

1 [See signature page for appearances of counsel]

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In re INFINEON TECHNOLOGIES AG  
SECURITIES LITIGATION

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This Document Relates To:

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ALL ACTIONS

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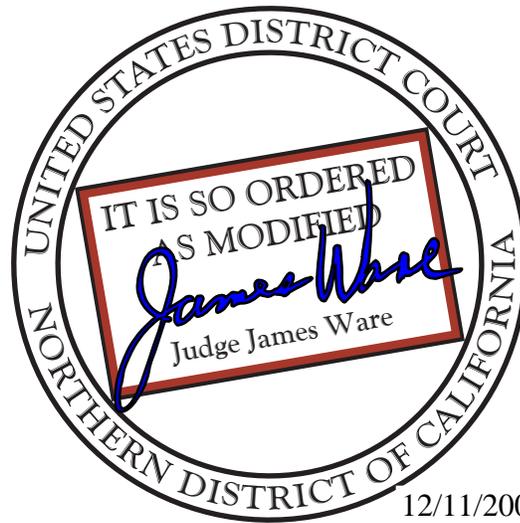
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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

Master File No. C-04-4156-JW

**CLASS ACTION**

**STIPULATION AND [PROPOSED]  
 ORDER SETTING HEARING FOR  
 PLAINTIFFS' MOTION FOR  
 CLASS CERTIFICATION AND  
 DEFENDANTS' MOTION FOR  
 JUDGMENT ON THE PLEADINGS  
 OR IN THE ALTERNATIVE TO  
 DISMISS FOR LACK OF  
 SUBJECT MATTER  
 JURISDICTION**

Hearing: December 16, 2008  
 Time: 9:00 a.m.  
 Dept.: Courtroom 8, 4th floor  
 Judge: Honorable James Ware

1           WHEREAS, on December 10, 2008, the Court rescheduled the oral argument on  
2 Plaintiffs' Motion for Class Certification (Doc. No. 235) and Defendants' Motion for Judgment  
3 on the Pleadings or in the Alternative to Dismiss for Lack of Subject Matter Jurisdiction (Doc.  
4 No. 250) from December 15, 2008, to December 16, 2008 (December 10, 2008 Order (Doc.  
5 No. 271));

6           WHEREAS, the Court specially-set the hearing for those two motions to give the parties  
7 sufficient time for oral argument;

8           WHEREAS, Jordan Eth, counsel for Defendants Infineon Technologies AG, Infineon  
9 Technologies North America Corp., Ulrich Schumacher, and Peter Fischl is the counsel  
10 responsible for arguing the foreign purchaser issues (*see* Declaration of Jordan Eth ("Eth Decl."),  
11 filed concurrently, ¶ 3);

12           WHEREAS, Mr. Eth has a previously-arranged family vacation to Vietnam and will be  
13 leaving the United States at the end of the day on December 15, 2008 (Eth Decl. ¶ 4);

14           WHEREAS, Plaintiffs have agreed that to allow Mr. Eth to participate in his family  
15 vacation and to provide sufficient time for oral argument on these two motions;

16           IT IS HEREBY STIPULATED by and between the parties in this action, through their  
17 counsel of record, that:

18           Plaintiffs' Motion for Class Certification and Defendants' Motion for Judgment on the  
19 Pleadings or in the Alternative to Dismiss for Lack of Subject Matter Jurisdiction be specially-set  
20 for hearing on January 13, 2009, at 9:00 a.m., or on any other date thereafter that is convenient for  
21 the Court.

1 Dated: December 10, 2008

MORRISON & FOERSTER LLP

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By: Jordan Eth [e-filing signature]

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Jordan Eth

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San Francisco, California 94105-2482  
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Email: jeth@mofocom

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Attorneys for Defendants

8 Dated: December 10, 2008

COUGHLIN STOIA  
GELLER RUDMAN & ROBBINS LLP  
JOHN K. GRANT

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By: John K. Grant [e-filing signature]

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John K. Grant

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San Francisco, CA 94111  
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415/288-4534 (fax)  
E-mail: johnkg@csgrr.com

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Attorneys for Plaintiffs

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~~PROPOSED~~ **ORDER AS MODIFIED:**

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Having considered the parties' Stipulation Setting Hearing, the Court adopts the parties'

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proposal and sets the hearing on Plaintiffs' Motion for Class Certification and Defendants'

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Motion for Judgment on the Pleadings or in the Alternative to Dismiss for Lack of Subject Matter

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Jurisdiction for January 09 2009, at 9:00 a.m.

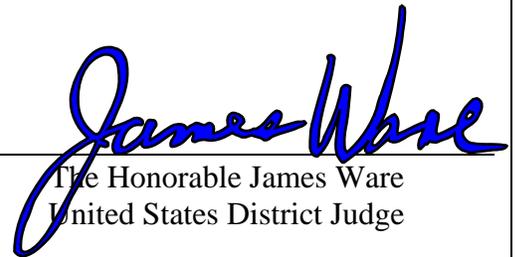
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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Dated: December 11, 2008

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The Honorable James Ware  
United States District Judge

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**ECF ATTESTATION**

I, Philip T. Besirof, am the ECF User whose ID and Password are being used to file:

**STIPULATION AND [PROPOSED] ORDER SETTING HEARING FOR  
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION AND  
DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS OR  
IN THE ALTERNATIVE TO DISMISS FOR LACK OF SUBJECT  
MATTER JURISDICTION**

In compliance with General Order 45, X.B., I hereby attest that Jordan Eth and John Grant have concurred in this filing.

Dated: December 10, 2008

MORRISON & FOERSTER LLP

By:           /s/ Philip T. Besirof [e-filing signature]