

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

STC.UNM,

Plaintiff,

v.

INTEL CORPORATION,

Defendant.

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

**STC'S MOTION FOR LEAVE TO FILE A  
SUPPLEMENTAL SUBMISSION IN SUPPORT OF MOTION TO COMPEL**

Pursuant to Local Rule 7.4(b), STC seeks leave of the Court to file a short submission in response to statements made by Intel's counsel during oral argument. As shown in the accompanying memorandum, Intel's counsel made misrepresentations to the Court concerning the holding in *Merck & Co., Inc. v. Mediplan Health* that it specifically rejected AME damages for reasonable royalties when it did not. Also, Merck's brief in that case cited a decision where AME royalty damages were awarded.

Dated: May 25, 2011

Respectfully submitted,

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**Certificate of Conference:** The undersigned conferred with counsel for Intel regarding the instant motion. Intel does not consent to the motion.

/s/ Steven R. Pedersen

**Certificate of Service:** I hereby certify that on May 25, 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