

1 ****E-filed 04/16/2010****

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7 IN THE UNITED STATES DISTRICT COURT

8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 SAN JOSE DIVISION

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11 INTERSIL CORPORATION, et al.,

No. C 09-02386 RS

12 Plaintiffs,

**ORDER RE STAGING OF
PROCEEDINGS**

13 v.

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15 TECHNOLOGY LICENSING
CORPORATION, et al.,

16 Defendants.

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19 The Court has reviewed the parties' respective proposals as to how litigation of the claims

20 against Ross Video should proceed. As reflected in prior orders, the circumstances do not entitle

21 Ross Video simply to have the litigation against it stayed, with it retaining full rights to litigate any

22 and all issues as it may choose upon the stay being lifted. Accordingly, absent agreement by Ross

23 Video to limitations designed to ensure this litigation proceeds efficiently and fairly, there would be

24 no basis to delay litigation of the claims against it. In light of Ross Video's apparent willingness to

25 accept such limitations, litigation of all claims against Ross Video shall be deferred, pending further

26 order of court, provided that Ross Video submits a written consent to all of the following terms

27 within five days of the date of this order.

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1. Ross Video will be bound by any and all claim construction rulings issued herein.

2. Ross Video will be bound by any and all determinations made herein as to validity of the claims of the patents-in-suit.

3. In the event that TLC asserts that Ross Video's use of Gennum chips infringes one or more claims of the patents-in-suit that are *not* at issue in the proceedings against Elantec, nothing in this order precludes further claim construction proceedings with respect to those claims, nor will Ross Video be precluded from challenging the validity of those claims.

4. With respect to claims that are asserted against Elantec, while Ross Video will be bound by any claim construction order that issues, nothing in this order precludes Ross Video from seeking to have *additional* claim terms construed, in the event there is a good faith argument that such additional constructions are necessary to analyze whether the Gennum chips infringe.

5. Discovery is permitted with respect to Ross Video as it pertains to Ross Video's use or sale of Elantec products.

Dated: 04/16/2010


RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE