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12 Attorneys for Plaintiffs HYNIX
 13 SEMICONDUCTOR INC., HYNIX
 SEMICONDUCTOR AMERICA INC., HYNIX
 14 SEMICONDUCTOR U.K. LIMITED, and
 HYNIX SEMICONDUCTOR DEUTSCHLAND
 15 GmbH

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 17 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
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19 HYNIX SEMICONDUCTOR INC.,
 20 HYNIX SEMICONDUCTOR AMERICA
 INC., HYNIX SEMICONDUCTOR U.K.
 21 LIMITED, and HYNIX
 SEMICONDUCTOR DEUTSCHLAND
 22 GmbH,

CASE NO.: CV 00-20905 RMW

REVISED STIPULATION AND
~~**PROPOSED**~~ **ORDER MODIFYING THE**
SCHEDULE FOR SUPPLEMENTAL
BRIEFING ON REMEDY

23 Plaintiffs,

24 vs.

25 RAMBUS INC.,

26 Defendant.

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2 **STIPULATION**

3 1. On September 21, 2012, the Court issued its Findings of Fact and
4 Conclusions of Law on Spoliation and the Unclean Hands Defense (“9/21 Order”). In the 9/21
5 Order, the Court concluded that it would “strike from the record evidence supporting a royalty in
6 excess of a reasonable, non-discriminatory royalty.” 9/21 Order at 65:10-12. The Court directed
7 the parties to “submit supplemental briefs, not to exceed twenty pages, addressing what a
8 reasonable, non-discriminatory royalty rate would be with respect to the patents-in-suit. The
9 briefing shall address specifically the royalty rates obtained by Infineon, Samsung, and any other
10 relevant competitors of Hynix.” *Id.* at 65:15-17. Hynix’s brief was to be submitted on or before
11 October 12, 2012, and Rambus’s brief presently was to be submitted on or before October 26,
12 2012. *Id.* at 65:18-66:1.

13 2. Hynix intends to address in its brief the royalty rates obtained from
14 Rambus by Infineon, Samsung and Elpida, with reference to certain license agreements between
15 those entities and Rambus. The license agreement between Rambus and Infineon has already
16 been produced in this case and is available for Hynix’s use in its supplemental brief. The more
17 recent license agreements between Rambus and Samsung and Elpida, respectively, have not been
18 produced to Hynix in this case. Without conceding that those license agreements are, in fact,
19 relevant to the Court’s analysis, Rambus provided notice to Samsung and Elpida (as required
20 under the licenses) of Hynix’s request for the agreements, and waited the requisite ten business
21 days (as required under the licenses) for them to respond. Neither objected, thereby clearing the
22 way for Rambus to provide the agreements to Hynix for use in this case, upon the execution by
23 the Court of a stipulated protective order.

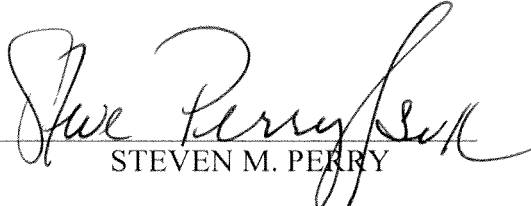
24 3. To provide sufficient time for the contractual notice process to run its
25 course, the parties agree that the following modification to the current briefing schedule is
26 necessary and appropriate, without prejudice to Hynix’s right to seek a further extension of the
27 schedule should the Samsung and Elpida agreements not be provided in time to accommodate the
28 schedule set forth below:

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- Hynix’s supplemental brief shall be submitted on or before October 30, 2012.
- Rambus’s supplemental brief shall be submitted on or before November 13, 2012.

IT IS SO STIPULATED.

DATED: October 22, 2012

By: 
 STEVEN M. PERRY

MUNGER, TOLLES & OLSON LLP
Attorneys for RAMBUS INC.

DATED: October 22, 2012

By: 
 SUSAN van KEULEN

O’MELVENY & MYERS LLP
Attorneys for Plaintiffs HYNIX SEMICONDUCTOR INC., HYNIX SEMICONDUCTOR AMERICA INC., HYNIX SEMICONDUCTOR U.K. LIMITED, and HYNIX SEMICONDUCTOR DEUTSCHLAND GmbH

ORDER

IT IS SO ORDERED.

DATED: _____


 Hon. Ronald M. Whyte
 United States District Court Judge