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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

MONOLITHIC POWER SYSTEMS, INC.,  
  
Plaintiff,  
  
v.  
  
O2 MICRO INTERNATIONAL LIMITED,  
  
Defendant.

Case No. C 08-4567 CW (EDL)  
  
**STIPULATION AND ORDER ALLOWING  
FINAL INFRINGEMENT AND INVALIDITY  
CONTENTIONS - AS MODIFIED**  
  
JUDGE: Honorable Claudia Wilken

O2 MICRO INTERNATIONAL LIMITED,  
  
Counterclaimant,  
  
v.  
  
MONOLITHIC POWER SYSTEMS, INC.,  
ASUSTEK COMPUTER INC., ASUSTEK  
COMPUTER INTERNATIONAL  
AMERICA, BENQ CORPORATION,  
and BENQ AMERICA CORP.,  
  
Counterclaim-Defendants.

1           WHEREAS, Defendant and Counterclaimant O2 Micro International Limited (“O2 Micro”)  
2 asserts it has good cause to serve “Final Infringement Contentions” as a result of the Court’s Claim  
3 Construction Order (Docket No. 285); and

4           WHEREAS, Plaintiff and Counterclaim Defendant Monolithic Power Systems, Inc.  
5 (“MPS”) and Counterclaim Defendants ASUSTeK Computer Inc. and Asus Computer International  
6 (collectively “ASUS”) will not dispute O2 Micro’s assertion, but assert their right to serve Final  
7 Invalidation Contentions in light of the Court’s Claim Construction Order and O2 Micro’s “Final  
8 Infringement Contentions”; and

9           WHEREAS, O2 Micro submitted its proposed “Final Infringement Contentions” to the Court  
10 as part of its March 25, 2010 “Motion to Serve Final Infringement Contentions”; and

11           WHEREAS, O2 Micro has confirmed that it is not pursuing a theory of infringement based  
12 upon the Doctrine of Equivalents as to any patent claim or any accused product; and

13           WHEREAS, MPS and ASUS intend to serve their “Final Invalidation Contentions” within  
14 twenty-one (21) days from the date the Court approves this stipulation; and

15           WHEREAS, MPS and ASUS do not intend to assert new prior art, *i.e.*, prior art that has not  
16 previously been identified by way of their preliminary invalidity contentions, in expert reports, at  
17 depositions, and/or during the course of the ITC proceeding, as part of their “Final Invalidation  
18 Contentions”; and

19           WHEREAS, the parties will not seek to reopen discovery as a result of their respective Final  
20 Contentions.

21           IT IS STIPULATED that:

- 22           (1)    The Final Infringement Contentions that O2 Micro submitted to the Court on  
23                    March 25, 2010 shall be deemed its final infringement contentions;
- 24           (2)    MPS and ASUS shall serve their Final Invalidation Contentions within twenty-  
25                    one (21) days of the date this Court approves this stipulation; and
- 26           (3)    These Final Contentions shall not be a reason for any party to ask that  
27                    discovery be reopened.

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**FILER'S ATTESTATION**

I, Scott R. Mosko, am the ECF user whose identification and password are being used to file this Stipulation and [Proposed] Order Allowing Final Infringement and Invalidity Contentions. Pursuant to General Order No. 45, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Dean G. Dunlavey and Duane Mathiowetz.

Dated: April 7, 2010

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/s/ Scott R. Mosko  
Scott R. Mosko

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**ORDER**

**IT IS SO ORDERED. PLAINTIFF'S MOTION TO STRIKE (DOCKET #286) IS DENIED AS MOOT.**

Dated: 4/13/2010



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Claudia Wilken  
United States District Judge