

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

FAST MEMORY ERASE, LLC

Plaintiff,

VS.

SPANSION, INC., ET AL.

Defendants.

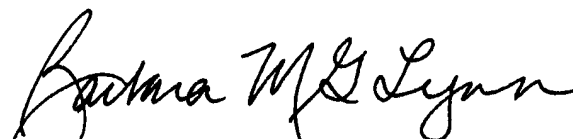
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NO. 3-10-CV-0481-M-BD

**ORDER ACCEPTING THE FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The Court has under consideration the Findings and Recommendation of United States Magistrate Judge Jeff Kaplan. Defendants Intel Corporation, Numonyx B.V., and Numonyx, Inc., filed objections, and the District Court has made a *de novo* review of those portions of the proposed Findings and Recommendation to which objection was made. The objections are overruled, and the Court accepts the Findings and Recommendation of the United States Magistrate Judge. The Court notes that the moving Defendants are, in effect, now asking the Court, after judgment, to determine what amounts to summary judgment on a claim not fully adjudicated before Judgment. Based on the developed record before the Court, the Court finds that Plaintiff's conduct was not in bad faith.

**SO ORDERED** this 13<sup>th</sup> day of December, 2010.



BARBARA M. G. LYNN  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF TEXAS