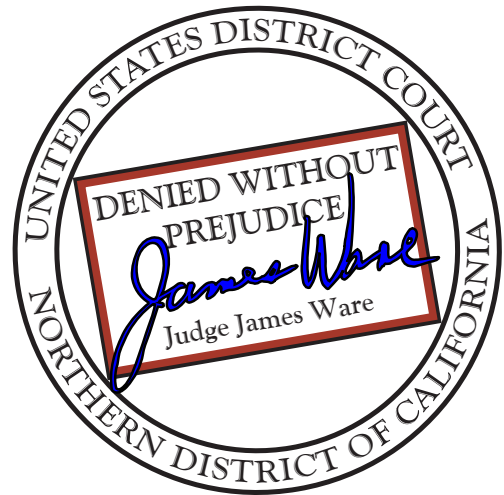


1 [all counsel listed on signature page]  
 2  
 3  
 4  
 5  
 6  
 7  
 8



9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN JOSE DIVISION

12 AVAGO TECHNOLOGIES GENERAL IP  
 13 PTE LTD. and AVAGO TECHNOLOGIES  
 14 ECBU IP PTE LTD., organized and  
 15 incorporated under the laws of Singapore,

16 Plaintiffs and Counterclaim-Defendants,

17 vs.

18 ELAN MICROELECTRONICS CORP., a  
 19 Taiwanese corporation, and ELAN  
 20 INFORMATION TECHNOLOGY GROUP, a  
 21 California Corporation,

22 Defendants and Counterclaim-Plaintiff.

Case No. 5:04-cv-05385-JW

**ORDER DENYING STIPULATION FOR  
 ORDER CONTINUING PRETRIAL  
 CONFERENCE**

Date: March 23, 2009  
 Time: 3:00 p.m.  
 Judge: James Ware  
 Courtroom: 8

23 Plaintiffs Avago Technologies General IP PTE LTD and Avago Technologies ECBU IP  
 24 PTE LTD (“Avago”) and Defendant Elan Microelectronics Corporation (“Elan”), through their  
 25 undersigned counsel, stipulate as follows and jointly respectfully request an Order rescheduling the Joint  
 26 Pretrial Conference Statement, the Pretrial Conference, and trial.

- 27 1. The parties have re-opened settlement negotiations and are planning a meeting in  
 28 California in early March.
2. The parties wish to minimize litigation expenses pending the March meeting and to avoid

1           burdening the Court in the event that the parties are successful in reaching settlement  
2           terms.

- 3           3.     Under the current schedule, the Joint Pretrial Conference Statement and accompanying  
4           Motion *in Limine*, exhibits lists, witness lists and related exhibits are due February 23,  
5           2009. The Pretrial Conference is scheduled for March 23, 2009 at 3:00 p.m. Jury  
6           Selection is currently set for April 14 and trial is set to commence April 15, 2009.
- 7           4.     The parties jointly request that the Court reschedule the Pretrial Conference and trial and  
8           vacate the February 23, 2009 Joint Pretrial Conference Statement deadline so that the  
9           parties can devote their efforts to settlement efforts rather than trial preparation.

10          Dated: February 17, 2009

                Respectfully submitted,

11  
12                   Richard E. Lyon (SBN 229288)  
13                   IRELL & MANELLA LLP  
14                   1800 Avenue of the Stars, Suite 900  
15                   Los Angeles, California 90067-4276  
16                   Telephone: (310) 277-1010  
17                   r-lyon@irell.com

18                   Attorneys for Plaintiffs  
19                   Avago Technologies General IP PTR Ltd. and Avago  
20                   Technologies ECBU IP PTE Ltd.

21                   By:           /s/ Richard E. Lyon  
22                                 Richard E. Lyon

23                   Elizabeth H. Rader (SBN 184963)  
24                   ALSTON & BIRD LLP  
25                   Two Palo Alto Square  
26                   3000 El Camino Real, Suite 400  
27                   Palo Alto, CA 94306-2112  
28                   Telephone: (650) 838-2000  
                      elizabeth.rader@alston.com

                      Attorneys for Defendants and Counterclaim-Plaintiff  
                      ELAN MICROELECTRONICS CORP. and  
                      ELAN INFORMATION TECHNOLOGY GROUP

                      By:                           /s/ Elizabeth H. Rader  
  Elizabeth H. Rader

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

**FILER'S ATTESTATION**

Pursuant to General Order No. 45, Section X (B) regarding signatures, I, Elizabeth H. Rader, attest that concurrence in the filing of this document has been obtained.

\_\_\_\_\_  
/s/ Elizabeth H. Rader  
Elizabeth H. Rader

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I certify that all counsel of record, who are deemed to have consented to electronic service, are being served on February 17, 2009, with a copy of this document via the Court's CM/ECF system.

Morgan Chu, Esq.	mchu@irell.com
Alan J. Heinrich, Esq.	aheinrich@irell.com
David C. McPhie, Esq.	dmcphie@irell.com
Richard E. Lyon, III, Esq.	rlyon@irell.com
Samuel Kai Lu, Esq.	slu@irell.com

By: \_\_\_\_\_  
/s/ Elizabeth H. Rader  
Elizabeth H. Rader

Attorney for Defendants  
ELAN MICROELECTRONICS CORP. and  
ELAN INFORMATION TECHNOLOGY GROUP

1 *James Ware*  
2 PROPOSED ORDER

3 Although the Court is encouraged that the parties have re-opened settlement negotiations, the  
4 Court finds that, in light of the age of the case and the parties' previous efforts at settlement, vacating  
5 the pretrial deadlines would only create a further delay in resolving this 2004 case. Accordingly, the  
6 Court DENIES the parties' Stipulation without prejudice to be renewed. Nothing in this Order  
7 prevents the parties from completing the pretrial processes and simultaneously discuss settlement. In  
8 the event that the parties' settlement discussions are fruitful and definite, the parties may renew their  
9 request.  
10

11  
12 Dated: February 19, 2009

*James Ware*  
\_\_\_\_\_  
13 JAMES WARE  
14 United States District Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28