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12	I MITTER OT A TEC I	NETRICT COLIDT			
13	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA				
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15	OAKLAND	OAKLAND DIVISION			
16) Case No. C 10-00945 CW			
17	POWERTECH TECHNOLOGY INC.,) <u>CORRECTED</u> JOINT STIPULATION) AND [PROPOSED] ORDER			
18	Plaintiff,) CHANGING DATE OF UPCOMING) CASE MANAGEMENT			
19) CONFERENCE AND RELATED) DATES			
20	V.)			
21)			
22	TESSERA, INC.,)			
23	Defendant.)			
24)			
25))			
26					
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A LLP	CORRECTED JOINT STIPULATION AND [PROPOSED]				
uding ations	ORDER CHANGING DATE OF UPCOMING CASE MGT. CONFERENCE & RELATED DATES (No. 10-00945 CW)				

IT IS HEREBY STIPULATED by and between Plaintiff Powertech Technology, Inc. ("Plaintiff") and Defendant Tessera, Inc. ("Defendant"), by and through their counsel of record as follows:

- 1. WHEREAS, this Court issued a Related Case Order on March 22, 2010 in this declaratory judgment action ("the Action") finding that the case known as *Siliconware Precision Industries Co., Ltd. et al. v. Tessera, Inc.*, Case No. C 08-03667 CW ("the *Siliconware* Case"), is related to this Action;
 - 2. WHEREAS, this Court issued an Order on June 1, 2010 dismissing this Action;
- 3. WHEREAS, plaintiff Powertech Technology, Inc. filed a Notice of Appeal on August 6, 2010;
- 4. WHEREAS, the U.S. Court of Appeals for the Federal Circuit issued a published decision on September 30, 2011 to reverse and remand;
- 5. WHEREAS, pursuant to Federal Rules of Appellate Procedure 35 and 40 and Federal Circuit Rule of Practice 40, the mandate of the Court of Appeals will not issue unless the time permitted to seek rehearing of the final decision of that court expires, or unless that court denies rehearing if it is sought;
- 6. WHEREAS, the parties to this Action, by their undersigned counsel, report to the Court that, according to PACER, the Court of Appeals issued an order on October 27, 2011 granting Tessera's unopposed motion to extend time to seek rehearing until November 14, 2011;
- 7. WHEREAS, by minute order of October 13, 2011 this Court set a Case Management Conference in this Action for November 8, 2011at 2:00 p.m., together with the related *Siliconware* Case;
- 8. WHEREAS, because a final resolution of the appeal of the dismissal of this Action, including appeals, is still pending, and the mandate of the Court of Appeals has not yet issued to this Court, and the parties to this Action believe that it would be most efficient to postpone the case management conference and related activity in this Action until approximately January 3, 2011;

1	9. WHEREAS, the parties to this Action agree that there would be no prejudice to the			
2	parties in moving the case management conference, as the mandate has not yet been returned and			
3	will not be returned by the date of the presently scheduled case management conference; and			
4	10. WHEREAS, both parties concur in the filing of this document;			
5	THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the			
6	parties appearing below through their undersigned respective attorneys of record, based on the			
7	foregoing, and subject to the approval of this Court, that:			
8	The case management conference currently scheduled for November 8, 2011, at 2:00 p.m.			
9	in this Action shall be rescheduled for January 3, 2012, at 2:00 p.m., or as soon thereafter as the			
10	Court is available. The case management statement shall be due seven days before the date set for			
11	the case management conference.			
12	<u>ORDER</u>			
13	PURSUANT TO STIPULATION, IT IS SO ORDERED. The case management			
14	conference will be held on Wednesday, January 4, 2012, at 2:00 p.m.			
15	Dated: November 1, 2011			
16	United States District Judge			
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2	SO STIPULATED.		
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4	Dated: October 28, 2011	By:	/s/ Gina Bibby Gina Bibby
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9			Counsel for Plaintiff Powertech Technology, Inc.
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11	Dated: October 28, 2011	By:	/s/ Kenneth Weatherwax
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_~	CORRECTED JOINT STIPULATION AND [PROPOSED]		