

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MOSAID TECHNOLOGIES INC.,

Plaintiff,

v.

MICRON TECHNOLOGY, INC.,
POWERCHIP SEMICONDUCTOR
CORPORATION,

Defendants.

Case No. 2:06cv302-DF

**MOTION FOR EXPEDITED BRIEFING AND CONSIDERATION ON MICRON AND
POWERCHIP'S EMERGENCY MOTIONS TO STAY PENDING RESOLUTION
OF THEIR MOTIONS TO DISMISS AND TRANSFER PURSUANT TO THE FEDERAL
CIRCUIT'S FEBRUARY 29, 2008 RULING**

Defendants respectfully request expedited briefing on their March 3, 2008 Emergency Motions to Stay Pending Resolution of their Motions to dismiss and transfer in pursuant to the Federal Circuit's February 29, 2008 Ruling, which are being filed contemporaneously with this Motion. Further, in light of upcoming case deadlines and the potential waste of resources by the parties and the Court in the next few days and weeks, the parties respectfully request that the Court expedite consideration of this matter.

The Federal Circuit issued an opinion on February 29, 2008, holding that Micron's first-filed Northern District of California action involving eight of the twelve patents asserted in the present case must be re-instated and that "[a]pplying the relevant convenience factors, it would be an abuse of discretion to transfer the action" out of the Northern District of California. (Ex. 1, 2/29/08 Fed. Cir. Op. at 13.) In view of the February 29, 2008 ruling, Micron and Powerchip

have both filed motions to stay the present case. Expedited briefing and consideration of the motion is necessary to avoid placing unnecessary burdens on the parties or the Court.

In particular, the Court and the parties are poised to expend significant resources during the next several days and weeks on discovery disputes and claim construction proceedings currently in progress. In connection with the claim construction proceedings currently in progress, Defendants are scheduled to take the depositions of two MOSAID expert declarants on March 5th and 6th. In addition, MOSAID's response to Defendants' motion for collateral estoppel relating to claim construction is due on March 10, 2008. Defendants' responsive claim construction brief is due on March 17. MOSAID is scheduled to depose Defendants' expert on March 21 and to file its reply brief on March 27. The Court has set a tutorial on April 14, 2008. All of this work is being conducted in preparation for the Court's April 15, 2008 *Markman* hearing.

The parties are also presently engaged in briefing numerous discovery disputes. On February 14, 2008, Micron filed a motion to compel 30(b)(6) testimony relating to the claim construction proceedings. (Docket No. 276.) MOSAID's response to this motion was due on February 29, 2008 and Micron's reply is due on March 4, 2008. Micron also filed a motion on February 28, 2008 to compel discovery relating to MOSAID's licensing negotiations. (Docket No. 290.) MOSAID's response to this motion is due on March 11, 2008. On March 14, 2008, Defendants' response to MOSAID's motion for costs and fees is due. Additionally, on February 20, 2008, MOSAID filed a motion seeking an order of contempt with respect to documents that it contends should be produced by Micron. (Docket No. 280.) Micron's response to this motion is due March 7, 2008. Each of these disputes will likely require significant Court and party resources over the next several weeks.

Many, if not all, of the above proceedings will become unnecessary for this Court to address if Defendants' motions to dismiss and transfer are granted. Accordingly, pursuant to Local Rule CV-7(e), Defendants requests that the Court order MOSAID to file any opposition to their motions to stay within two (2) days. In addition, Defendants respectfully requests that the Court consider this matter on an expedited basis.

DATED: March 3, 2008

Respectfully submitted,

By: ___/s/ Kimberly Schmitt_____

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on March 3, 2008.

/s/ Kimberly Schmitt

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for Micron and Powerchip and counsel for MOSAID conferred telephonically on February 29, 2008 in an effort to resolve their disputes. The parties were unable to resolve the issues raised by this motion and this motion is opposed by MOSAID.

/s/ Kimberly Schmitt