

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

STC.UNM,

Plaintiff,

v.

INTEL CORPORATION,

Defendant.

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

STC.UNM'S RULE 56(d) MOTION TO ADD TWO EXHIBITS

Pursuant to Fed. R. Civ. P 56(d), STC.UNM requests that the Court accept the following evidence attached hereto:

1. The “Fictitious Business Name Statement” filed by Sandia Corporation with the Alameda County Clerk-Recorder which establishes that Sandia Corporation has been using Sandia National Laboratories as a DBA, fictitious business name, since 1985. Ex 9. This supports STC.UNM’s position that Sandia National Laboratories is a DBA of Sandia Corporation.
2. Deposition testimony Intel obtained from Sandia Corporation which establishes that Sandia Corporation obtained ownership of the ‘321 patent from the Department of Energy pursuant to 42 U.S.C. § 5908 of the Atomic Energy Act. Ex 10. This addresses Intel’s new Atomic Energy Act argument raised in Doc 204 at page 2.

The requirements of Rule 56(d) have been met as set forth in the attached affidavit (Ex 11) since STC.UNM recently learned of the Fictitious Business Name Statement and the

deposition testimony addresses Intel's newest argument that Sandia Corporation failed to obtain ownership of the '321 patent from the Department of Energy as a result of the automatic vesting provisions of the Atomic Energy Act.

Intel has informed STC.UNM that it opposes this motion.

Dated: April 25, 2012

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Respectfully submitted,

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Certificate of Service: I hereby certify that on April 25, 2012, 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