

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

STC.UNM,

Plaintiff,

v.

INTEL CORPORATION,

Defendant.

Civil No. 10-CV-01077-RB-WDS

**STC'S UNOPPOSED MOTION FOR LEAVE TO SUBMIT SUPPLEMENTAL
AUTHORITY OF AN *EN BANC* FEDERAL CIRCUIT DECISION IN SUPPORT OF
ITS 12(b)(6) MOTION TO DISMISS INTEL'S COUNTERCLAIM AND
AFFIRMATIVE DEFENSE FOR INEQUITABLE CONDUCT**

Last week, the Federal Circuit issued an *en banc* decision dramatically tightening the elements, including materiality, of the defense of inequitable conduct, the basis for Plaintiff's pending Rule 12(b)(6) motion (Doc. No. 45). Plaintiff seeks leave to file a short brief explaining the extreme relevance of the case (brief is attached hereto).

Intel does not oppose the instant motion for leave so long as it may submit a short response to STC's supplemental submission, which is reflected in the proposed order submitted herewith.

Dated: June 3, 2011

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Respectfully submitted,

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Certificate of Service: I hereby certify that on June 3, 2011, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing via electronic mail to all counsel of record.

/s/ Steven R. Pedersen