certifications, stipulations to ADR process, and/or notices
2 of need for ADR phone conference no later than January 27, 2009.

3
4 DATED: October 23, 2008

5 GIBSON, DUNN & CRUTCHER LLP

6
7 By: /s/ Michael B. Smith

8 Michael B. Smith

9 Attorneys for Defendant/Counterclaimant
10 TESSERA, INC.

11 DATED: October 23, 2008

12 SEYFARTH SHAW LLP

13
14 By: /s/ Lawrence E. Butler

15 Lawrence E. Butler

16 Attorneys for Plaintiffs/Counterdefendants
17 CHIPMOS TECHNOLOGIES INC.,
18 CHIPMOS TECHNOLOGIES (BERMUDA) INC.,
19 AND CHIPMOS U.S.A. INC.

20 DATED: October 23, 2008

21 ORRICK HERRINGTON & SUTCLIFFE, LLP

22 By: /s/ Bas de Blank

23 Bas de Blank

24 Attorneys for Plaintiffs
25 SILICONWARE PRECISION INDUSTRIES CO, LTD,
26 and SILICONWARE U.S.A., INC.

1 DATED: October 23, 2008

2 THELEN LLP

3
4 By: /s/ Papool Subhash Chaudhari
5 Papool Subhash Chaudhari

6 Attorneys for Plaintiffs
7 ADVANCED SEMICONDUCTOR ENGINEERING
8 INC, ASE TEST LIMITED, and ASE (U.S.) INC.

9 **ORDER**

10 **PURSUANT TO STIPULATION IT IS SO ORDERED:**

11
12 10/31/08

13 Dated: _____



14 HON. CLAUDIA WILKEN
15 UNITED STATES DISTRICT JUDGE

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