

1 *Parties listed on signature page*

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HYNIX SEMICONDUCTOR, INC., et al.,
Plaintiffs,
vs.
RAMBUS INC.,
Defendant.

CASE NO. CV 00-20905 RMW

**STIPULATION AND []
ORDER REGARDING DISCHARGE OF
SUPERSEDEAS BOND POSTED BY
HYNIX SEMICONDUCTOR INC.**

Judge: Honorable Ronald M. Whyte
Ctm: 6

WHEREAS, the Court entered Final Judgment against Hynix Semiconductor Inc., Hynix Semiconductor America Inc., Hynix Semiconductor U.K. Ltd., and Hynix Semiconductor Deutschland GmbH (collectively "Hynix") on March 10, 2009;

WHEREAS, Hynix filed its Notice of Appeal to the Court of Appeals for the Federal Circuit from the Final Judgment on April 6, 2009;

WHEREAS, on May 14, 2009, the Court Ordered that execution of the Final Judgment be stayed pending the appeal in this action, on condition that, *inter alia*, Hynix post a supersedeas bond in the amount of \$250 million within 45 days of its May 14, 2009 Order;

1 WHEREAS, on June 26, 2009, Hynix posted a supersedeas bond, Bond No. CGB
2 8960181 issued by Fidelity and Deposit Company of Maryland and Zurich American Insurance
3 Company, in the amount to \$250 million in accordance with the Court’s Order of May 14, 2009;

4 WHEREAS, on September 17, 2010, the Court ordered that Hynix post a supersedeas
5 bond in the full amount of the Final Judgment within 30 days in order to maintain the stay of
6 execution;

7 WHEREAS, on October 18, 2010, Hynix posted a supersedeas bond, in the form of a
8 Rider to Bond No. CGB 8960181, issued by Fidelity and Deposit Company of Maryland and
9 Zurich American Insurance Company, in the full amount of the Final Judgment, together with
10 post-judgment interest through October 18, 2010 in accordance with the Court’s Order of
11 September 17, 2010 (hereinafter, Bond No. CGB 8960181 and the Rider to Bond No. CGB
12 8960181 are collectively referred to as “the bond”) ;

13 WHEREAS, on May 13, 2011, the Court of Appeals for the Federal Circuit vacated the
14 Final Judgment against Hynix and remanded for further proceedings;

15 WHEREAS, on January 11, 2012, the Court ordered that Hynix’s obligation to maintain a
16 supersedeas bond in respect of the judgment of March 10, 2009, was released;

17 WHEREAS, Hynix and Fidelity and Deposit Company of Maryland and Zurich American
18 Insurance Company have requested that Rambus Inc. (“Rambus”) enter into this stipulation
19 clarifying certain aspects of the scope of this Court’s January 11, 2012 Order;

20 WHEREAS, Rambus understands that the import of paragraph (2) on page 13 of the
21 Court’s Order of January 11, 2012, is that the bond is released and exonerated; and

22 WHEREAS, Hynix and Rambus each acknowledges and agrees that Rambus’s and
23 Hynix’s agreement to this stipulation is without waiver of any and all rights that either Rambus or
24 Hynix may have with regard to the judgment of March 10, 2009, and the subsequent remand
25 proceedings, including Hynix’s and/or Rambus’s rights, if any, to appeal or otherwise challenge
26 the Court’s Order of January 11, 2012, save and except for Rambus’s right to seek
27 reconsideration of or appeal from the release and exoneration of the bond,
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1 NOW, THEREFORE, SUBJECT TO THE APPROVAL OF THE COURT, IT IS
2 HEREBY STIPULATED AND AGREED, by and among the undersigned counsel for Hynix and
3 Rambus, that the below Order may be entered by the Court.

4 DATED: February 8, 2012

MUNGER, TOLLES & OLSON LLP

5 By: /s/ Gregory P. Stone
6 Gregory P. Stone

7
8 Counsel for Rambus Inc.

9 DATED: February 8, 2012

KILPATRICK TOWNSEND & STOCKTON, LLP

10 By: /s/ Theodore G. Brown, III
11 Theodore G. Brown, III

12 Counsel for Hynix Semiconductor Inc.; Hynix
13 Semiconductor America Inc.; Hynix Semiconductor
14 U.K. Ltd.; and Hynix Semiconductor Deutschland
15 GmbH

16 ORDER

17 In furtherance of the Court's Order of January 11, 2012, and for the reasons set forth
18 therein, IT IS HEREBY ORDERED that:

19 (1) The Supersedeas Bond posted in this case, Fidelity and Deposit Company of
20 Maryland and Zurich American Insurance Company Bond No. CGB 8960181, and the Rider
21 thereto, are hereby unconditionally released and exonerated and Fidelity and Deposit Company of
22 Maryland and Zurich American Insurance Company are hereby released from all liability under
23 the terms of the Supersedeas Bond and the Rider;

24 (2) The clerk is directed to release the original bond(s) to counsel for Hynix; and

25 (3) Any and all rights that Rambus and/or Hynix may have with regard to the
26 judgment of March 10, 2009, and the subsequent remand proceedings, including Rambus's and/or
27 Hynix's rights, if any, to appeal or otherwise challenge the Court's Order of January 11, 2012, are
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1 preserved and are not waived, save and except for Rambus's right to seek reconsideration of or
2 appeal from the release and exoneration of the Supersedeas Bond and Rider referred to above.

3 IT IS SO ORDERED.

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5 DATED: February ____, 2012

Ronald M. Whyte

Honorable Ronald M. Whyte
United States District Court Judge

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