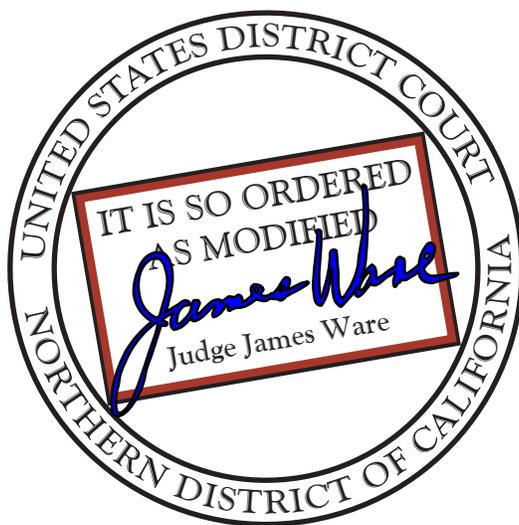


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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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.

AGERE SYSTEMS, INC., a Delaware
Corporation,

Counterclaimant,

v.

NXP SEMICONDUCTORS USA, INC., a
Delaware corporation

Counterclaim-Defendant.

Case No. CV-08-0775 JW, RS
**STIPULATION AND [PROPOSED]
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

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, on July 7, 2009, September 10, 2009, and October 29, 2009, the parties
9 participated in mediation sessions conducted by the Honorable Edward A. Infante (Ret.);

10 WHEREAS, although the parties did not settle this and the co-pending case (assigned to
11 Judge Chesney, Case No. C 08-05682 MMC) between them at the mediation sessions, they have
12 made significant progress towards a settlement agreement through these mediation sessions;

13 WHEREAS, on September 24, 2009, the Court issued an Order continuing the September
14 28, 2009 Case Management Conference to November 2, 2009 (Dkt. No. 337);

15 WHEREAS, on October 27, 2009, the Court issued an Order continuing the November 2,
16 2009 Case Management Conference to November 23 (Dkt. No. 339);

17 WHEREAS, the parties participated in a further mediation session with the Honorable
18 Edward A. Infante (Ret.) on October 29, 2009, and made further progress towards resolving the
19 remaining outstanding issues in this and the co-pending case before Judge Chesney. Additional
20 settlement discussions (directly between the parties) have occurred since the October 29th
21 mediation session, and such direct discussions will occur on an ongoing basis as the parties try in
22 good faith to resolve complicated issues. The parties remain optimistic that a final settlement can
23 be achieved soon.;

24 WHEREAS, the parties believe that good cause exists to continue the November 23, 2009
25 Case Management Conference. The parties respectfully ask the Court to continue the November
26 23, 2009 Case Management Conference to the first available date in January 2010. If the parties
27 have not settled the cases by that time, they will provide a status report and a Case Management
28 Conference statement to the Court not less than 10 days prior to the rescheduled Case

1 Management Conference.

2 THE PARTIES HEREBY STIPULATE, by and through their respective counsel, and
3 respectfully request that the Court continue the November 23, 2009 Case Management
4 Conference to the first available date in January 2010. The parties shall submit a status report and
5 a Case Management Conference Statement not less than 10 days prior to the rescheduled Case
6 Management Conference.
7

8 Dated: November 13, 2009

MORGAN, LEWIS & BOCKIUS LLP

9

10

By /s/ Brett M. Schuman

11

Brett M. Schuman
Attorneys for Plaintiff

12 Dated: November 13, 2009

IRELL & MANELLA LLP

13

14

By /s/ Samuel K. Lu

15

Samuel K. Lu
Attorneys for Defendants

16

17 IT IS SO RECOMMENDED

18 Dated: November 13, 2009

19

By /s/ Edward A. Infante

20

Hon. Edward A. Infante (Ret.)

21

FILER'S ATTESTATION

22 I, Brett M. Schuman, am the ECF user whose identification and password are being used
23 to file this Stipulation and [Proposed] Order Continuing Case Management Conference. In
24 compliance with General Order 45.X.B, I hereby attest that Samuel K. Lu and Hon. Edward A.
25 Infante (Ret.) concur in this filing.

26 Dated: November 13, 2009

By /s/ Brett M. Schuman

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Brett M. Schuman
Attorneys for Plaintiff

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James Ware
~~PROPOSED~~ ORDER

The Court GRANTS the parties request to continue the November 23, 2009 Case Management Conference. On **December 21, 2009 at 10 a.m.**, the parties shall appear for a Case Management Conference. The parties shall file a Supplemental Joint Case Management Statement, including a status report on their settlement discussions, on or before **December 11, 2009.**

IT IS SO ORDERED.

Dated: November 17, 2009

By *James Ware*

HON. JAMES WARE
UNITED STATES DISTRICT JUDGE