

1 **FOLEY & LARDNER LLP**  
 ROBERT E. CAMORS JR. CA 121204  
 bobcamors@foley.com  
 2 GINA A. BIBBY CA 242657  
 gbibby@foley.com  
 3 975 PAGE MILL ROAD  
 PALO ALTO, CA 94304-1013  
 TELEPHONE: 650.856.3700  
 4 FACSIMILE: 650.856.3710

5 **FOLEY & LARDNER LLP**  
 Steven J. Rizzi (ADMITTED Pro Hac Vice)  
 srizzi@foley.com  
 6 90 Park Avenue  
 New York, NY 10016-1314  
 Tel: 212.682.7474  
 7 Fax: 212.687.2329

8 Attorney for Plaintiffs/Counter-defendants  
 ADVANCED SEMICONDUCTOR ENGINEERING INC., ASE Test Limited and ASE  
 9 (U.S.), Inc.

10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**  
 12 **OAKLAND DIVISION**

13 ADVANCED SEMICONDUCTOR  
 14 ENGINEERING, INC., ASE TEST LIMITED,  
 and ASE (U.S.) INC.,

Case No 4:08-CV-03726 (CW)

15 Plaintiffs,

16 vs.

17 TESSERA, INC.,

18 Defendant.

**JOINT STIPULATION AND ~~[PROPOSED]~~  
 ORDER CHANGING THE DATE OF  
 UPCOMING CASE MANAGEMENT  
 CONFERENCE AND RELATED DATES**

19 TESSERA, INC.,

20 Counterclaimant,

21 vs.

22 ADVANCED SEMICONDUCTOR  
 23 ENGINEERING, INC., ASE TEST LIMITED,  
 24 and ASE (U.S.) INC.,

25 Counterclaim Defendants.  
 26  
 27  
 28

1 SEYFARTH SHAW LLP  
Lawrence E. Butler (SBN 111043)  
2 Email: lbutler@seyfarth.com  
560 Mission Street, Suite 3100  
3 San Francisco, California 94105  
Telephone: (415) 397-2823  
4 Facsimile: (415) 397-8549

5 Attorneys for Plaintiffs  
CHIPMOS TECHNOLOGIES INC., CHIPMOS TECHNOLOGIES  
6 (BERMUDA) LTD. and CHIPMOS U.S.A., INC.

7  
8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **OAKLAND DIVISION**

11  
12 CHIPMOS TECHNOLOGIES INC.,  
CHIPMOS TECHNOLOGIES (BERMUDA)  
13 LTD. and CHIPMOS U.S.A., INC.,

14 Plaintiffs,

15 vs.

16 TESSERA, INC.,

17 Defendant.

18  
19 TESSERA, INC.,

20 Counterclaimant,

21 vs.

22 CHIPMOS TECHNOLOGIES INC.,  
23 CHIPMOS TECHNOLOGIES (BERMUDA)  
LTD. and CHIPMOS U.S.A., INC.,

24 Counterclaim Defendants.  
25  
26  
27  
28

Case No.: 4:08-03827 (CW)

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

1 MICHAEL F. HEAFEY (STATE BAR NO. 153499)  
mheafey@orrick.com  
2 ORRICK, HERRINGTON & SUTCLIFF LLP  
1000 Marsh Road  
3 Menlo Park, CA 94025  
Telephone: (650) 614-7400  
4 Facsimile: (650) 614-7401

5 Attorneys for Plaintiffs  
SILICONWARE PRECISION INDUSTRIES CO., LTD.  
6 and SILICONWARE U.S.A.

7  
8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **OAKLAND DIVISION**

11  
12 SILICONWARE PRECISION INDUSTRIES  
CO., LTD. and SILICONWARE U.S.A.,

13 Plaintiffs,

14 vs.

15 TESSERA, INC.,

16 Defendant.

17  
18  
19 TESSERA, INC.,

20 Counterclaimant,

21 vs.

22 SILICONWARE PRECISION INDUSTRIES  
CO., LTD. and SILICONWARE U.S.A.,

23 Counterclaim Defendants.  
24  
25  
26  
27  
28

Case No.: 4:08-CV-03667 (CW)

**JOINT STIPULATION AND ~~[PROPOSED]~~  
ORDER CHANGING THE DATE OF  
UPCOMING CASE MANAGEMENT  
CONFERENCE AND RELATED DATES**

1           1.       WHEREAS, this Court stayed the case known as *Tessera, Inc. v. Advanced Micro*  
2 *Devices, Inc. et al*, Case No. C 05-04063 (CW) (the “AMD case”) by its order of May 24, 2007  
3 with respect to International Trade Commission Investigation 337-TA-605 “until the  
4 determination of the ITC, including appeals becomes final,” and WHEREAS, on August 5, 2008  
5 the Court ordered that the stay of the AMD case “shall be extended until a determination in the  
6 International Trade Commission Investigation 337-TA-649, including appeals, becomes final;”  
7 and

8           2.       WHEREAS, the Court issued a Related Case Order on September 11, 2008 in the  
9 AMD case finding that the three cases known as, *Siliconware Precision Industries Co., Ltd., et*  
10 *al. v. Tessera*, Case No. C 08-03667 RS; *Advanced Semiconductor Engineering Inc., et al. v.*  
11 *Tessera*, Case No. C 08-03726 EMC; and *Chipmos Technologies Inc. et al. v. Tessera, Inc.*, Case  
12 No. C 08-03827 CW, were related to the AMD case (these three cases are collectively the  
13 “Related Cases”); and

14           3.       WHEREAS the parties in the Related Cases, by their undersigned counsel, report  
15 to the Court that the current status of the pending International Trade Commission Investigation  
16 337-TA-605 is that the Final Determination is under appeal to the Federal Circuit in Case  
17 Number 09-1460 with the notice of appeal being filed on July 20, 2009 and briefs for Appellants  
18 Freescale Semiconductor, STMicroelectronics N.V., Qualcomm, Inc., Spansion, Inc. and  
19 Spansion, LLC were filed on October 30, 2009, and;

20           6.       WHEREAS the parties in the Related Cases, by their undersigned counsel, report  
21 to the Court that the current status of the pending International Trade Commission Investigation  
22 337-TA-649 is that on August 7, 2009, the Commission issued a Notice of Determination Not To  
23 Review An Initial Determination Granting Complainant’s Motion to Terminate The  
24 Investigation; Termination of Investigation thereby making the termination of the investigation  
25 final; and

26           8.       WHEREAS, since a final resolution of ITC’s 337-TA-605 investigation,  
27 including appeals, is unlikely to occur before June 15, 2010, the parties in the Related Cases  
28

1 believe that it would be most efficient to further postpone the case management conference and  
2 related activity in the AMD case and the Related Cases until at least June 1, 2009; and

3 9. WHEREAS, the parties in the Related Cases agree that there would be no  
4 prejudice to the parties in moving the case management conference, as that those cases are  
5 currently are stayed;

6 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the  
7 parties in the AMD case and in the Related Cases, through their undersigned respective attorneys  
8 of record, based on the foregoing, and subject to the approval of this Court, that:

9 1. The case management conference currently scheduled for December 22, 2009 at  
10 2:00 p.m. in the AMD case and the Related Cases shall be rescheduled for 6/22/10 at  
11 2:00 p.  
12 \_\_\_:\_\_\_ .m., or as soon thereafter as the Court is available;

13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

14  
15 Dated this 16th day of December, 2009.



16 Honorable Claudia Wilken  
17 United States District Judge

1 Submitted by:

2 Dated: December 9, 2009

/s/

Robert E. Camors, Jr.  
FOLEY & LARDNER, LLP  
Attorney for Plaintiffs ADVANCED  
SEMICONDUCTOR ENGINEERING, INC., ASE  
TEST LIMITED, and ASE (U.S.) INC.

6 Dated: December 9, 2009

/s/

Michael Heafey  
ORRICK, HERRINGTON & SUTCLIFFE  
Attorney for Plaintiffs SILICONWARE PRECISION  
INDUSTRIES CO., LTD. and SILICONWARE  
U.S.A.

10 Dated: December 9, 2009

/s/

Joseph Lanser  
SEYFARTH SHAW LLP  
Attorney for Plaintiffs CHIPMOS TECHNOLOGIES  
INC., CHIPMOS TECHNOLOGIES (BERMUDA)  
LTD. and CHIPMOS U.S.A., INC.

14 Dated: December 9, 2009

/s/

Michael B. Smith  
GIBSON, DUNN & CRUTCHER LLP  
Attorney for Defendant TESSERA, INC.

17 Concurrence in the filing of this document has been obtained from the signatories listed  
18 above.

21 Dated: December 9, 2009

FOLEY & LARDNER LLP

/s/

Robert E. Camors, Jr.

Attorneys for defendants and counter-claimants  
ADVANCED SEMICONDUCTOR  
ENGINEERING, INC., ASE TEST LIMITED, and  
ASE (U.S.) INC.