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POWERTECH TECHNOLOGY INC.,

No. C 10-00945 CW

Plaintiff,

v.

TESSERA INC.,

Defendant.

-----/

SPANSION INC.,

No. C 10-04954 CW

Plaintiff,

v.

TESSERA INC.,

Defendant.

-----/

POWERTECH TECHNOLOGY, INC.,

No. C 11-06121 CW

Plaintiff,

v.

TESSERA, INC.,

Defendant.

-----/

TESSERA, INC.,

No. C 12-00692 CW

Plaintiff,

v.

MOTOROLA, INC., et al.,

Defendants.

-----/

AND ALL RELATED COUNTERCLAIMS

-----/

On March 23, 2012 this Court issued an order appointing the Hon. Charles A. Legge (Ret.)

1 as the Special Master for Discovery in the above cases. The Court believes that in addition to the
2 reference to Local Rule 72-1 in the order, the reference should also be under Federal Rule of Civil
3 Procedure Rule 53.

4 It is therefore Ordered that the order appointing Hon. Charles A. Legge (Ret.) as Special
5 Master for Discovery entered by this Court on December 15, 2006 in Tessera vs. Advanced Micro
6 Devices and related actions, is hereby incorporated into the order of March 23, 2012 (Document
7 No. 69) in the above entitled actions. A copy of the December 15, 2006 order is attached hereto
8 and incorporated herein.
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11 **IT IS SO ORDERED.**

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13 DATED: 4/3/2012



Hon. Claudia Wilken
United States District Judge

12/15/06

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

TESSERA, INC.,
Plaintiff,
vs.
ADVANCED MICRO DEVICES, INC., et al.,
Defendants.

CASE NO. C 05-4063 CW (EDL)
~~PROPOSED~~ ORDER APPOINTING
HON. CHARLES A. LEGGE (RET.) AS
SPECIAL MASTER FOR DISCOVERY
(Fed. R. Civ. P. 53)

AND RELATED COUNTERCLAIMS

1 Plaintiff Tessera, Inc.'s Motion for Appointment of Special Master for Discovery ("Motion
2 for Special Master") pursuant to Federal Rule of Civil Procedure ("FRCP") 53 came for hearing
3 before the Court on December 5, 2006. After considering the papers submitted in support of and
4 in opposition to the motion, arguments of counsel, and all other matters presented to the Court, IT
5 IS HEREBY ORDERED THAT Tessera's Motion for Special Master is GRANTED.

6 IT IS FURTHER ORDERED THAT pursuant to FRCP 53, the Court hereby appoints the
7 Hon. Charles A. Legge (Ret.), as the Special Master in this case.

8 1. Scope of Duties. The Special Master shall adjudicate all pretrial discovery disputes in this
9 case, including disputes arising during the course of depositions.

10 2. Scope of Authority. The Special Master shall have all the authority provided in FRCP
11 53(c) and (d), including, but not limited to, the authority to set the date, time, and place for all
12 hearings determined by the Special Master to be necessary; to direct the issuance of subpoenas; to
13 make rulings on objections or otherwise resolve disputes arising during the course of deposition;
14 to preside over hearings (whether telephonic or in-person); to take evidence in connection with
15 discovery disputes; to award non-contempt sanctions provided by FRCP 37 and 45 and fee
16 allocations; and to recommend contempt sanctions against a party and sanctions against a
17 nonparty. Any motion pursuant to FRCP 37 or Civil Local Rule 37-1 for sanctions for violations
18 of the Special Master's Orders shall be decided by the Special Master.

19 3. Procedures for Briefing Submitted to Special Master. The Special Master may resolve
20 disputes presented orally in-person or telephonically, in a letter brief, or in formal motions. In the
21 case of discovery disputes that are to be resolved by letter brief or motion papers, all papers will
22 be submitted directly to the Special Master by e-mail with a courtesy copy by U.S. Mail or
23 overnight courier, as directed by the Special Master. Briefing schedules will be determined by the
24 Special Master.

25 4. Discovery Disputes – Meet and confer required. In the event of a discovery dispute, the
26 parties shall first meet and confer in good faith to attempt to resolve the dispute. In the event the
27 parties are not able to reach an agreement, the dispute will be resolved by the Special Master. The
28 party seeking relief shall, with notice to the other party, contact the Special Master to determine

1 his availability for a telephonic conference at a time when both parties are available. In the event
2 that the party seeking the relief wishes to submit a letter brief, then not less than forty-eight hours
3 prior to the conference, the party seeking relief shall send a letter not to exceed five (5) pages (to
4 be distributed by email) outlining the issues(s) in the dispute and its position. Not less than
5 twenty-four hours prior to the conference, the party opposing may submit a letter not to exceed
6 five (5) pages (to be distributed by email) outlining the party's reasons for its opposition. Should
7 the Special Master find further briefing necessary upon conclusion of the telephone conference,
8 the Special Master will order it. This paragraph sets forth the default procedures for resolution of
9 discovery disputes. The Special Master, however, may alter these procedures with respect to a
10 particular dispute as he deems appropriate and necessary.

11 5. Preservation of Record. Pursuant to FRCP 53(b)(2)(C), the Special Master shall maintain
12 orderly files consisting of all documents submitted to him by the parties and any of his written
13 orders, findings, and/or recommendations. Any order issued by the Special Master shall be e-
14 mailed to the parties. Such e-mailing shall fulfill the Special Master's duty to serve his order on
15 the parties. In addition, any order issued by the Special Master shall be filed via Electronic Case
16 Filing ("ECF") in a notice of ruling by the party designated by the Special Master in the order, or,
17 in the absence of such designation, the moving party. Any records of the Special Master's
18 activities other than his written orders, findings, and/or recommendations shall be filed in
19 accordance with paragraph 5.3 herein.

20 6. Action on Special Master's Orders, Reports, or Recommendations

21 6.1 Pursuant to FRCP 53(b)(2)(D) and (g), the procedures described in paragraphs 6.2
22 through 6.3 herein shall govern any action on the Special Master's orders, reports and/or
23 recommendations.

24 6.2 Time Limits for Review. Any party wishing to file objections or a motion to adopt
25 or modify the Special Masters' orders, reports and/or recommendation must file such objection or
26 motion with the Court within seven (7) court days from the day the Special Master's order, report
27 and/or recommendation is filed via ECF. Review of the Special Master's orders will be subject to
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1 the same procedures as that of the Magistrate Judge, except as otherwise provided herein. See
2 Civil L.R. 72-2.

3 6.3 Filing the Record for Review. The party filing the objection or motion shall submit
4 with such objection or motion any record necessary for the Court to review the Special Master's
5 order, report, and/or recommendation, including any transcripts of proceedings before the Special
6 Master and any documents submitted by the parties in connection with the Special Master's order,
7 report, and/or recommendation. Failure to provide the record shall constitute grounds for the
8 Court to overrule the objection or deny the motion.

9 7. Ex Parte Communications. To facilitate the fulfillment of his duties hereunder, the Special
10 Master may communicate ex parte to the Court to the extent that the Special Master deems
11 necessary and appropriate. In addition, the Special Master may have ex parte communications
12 with a party but such communications shall be limited to administrative matters such as
13 scheduling hearings, telephone calls or briefing, if such arrangements can not be made in a timely
14 manner by contacting the Special Master's administrative assistant.

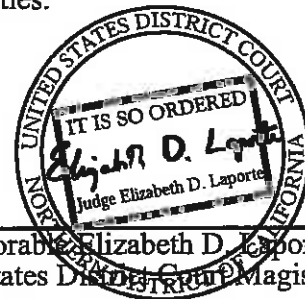
15 8. Compensation. The Special Master shall be compensated at his normal hourly rate for his
16 services. The cost of the Special Master's compensation shall be allocated at the Special Master's
17 discretion, including allocation of the cost of the Special Master's compensation to the non-
18 prevailing party upon the resolution of a dispute.

19 9. Master's Declaration. Pursuant to FRCP 53(a)(2) and (b)(3), the Special Master shall file a
20 declaration with this Court that states he is not subject to any of the grounds for disqualification of
21 judges set out in 28 U.S.C. § 455 prior to undertaking duties pursuant to this order.

22 10. Diligence. Pursuant to FRCP 53(b)(2), the Court hereby directs the Special Master to
23 proceed with all reasonable diligence in performing his duties.

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Dated: December 15, 2006



The Honorable Elizabeth D. Laporte
United States District Court Magistrate Judge