

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

MOSAID TECHNOLOGIES INC.,

Plaintiff,

v.

MICRON TECHNOLOGY, INC.,
POWERCHIP SEMICONDUCTOR
CORPORATION, PROMOS
TECHNOLOGIES, AND MOSEL
VITELIC, INC.

Defendants.

No. 2:06CV302-DF

JURY TRIAL DEMANDED

DEFENDANT MICRON TECHNOLOGY, INC.'S
MOTION TO DISMISS ITS COUNTERCLAIM FOR INFRINGEMENT
OF U.S. PATENT NO. 6,446,021

COMES NOW, Defendant and counterclaimant Micron Technology, Inc. ("Micron") and files its Motion to Dismiss Its Counterclaim for Infringement of U.S. Patent No. 6,446,021. In its Answer to Second Amended Complaint and Counterclaim (DE # 52), Micron asserted a claim on infringement against Plaintiff MOSAID. Micron no longer wishes to proceed with this counterclaim that accuses Plaintiff MOSAID of infringing on U.S. Patent No. 6,446,021. By dismissing this counterclaim, Micron asserts that no party will be unduly prejudiced, and the Court's burden with respect to this case will be lessened considerably.

WHEREFORE, PREMISES CONSIDERED, Micron respectfully asks the Court to dismiss its counterclaim for infringement of U.S. Patent No. 6,446,021 without prejudice.

Respectfully submitted,

/s/ Kurt Truelove

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ATTORNEYS FOR MICRON

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed.R.Civ.P.5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy via facsimile and/or U.S. First Class Mail this 22nd day of June, 2007.

/s/ Kurt Truelove

Kurt Truelove