

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**

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

13 Plaintiffs,

14 vs.

15 TESSERA, INC.,

16 Defendant.

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, this 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 AMD and Related Cases, by their undersigned
15 counsel, report to the Court that the current status of the pending International Trade
16 Commission Investigation 337-TA-605 is that the Final Determination is under appeal to the
17 Federal Circuit in Case Number 09-1460. The appeal is now fully briefed and was argued on
18 June 9, 2010, but no decision has been issued as of yet, and;

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

25 5. WHEREAS, since a final resolution of ITC’s 337-TA-605 investigation,
26 including appeals, is still pending, the parties in the Related Cases believe that it would be most
27 efficient to further postpone the case management conference and related activity in the AMD
28 case and the Related Cases until approximately June 7, 2011; and

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

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

7 The case management conference currently scheduled for December 14, 2010 at
8 2:00 p.m. in the AMD case and the Related Cases shall be rescheduled for June 7, 2011 at
9 2:00 p.m., or as soon thereafter as the Court is available;

10
11 PURSUANT TO STIPULATION, IT IS SO ORDERED.

12
13 Dated this 8th day of December, 2010.



Honorable Claudia Wilken
United States District Judge

1 Submitted by:

2 Dated: December 6, 2010

/s/

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

6 Dated: December 6, 2010

/s/

Gina A. Bibby
FOLEY & LARDNER, LLP
Attorney for Plaintiffs ADVANCED
SEMICONDUCTOR ENGINEERING, INC., ASE
TEST LIMITED, and ASE (U.S.) INC.

10 Dated: December 6, 2010

/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 6, 2010

/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 6, 2010

FOLEY & LARDNER LLP

/s/

Gina A. Bibby
Attorneys for Defendants and Counterclaimants
ADVANCED SEMICONDUCTOR
ENGINEERING, INC., ASE TEST LIMITED, and
ASE (U.S.) INC.

27 OHS West:261052179.1

28