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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11  
12 INFINEON TECHNOLOGIES NORTH  
AMERICA CORPORATION,

13 Plaintiff,

14 v.

15 MOSAID TECHNOLOGIES, INC.,

16 Defendant.  
17

Case No. C-02-5772 JF

**NOTICE OF APPEAL**

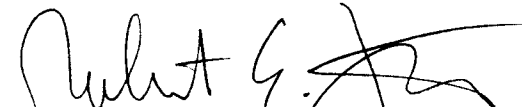
The Honorable Jeremy Fogel

1 Notice is hereby given that Micron Technology, Inc. ("Micron") appeals to the United  
2 States Court of Appeals for the Federal Circuit from that part of the "Order (1) Denying Motions  
3 of Micron and ProMOS to Intervene and Granting Alternative Motions to Appear As Amicus  
4 Curiae; (2) Deferring Consideration of Joint Motion to Vacate; and (3) Setting Briefing Schedule  
5 and Further Argument On the Issue of Collateral Estoppel" (Docket #137), entered in this action  
6 on October 23, 2006, denying Micron's motion to intervene as a matter of right and alternatively  
7 for permissive intervention.

8  
9 Dated: November 17, 2006

Respectfully submitted,

10 ROBERT E. FREITAS  
11 MICHAEL C. SPILLNER  
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1 **DECLARATION OF SERVICE**

2 I am more than eighteen years old and not a party to this action. My place of  
3 employment and business address is 1000 Marsh Road, Menlo Park, CA 94025.

4 On November 17, 2006, I served the following documents:

5 **NOTICE OF APPEAL**



7 **(BY MAIL)** I placed the sealed envelope(s) for collection and mailing by  
8 following the ordinary business practices of Orrick, Herrington & Sutcliffe  
9 LLP, Menlo Park, California. I am readily familiar with Orrick, Herrington  
10 & Sutcliffe LLP's practice for collecting and processing of correspondence  
11 for mailing with the United States Postal Service, said practice being that, in  
12 the ordinary course of business, correspondence with postage fully prepaid is  
13 deposited with the United States Postal Service the same day as it is placed  
14 for collection.

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Executed on November \_\_\_\_, 2006, at Menlo Park, California.

I declare under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
\_\_\_\_\_  
(Print Name)