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E-FILED - 2/6/08

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

_____)	No. 06-CV-06304-RMW
In re TVIA INC. SECURITIES LITIGATION)	<u>CLASS ACTION</u>
_____)	<input type="checkbox"/> ORDER APPROVING PLAN
This Document Relates To:)	OF ALLOCATION
ALL ACTIONS.)	
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ORDER

WHEREAS, the Court has granted final approval to the Settlement of the above-referenced class action;

WHEREAS, Lead Plaintiff’s Counsel, The Rosen Law Firm, P.A., appointed by the Court as Class Counsel for the purposes of the Settlement have petitioned the Court for approval of the Plan of Allocation of the net settlement proceeds in the above-captioned action; and

1 WHEREAS, the Court has reviewed the application and supporting materials filed
2 therewith, and has heard the presentation made by Class Counsel during the final approval
3 hearing, and due consideration having been had thereon.

4 NOW, THEREFORE, it is hereby ordered:

5 1. For the purposes of this Order, the terms herein shall have the same meanings as
6 set forth in the Stipulation of Settlement dated October 3, 2007 on file with the Court (the
7 “Stipulation”).

8 2. Pursuant to, an in full compliance with, Rule 23 of the Federal Rules of Civil
9 Procedure and the PSLRA, this Court hereby finds and concluded that due and adequate notice
10 was directed to all Persons and entities who are Members of the Class advising them of the
11 Settlement, the Plan of Allocation, and other aspects of the Settlement, including their right to
12 object thereto, and a full and fair opportunity was accorded to all Persons who are Members of
13 the Class to be heard with respect to any respect to the Settlement.

14 3. The Court hereby finds and concludes that the formula for the calculation of the
15 claims of Authorized Claimants, which is set forth in the Notice of Pendency and Proposed
16 Settlement of Class Action (the “Notice”) sent to Members of the Class, provides a fair and
17 reasonable basis upon which to allocate the proceeds of the settlement fund established by the
18 Stipulation among Class Members, with due consideration having been given to administrative
19 convenience and necessity.

20 4. The Court hereby finds and concluded that the Plan of Allocation set forth in the
21 Notice is in all respects fair reasonable and the Court hereby approves the Plan of Allocation.

22 Dated 2/4/08

23 SO ORDERED:

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25 _____
26 HON. RONALD M. WHYTE
27 UNITED STATES DISTRICT JUDGE

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