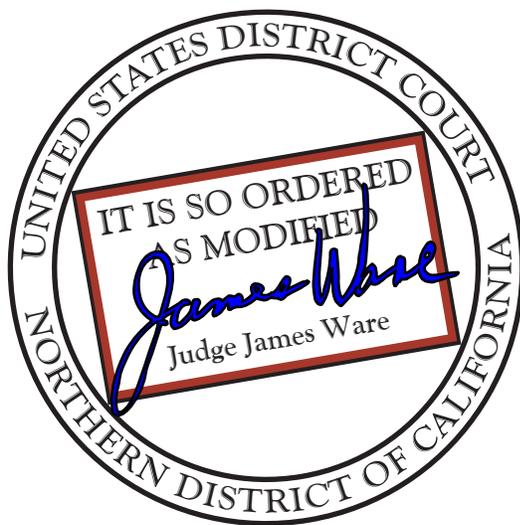


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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

NXP SEMICONDUCTORS USA, INC., a  
 Delaware corporation,  
 Plaintiff,  
 v.  
 LSI CORPORATION d/b/a LSI LOGIC  
 CORPORATION, a Delaware corporation, and  
 AGERE SYSTEMS, INC., a Delaware  
 corporation,  
 Defendants.

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AGERE SYSTEMS, INC., a Delaware  
 corporation,  
 Counterclaimant,  
 v.  
 NXP SEMICONDUCTORS USA, INC., a  
 Delaware corporation,  
 Counterclaim-Defendant.

Case No. C 08-00775 JW, RS

**STIPULATION AND [PROPOSED]  
 ORDER VACATING SUMMARY  
 JUDGMENT HEARING DEADLINE  
 PENDING FURTHER MEDIATION BY  
 THE PARTIES**

1 Plaintiff and Counterdefendant NXP Semiconductors USA, Inc. (“Plaintiff”), by and  
2 through its undersigned counsel, and Defendants and Counterclaimants, LSI Corporation and  
3 Agere Systems, Inc. (collectively “Defendants”), by and through their undersigned counsel,  
4 hereby stipulate as follows:

5 WHEREAS, this case involves, among other things, (1) claims for declaratory judgment  
6 of non-infringement and invalidity of twelve of Defendants’ patents and (2) counterclaims for  
7 infringement of four of Defendants' patents;

8 WHEREAS, in its June 18, 2009 Order, the Court amended its previous scheduling order  
9 for anticipated motions for summary judgment to allow any party to file a motion for summary  
10 judgment to be heard on October 26, 2009 at 9:00 a.m.;

11 WHEREAS, on July 7, 2009, the parties participated in a mediation session conducted by  
12 the Honorable Edward A. Infante (Ret.);

13 WHEREAS, although the parties did not settle this and the co-pending case (assigned to  
14 Judge Chesney, Case No. C 08-05682 MMC) between them at the mediation, they did agree on a  
15 process for attempting to resolve the cases and are optimistic that further settlement discussions  
16 will be successful;

17 WHEREAS, the case assigned to Judge Chesney involves claims for infringement by  
18 Plaintiff of four patents and counterclaims for infringement by Defendants of five patents;

19 WHEREAS, the parties intend to have further business level discussions and have  
20 scheduled a further session with Judge Infante on September 10, 2009 to explore possible  
21 resolution of this and the co-pending case before Judge Chesney;

22 WHEREAS, in light of the of the upcoming mediation session on September 10, the  
23 parties have agreed between them that their interests in pursuing settlement would best be served  
24 by avoiding the expense and potential waste of judicial resources associated with any upcoming  
25 motions for summary judgment;

26 WHEREAS, the parties believe that, in view of the parties’ agreement on terms for  
27 continuing their informal dispute resolution process, good cause exists for the Court to vacate the  
28 October 26 summary judgment hearing deadline and stay discovery at least until after the parties

1 conduct a further mediation session;

2 THE PARTIES HEREBY STIPULATE, by and through their respective counsel, and  
3 respectfully request that the Court (1) vacate the October 26 summary judgment hearing deadline;  
4 (2) stay discovery; and (3) conduct a further case management conference on **September 28, 2009**  
5 at 10 a.m. to discuss whether a summary judgment hearing deadline should be re-imposed and  
6 the stay on discovery lifted. The parties shall submit a CMC statement on **September 18, 2009**.  
7 The Statement shall including, among other things, an update on the parties' settlement efforts,  
8 and the parties' position as to whether the stay on discovery should be lifted and a new case  
9 schedule should be imposed.

10  
11 Dated: July 28, 2009

MORGAN, LEWIS & BOCKIUS LLP

12  
13 By: /s/ Brett M. Schuman

14 Brett M. Schuman  
15 Attorneys for Plaintiff  
NXP SEMICONDUCTORS USA, INC.

16 Dated: July 28, 2009

IRELL & MANELLA LLP

17  
18 By: /s/ Samuel K. Lu

19 Samuel K. Lu  
20 Attorneys for Defendants LSI CORPORATION  
and AGERE SYSTEMS, INC.

21 PURSUANT TO STIPULATION, IT IS SO RECOMMENDED

22 Date: July 28, 2009

/s/ Hon. Edward A. Infante (Ret.)  
23 Hon. Edward A. Infante (Ret.)

24  
25 PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED.

26 Date: July 29, 2009

  
27 Hon. James Ware  
28 United States District Judge