

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

POWER INTEGRATIONS, INC.,

Plaintiff,

v.

C.A. No. 08-309 LPS

FAIRCHILD SEMICONDUCTOR
INTERNATIONAL, INC., FAIRCHILD
SEMICONDUCTOR CORPORATION and
FAIRCHILD (TAIWAN) CORPORATION,

Defendants,

MEMORANDUM ORDERAt Wilmington this 5th day of **November, 2018**:

Having reviewed the parties' recent submissions (D.I. 987-90), IT IS HEREBY
ORDERED that:

Fairchild's objection to the Court's October 31 Order (D.I. 984) excluding the customer letters is **OVERRULED**. While there is relevance to these communications (though notably the 2014 letters post-date approximately 90% of the damages period), the strong countervailing concerns identified in the Court's earlier Order (*see id.* at 2-3) substantially outweigh their probative value. At bottom, the Court's decision is the logical result of how Fairchild handled privilege issues during discovery, an issue Fairchild fails to address in its recent letters.

Fairchild's objections to the substance and procedure of the "Facts" contained in the October 31 Order are **OVERRULED**, with the exception of a few edits contained in the attached, revised version of the Facts. For the reasons stated in the earlier Order, the Court believes its plan to read certain established facts to the jury is the most appropriate approach under the

applicable circumstances. Substantively, the Facts the Court will read to the jury are those that are supported in the record and that, for one or more reasons, Fairchild is not able to contest, and are also necessary to permitting both sides to have a full and fair opportunity to present their cases to the jury, without the trial being derailed by distractions or unfair prejudice.

A handwritten signature in black ink, appearing to read "Leonard P. Stark". The signature is written in a cursive style with a large initial "L" and a stylized "S".

HONORABLE LEONARD P. STARK
UNITED STATES DISTRICT COURT

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FACTS

1. Fairchild has recognized the importance of Power Integrations' patents to the industry, describing them as key patents with epoch making technology.
2. The importance of frequency jitter technology was known in the industry and to Fairchild.
3. Customers in the industry sought the Power Integrations' jitter technology in the products that they purchased before 2006.
4. It has not been determined whether customers of Fairchild sought frequency jitter technology in the products at issue in this case.
5. Prior to 2004, a particular business unit of Fairchild in Korea not at issue in this case reverse-engineered Power Integrations' products with the patented jitter technology.
6. Prior to 2004, a particular business unit of Fairchild in Korea not at issue in this case copied the technology in the '876 patent.
7. It has not been determined whether Fairchild reverse-engineered or copied any technology or products of Power Integrations with respect to the products at issue in this case.