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October 19, 2012

**BY CM/ECF**

The Honorable Phyllis J. Hamilton  
United States District Court Northern District of California  
1301 Clay Street, Courtroom 3 - 3rd Floor  
Oakland, CA 94612

Re: *Altis Semiconductor SNC v. Qimonda Licensing LLC, et al.*, Case No.: 12-cv-3227

Dear Judge Hamilton:

Pursuant to this Court's Order Setting a Case Management Conference issued on July 6, 2012, Plaintiff Altis Semiconductor SNC respectfully requests a second continuance of the Case Management Conference which is currently scheduled for November 8, 2012.<sup>1</sup>

There are three defendants in this case: Qimonda Licensing LLC, Qimonda AG, and Qimonda North America Corp. On August 15, 2012, Plaintiff served Defendant Qimonda Licensing LLC and on October 18, 2012 Plaintiff served defendant Qimonda North America.

As indicated in Plaintiff's letter to the Court on August 24, Defendant Qimonda AG filed for insolvency in Germany on January 23, 2009 and has, through its bankruptcy administrator Dr. Michael Jaffé, filed a Motion to Enforce and/or Apply the Automatic Stay in the U.S. Bankruptcy Court for the Eastern District of Virginia. *In re QIMONDA AG.*, Case No. 09-14766 (RGM) (Dkt. No. 673) (the "Motion"). In that Motion, Qimonda AG argued that (i) all claims against Qimonda AG in this case should be subject to an automatic stay under 11 U.S.C. § 362; and (ii) the automatic stay should be further extended to suspend actions against Qimonda AG's non-debtor affiliate Qimonda Licensing LLC.

Plaintiff opposed the Motion and an oral hearing was held on October 9, 2012 before the Bankruptcy Court for the Eastern District of Virginia. A ruling on the Motion is pending.

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<sup>1</sup> On August 28, 2012, this Court granted Plaintiff's request of continuance to move the CMC from September 6, 2012 to November 8, 2012. (Dkt. No. 13).

