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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

INFINEON TECHNOLOGIES NORTH
AMERICA CORP.,
Plaintiff,

vs.

MOSAID TECHNOLOGIES INC.,
Defendant.

MOSAID TECHNOLOGIES INC.,
Counterclaimant,

v.

INFINEON TECHNOLOGIES NORTH
AMERICA CORP.,
INFINEON TECHNOLOGIES AG,
INFINEON TECHNOLOGIES HOLDING
NORTH AMERICA CORP., and
INFINEON TECHNOLOGIES RICHMOND
LP,
Counterdefendants.

CASE NO. 02-CV-05772 JF (RS)

**STIPULATION AND
INITIAL CASE SCHEDULING ORDER**

At the Initial Case Management Conference held in this matter on April 21, 2003, the Court ordered as follows:

1. The Court will conduct a further case management conference on July 28, 2003, at 10:30 a.m.; and

1 2. The Court will conduct a hearing on claim construction on January 26, 2004, at 1:30
2 p.m.

3 The parties have met and conferred regarding the schedule leading up to the claim
4 construction hearing, and have agreed to the following schedule, which they request the Court adopt
5 for this case:

6 July 9, 2003 - MOSAID shall serve its disclosures of Asserted Claims and Preliminary
7 Infringement Contentions and any accompanying materials (Patent LR 3-1);

8 August 27, 2003 - The Infineon entities shall serve their Preliminary Invalidity Contentions
9 and any accompanying materials (Patent LR 3-3);

10 September 8, 2003 - The parties shall exchange their Proposed Terms and Claim Elements
11 for Construction and any accompanying materials (Patent LR 4-1);

12 September 26, 2003 - The parties shall exchange their Preliminary Claim Constructions and
13 any accompanying materials (Patent LR 4-2);

14 November 10, 2003 - The parties shall file their Joint Claim Construction and Prehearing
15 Statement (Patent LR 4-3); and

16 December 23, 2003 - The parties shall conclude all claim construction discovery (Patent
17 LR 4-4).

18 The parties further have discussed and agreed that claim construction in this action would
19 benefit from a technology tutorial; the parties believe that such tutorial and the claim construction
20 hearing, together, may take up to one full day. Accordingly, and in view of the above proposed
21 dates, the parties jointly propose that the Court reschedule the January 26, 2004 claim construction
22 hearing for a date approximately 30 days therefrom, and adopt the following claim construction
23 briefing schedule:

24 Five weeks before claim construction hearing - MOSAID shall file and serve its opening
25 brief on claim construction and any supporting evidence (Patent LR 4-5);

26 Three weeks before claim construction hearing - The Infineon entities shall file and serve
27 their responsive brief on claim construction and supporting evidence (Patent LR 4-5); and
28

1 Two weeks before claim construction hearing - MOSAID shall file and serve its reply brief
2 on claim construction and evidence directly rebutting that submitted with the Infineon entities'
3 responsive brief (Patent LR 4-5).

4 IT IS SO STIPULATED.

5 DATED: June 18, 2003
6 KIRKLAND & ELLIS

DATED: June 18, 2003
JONES DAY

9 By: /s/ Thomas D. Pease
10 Thomas D. Pease
11 Attorney for
12 Infineon Technologies North America Corp.,
13 Infineon Technologies Holding N. Am. Inc.,
Infineon Technologies Richmond, LP., and
Infineon Technologies AG

By: /s/ Tharan Gregory Lanier
Tharan Gregory Lanier
Attorney for
MOSAID Technologies Inc.

14 O R D E R

15 In accordance with the above stipulation, IT IS ORDERED that the stipulated schedule set
16 forth above is adopted as the schedule for this case, and IT IS FURTHER ORDERED that the claim
17 construction hearing and tutorial are set for 1/26, 2004, commencing at 1:30 p.m..

18 DATED: 6/23/03

19 /s/electronic signature authorized
20 Hon. Jeremy Fogel
21 U.S. District Court Judge