

EXHIBIT A

Part 2

ADRMOP, AO279, CLOSED, E-Filing, PRVADR

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:04-cv-04708-VRW**

Hynix Semiconductor Inc. v. Toshiba Corporation et al.
Assigned to: Hon. Vaughn R. Walker
Cause: 35:145 Patent Infringement

Date Filed: 11/08/2004
Date Terminated: 03/30/2007
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff**Hynix Semiconductor Inc.**

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V.

Defendant

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Defendant

Toshiba America, Inc.
TERMINATED 01/12/2005

Defendant

**Toshiba America Business Solutions,
Inc.**

represented by **William Harrison Wright , III**
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LEAD ATTORNEY
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Vincent S. Lam
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Defendant

**Toshiba America Consumer
Products, L.L.C.**

represented by **William Harrison Wright , III**
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Vincent S. Lam
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Defendant**Toshiba America Electronic
Components, Inc.,**represented by **William Harrison Wright , III**
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*ATTORNEY TO BE NOTICED***Counter-defendant****Hynix Semiconductor America Inc.**
*TERMINATED. 01/12/2005***Defendant****Hynix Semiconductor America Inc.**
*TERMINATED. 01/25/2005*represented by **Daniel J. Furniss**
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*ATTORNEY TO BE NOTICED***Counter-claimant****Hynix Semiconductor Inc.**
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V.

Counter-defendant

Toshiba Corporation
TERMINATED: 01/12/2005

represented by **Vincent S. Lam**
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ATTORNEY TO BE NOTICED

Counter-claimant

Hynix Semiconductor America Inc.
TERMINATED: 01/12/2005

represented by **Daniel J. Furniss**
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V.

Counter-defendant

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TERMINATED: 01/12/2005

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Date Filed	#	Docket Text
11/08/2004	<u>1</u>	COMPLAINT FOR DECLARATORY JUDGMENT OF NON-INFRINGEMENT AND INVALIDITY; Demand for Jury Trial against Hynix Semiconductor America Inc., Hynix Semiconductor Inc. (Filing fee \$ 150.00, receipt number 5511215.). Filed by Toshiba Corporation. (gba, COURT STAFF) (Filed on 11/8/2004) Additional attachment(s) added on 11/18/2004 (gba, COURT STAFF). (Entered: 11/09/2004)
11/08/2004	<u>2</u>	ADR SCHEDULING ORDER: Case Management Statement due by 3/4/2005. Case Management Conference set for 3/11/2005 01:30 PM. (Attachments: # <u>1</u> Standing Order)(gba, COURT STAFF) (Filed on 11/8/2004) (Entered: 11/09/2004)
11/08/2004		Summons Issued as to Hynix Semiconductor America Inc., Hynix Semiconductor Inc., U.S. Attorney and U.S. Attorney General (gba, COURT STAFF) (Filed on 11/8/2004) (Entered: 11/09/2004)
11/08/2004	<u>3</u>	REPORT on the filing or determination of an action regarding Patent Infringement (cc: form mailed to register). (gba, COURT STAFF) (Filed on 11/8/2004) (Entered: 11/09/2004)
11/08/2004		CASE DESIGNATED for Electronic Filing. (gba, COURT STAFF) (Filed on 11/8/2004) (Entered: 11/09/2004)
11/12/2004	<u>4</u>	CLERK'S NOTICE TO PLAINTIFF RE: Consent to Proceed before a U.S. Magistrate Judge. Form due by NOV. 24, 2004. (klh, COURT STAFF) (Filed on 11/12/2004) (Entered: 11/12/2004)
11/24/2004	<u>5</u>	Certificate of Interested Entities or Persons Pursuant to Local Rule 3-16 (Spaeth, Susan) (Filed on 11/24/2004) (Entered: 11/24/2004)

11/24/2004	<u>6</u>	CERTIFICATE OF SERVICE by Toshiba Corporation of <i>Summons, Complaint, Civil Cover Sheet, etc</i> (Fowler, Mark) (Filed on 11/24/2004) (Entered: 11/24/2004)
11/24/2004	<u>7</u>	Declination to Proceed Before a U.S. Magistrate Judge by Toshiba Corporation <i>AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE.</i> (Fowler, Mark) (Filed on 11/24/2004) (Entered: 11/24/2004)
11/29/2004	<u>8</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (klh, COURT STAFF) (Filed on 11/29/2004) (Entered: 11/29/2004)
11/29/2004	<u>9</u>	STIPULATION (<i>Joint</i>) <i>Extending Time In Which To Answer Or Otherwise Respond</i> by Hynix Semiconductor Inc., Hynix Semiconductor America Inc.. (Attachments: # <u>1</u> Signature Page (Declarations/Stipulations) Signature of Non-Filer)(Spaeth, Susan) (Filed on 11/29/2004) (Entered: 11/29/2004)
11/30/2004	<u>10</u>	ORDER REASSIGNING CASE Case reassigned to Judge Vaughn R. Walker for all further proceedings Judge Joseph C. Spero no longer assigned to case. Signed by Executive Committee on 11/30/04. (as, COURT STAFF) (Filed on 11/30/2004) (Entered: 11/30/2004)
12/01/2004	<u>11</u>	CERTIFICATE OF SERVICE by Toshiba Corporation of <i>Summons, Complaint, etc Pursuant to Agreement to Accept Service of Process on Behalf of Hynix Semiconductor Inc</i> (Lam, Vincent) (Filed on 12/1/2004) (Entered: 12/01/2004)
12/13/2004	<u>12</u>	<i>Defendant Hynix Semiconductor Inc and Hynix Semiconductor America Inc 's</i> ANSWER to Complaint with Jury Demand, First COUNTERCLAIM against Toshiba Corporation by Hynix Semiconductor Inc., Hynix Semiconductor America Inc.. (Furniss, Daniel) (Filed on 12/13/2004) (Entered: 12/13/2004)
12/13/2004	<u>13</u>	<i>Exhibit A to</i> ANSWER to Complaint with Jury Demand, First COUNTERCLAIM against Toshiba Corporation by Hynix Semiconductor Inc., Hynix Semiconductor America Inc., Hynix Semiconductor Inc., Hynix Semiconductor America Inc.. (Furniss, Daniel) (Filed on 12/13/2004) (Entered: 12/13/2004)
12/13/2004	<u>14</u>	<i>Exhibit B to</i> ANSWER to Complaint with Jury Demand, First COUNTERCLAIM against Toshiba Corporation by Hynix Semiconductor Inc., Hynix Semiconductor America Inc., Hynix Semiconductor Inc., Hynix Semiconductor America Inc., Hynix Semiconductor Inc., Hynix Semiconductor America Inc.. (Furniss, Daniel) (Filed on 12/13/2004) (Entered: 12/13/2004)
12/13/2004	<u>15</u>	<i>Exhibit C to</i> ANSWER to Complaint with Jury Demand, First COUNTERCLAIM against Toshiba Corporation by Hynix Semiconductor America Inc., Hynix Semiconductor America Inc., Hynix Semiconductor America Inc., Hynix Semiconductor America Inc.. (Furniss, Daniel) (Filed on 12/13/2004) (Entered: 12/13/2004)
12/13/2004	<u>16</u>	<i>Exhibit D to</i> ANSWER to Complaint with Jury Demand, First COUNTERCLAIM against Toshiba Corporation by Hynix Semiconductor

		Inc., Hynix Semiconductor America Inc., Hynix Semiconductor Inc., Hynix Semiconductor America Inc.. (Furniss, Daniel) (Filed on 12/13/2004) (Entered: 12/13/2004)
12/13/2004	<u>17</u>	<i>Exhibit E to ANSWER to Complaint with Jury Demand, First COUNTERCLAIM against Toshiba Corporation by Hynix Semiconductor Inc., Hynix Semiconductor America Inc., Hynix Semiconductor Inc., Hynix Semiconductor America Inc.. (Furniss, Daniel) (Filed on 12/13/2004) (Entered: 12/13/2004)</i>
12/13/2004	<u>18</u>	<i>Exhibit F to ANSWER to Complaint with Jury Demand, First COUNTERCLAIM against Toshiba Corporation by Hynix Semiconductor Inc., Hynix Semiconductor America Inc., Hynix Semiconductor Inc., Hynix Semiconductor America Inc.. (Furniss, Daniel) (Filed on 12/13/2004) (Entered: 12/13/2004)</i>
12/13/2004	<u>19</u>	<i>Exhibit H ANSWER to Complaint with Jury Demand, First COUNTERCLAIM against Hynix Semiconductor Inc., Hynix Semiconductor America Inc., Hynix Semiconductor Inc., Hynix Semiconductor America Inc. by Hynix Semiconductor Inc., Hynix Semiconductor America Inc., Hynix Semiconductor Inc., Hynix Semiconductor America Inc.. (Furniss, Daniel) (Filed on 12/13/2004) (Entered: 12/13/2004)</i>
12/13/2004	<u>20</u>	<i>Exhibit I to ANSWER to Complaint with Jury Demand, First COUNTERCLAIM against Toshiba Corporation by Hynix Semiconductor Inc., Hynix Semiconductor America Inc., Hynix Semiconductor Inc., Hynix Semiconductor America Inc.. (Furniss, Daniel) (Filed on 12/13/2004) (Entered: 12/13/2004)</i>
12/13/2004	<u>21</u>	<i>Exhibit G to ANSWER to Complaint with Jury Demand, First COUNTERCLAIM against Toshiba Corporation by Hynix Semiconductor Inc., Hynix Semiconductor America Inc., Hynix Semiconductor Inc., Hynix Semiconductor America Inc.. (Furniss, Daniel) (Filed on 12/13/2004) (Entered: 12/13/2004)</i>
12/13/2004	<u>22</u>	<i>Exhibit J to ANSWER to Complaint with Jury Demand, First COUNTERCLAIM against Toshiba Corporation by Hynix Semiconductor Inc., Hynix Semiconductor America Inc., Hynix Semiconductor Inc., Hynix Semiconductor America Inc.. (Furniss, Daniel) (Filed on 12/13/2004) (Entered: 12/13/2004)</i>
12/13/2004	<u>23</u>	<i>Exhibit K to ANSWER to Complaint with Jury Demand, First COUNTERCLAIM against Toshiba Corporation by Hynix Semiconductor Inc., Hynix Semiconductor America Inc., Hynix Semiconductor Inc., Hynix Semiconductor America Inc.. (Furniss, Daniel) (Filed on 12/13/2004) (Entered: 12/13/2004)</i>
01/03/2005	<u>24</u>	NOTICE by Toshiba Corporation <i>OF CHANGE OF FIRM NAME</i> (Lam, Vincent) (Filed on 1/3/2005) (Entered: 01/03/2005)
01/03/2005	<u>25</u>	ANSWER TO COUNTERCLAIM <i>PLAINTIFF/COUNTERDEFENDANT TOSHIBA CORPORATION'S REPLY TO DEFENDANT/COUNTERCLAIMANT HYNIX SEMICONDUCTOR INC.'S</i>

		<i>COUNTERCLAIMS</i> by Toshiba Corporation. (Lam, Vincent) (Filed on 1/3/2005) (Entered: 01/03/2005)
01/05/2005	<u>26</u>	CLERK'S NOTICE : Case Management Conference set for 3/22/2005 09:00 AM. Case Management Statement due by 3/15/2005. (Attachments: # <u>1</u>) (cgd, COURT STAFF) (Filed on 1/5/2005) (Entered: 01/05/2005)
01/06/2005	<u>27</u>	CERTIFICATE OF SERVICE by Toshiba Corporation re <u>26</u> Clerks Notice (Lam, Vincent) (Filed on 1/6/2005) (Entered: 01/06/2005)
01/06/2005		Summons Issued as to Toshiba Corporation, Toshiba Corporation, Toshiba Corporation, Toshiba Corporation, Toshiba Corporation, Toshiba Corporation. (gsa, COURT STAFF) (Filed on 1/6/2005) (Entered: 01/06/2005)
01/12/2005	<u>28</u>	STIPULATION of Dismissal <i>OF HYNIX SEMICONDUCTOR AMERICA INC AND TOSHIBA AMERICA, INC FROM ACTION</i> by Toshiba Corporation. (Lam, Vincent) (Filed on 1/12/2005) (Entered: 01/12/2005)
01/24/2005	<u>29</u>	SUMMONS Returned Executed by Hynix Semiconductor Inc.. Toshiba America Business Solutions, Inc. served on 1/7/2005, answer due 1/27/2005; Toshiba America Consumer Products, L.L.C. served on 1/7/2005, answer due 1/27/2005; Toshiba America Electronic Components, Inc., served on 1/7/2005, answer due 1/27/2005; Toshiba America Information Systems, Inc. served on 1/7/2005, answer due 1/27/2005; Toshiba America Medical Systems, Inc. served on 1/7/2005, answer due 1/27/2005. <i>RE COUNTERCLAIM</i> (Spaeth, Susan) (Filed on 1/24/2005) (Entered: 01/24/2005)
01/26/2005	<u>30</u>	ERRONEOUS DOCKET ENTRY - See Docket #35 <i>COUNTERDEFENDANT TOSHIBA AMERICAN INFORMATION SYSTEM, INC 'S (REPLY) ANSWER to Counterclaim OF DEFENDANT/COUNTERCLAIMANT HYNIX SEMICONDUCTOR INC.</i> by Toshiba America Information Systems, Inc.. (Lam, Vincent) (Filed on 1/26/2005) Modified on 1/27/2005 (gsa, COURT STAFF). (Entered: 01/26/2005)
01/26/2005	<u>31</u>	ANSWER TO COUNTERCLAIM <u>12</u> Answer to Complaint,, Counterclaim, <i>COUNTERDEFENDANT TOSHIBA AMERICA CONSUMER PRODUCTS, L L C 'S REPLY TO DEFENDANT/COUNTERCLAIMANT HYNIX SEMICONDUCTOR INC 'S COUNTERCLAIMS</i> by Toshiba America Consumer Products, L.L.C.. (Lam, Vincent) (Filed on 1/26/2005) (Entered: 01/26/2005)
01/26/2005	<u>32</u>	ANSWER TO COUNTERCLAIM <u>12</u> Answer to Complaint,, Counterclaim, <i>COUNTERDEFENDANT TOSHIBA AMERICA ELECTRONIC COMPONENTS, INC 'S REPLY TO DEFENDANT/COUNTERCLAIMANT HYNIX SEMICONDUCTOR INC 'S COUNTERCLAIMS</i> by Toshiba America Electronic Components, Inc.,. (Lam, Vincent) (Filed on 1/26/2005) (Entered: 01/26/2005)
01/26/2005	<u>33</u>	ANSWER TO COUNTERCLAIM <u>12</u> Answer to Complaint,, Counterclaim, <i>COUNTERDEFENDANT TOSHIBA AMERICA MEDICAL SYSTEMS, INC 'S REPLY TO DEFENDANT/COUNTERCLAIMANT HYNIX</i>

		<i>SEMICONDUCTOR INC 'S COUNTERCLAIMS</i> by Toshiba America Medical Systems, Inc.. (Lam, Vincent) (Filed on 1/26/2005) (Entered: 01/26/2005)
01/26/2005	<u>34</u>	ANSWER TO COUNTERCLAIM <u>12</u> Answer to Complaint,, Counterclaim, <i>COUNTERDEFENDANT TOSHIBA AMERICA BUSINESS SOLUTIONS, INC.'S REPLY TO DEFENDANT/COUNTERCLAIMANT HYNIX SEMICONDUCTOR INC 'S COUNTERCLAIMS</i> by Toshiba America Business Solutions, Inc.. (Lam, Vincent) (Filed on 1/26/2005) (Entered: 01/26/2005)
01/26/2005	<u>35</u>	ANSWER TO COUNTERCLAIM <u>12</u> Answer to Complaint,, Counterclaim, <i>COUNTERDEFENDANT TOSHIBA AMERICA INFORMATION SYSTEMS, INC.'S REPLY TO DEFENDANT/COUNTERCLAIMANT HYNIX SEMICONDUCTOR INC 'S COUNTERCLAIMS CORRECTION OF DOCKET # 30</i> by Toshiba America Information Systems, Inc.. (Lam, Vincent) (Filed on 1/26/2005) (Entered: 01/26/2005)
02/18/2005	<u>36</u>	STIPULATION and Proposed Order selecting Private ADR by Toshiba Corporation , <i>Hynix Semiconductor Inc and Counterdefendants; ADR CERTIFICATION</i> (Lam, Vincent) (Filed on 2/18/2005) (Entered: 02/18/2005)
03/04/2005	<u>37</u>	STIPULATION AND ORDER REFERRING CASE to Private ADR. Signed by Judge Vaughn R. Walker on 3/4/2005. (cgd, COURT STAFF) (Filed on 3/4/2005) (Entered: 03/04/2005)
03/09/2005	<u>38</u>	SECOND CLERK'S NOTICE : Case Management Conference Continued from 3/22/2005 to 4/26/2005 09:00 AM. Case Management Statement due by 4/19/2005. (cgd, COURT STAFF) (Filed on 3/9/2005) (Entered: 03/09/2005)
03/24/2005	<u>39</u>	STIPULATION <i>To Change Case Management Conference Date and [Proposed] Order</i> by Hynix Semiconductor Inc., Hynix Semiconductor Inc.. (Attachments: # <u>1</u> Signature Page (Declarations/Stipulations))(Spaeth, Susan) (Filed on 3/24/2005) (Entered: 03/24/2005)
04/11/2005	<u>40</u>	STIPULATION AND ORDER TO CHANGE CASE MANAGEMENT CONFERENCE DATE from 4/26/2005 to 5/31/2005 9:00 AM. Case Management Statement due 5/24/2005. Signed by Chief Judge Vaughn R Walker on 4/11/2005. (cgd, COURT STAFF) (Filed on 4/11/2005) (Entered: 04/11/2005)
04/11/2005		Set Deadlines/Hearings: Case Management Statement due by 5/24/2005. Case Management Conference set for 5/31/2005 09:00 AM. (cgd, COURT STAFF) (Filed on 4/11/2005) (Entered: 04/11/2005)
05/03/2005	<u>41</u>	STIPULATION (<i>SECOND</i>) <i>To Change Case Management Conference Date and [Proposed] Order</i> by Hynix Semiconductor Inc., Hynix Semiconductor Inc.. (Attachments: # <u>1</u> Signature Page (Declarations/Stipulations) of Non-Filer Vincent Lam)(Spaeth, Susan) (Filed on 5/3/2005) (Entered: 05/03/2005)
05/04/2005	<u>42</u>	CLERK'S NOTICE : Case Management Conference Continued from 5/31/2005 to 7/26/2005 09:00 AM. Case Management Statement due by 7/19/2005. (cgd, COURT STAFF) (Filed on 5/4/2005) (Entered: 05/04/2005)
06/23/2005	<u>43</u>	STIPULATION (<i>THIRD</i>) <i>to Change Case Management Conference Date and [Proposed] Order</i> by Hynix Semiconductor Inc., Hynix Semiconductor Inc..

		(Spaeth, Susan) (Filed on 6/23/2005) (Entered: 06/23/2005)
06/30/2005	<u>44</u>	THIRD STIPULATION AND ORDER TO CHANGE CASE MANAGEMENT CONFERENCE DATE. Signed by Chief Judge Vaughn R Walker on 6/30/2005. (cgd, COURT STAFF) (Filed on 6/30/2005) (Entered: 06/30/2005)
08/10/2005	<u>45</u>	NOTICE of Appearance by Anne M. Rogaski (Rogaski, Anne) (Filed on 8/10/2005) (Entered: 08/10/2005)
08/12/2005	<u>46</u>	NOTICE of Appearance by Robert A. McFarlane <i>Notice of Appearance of Robert A McFarlane</i> (McFarlane, Robert) (Filed on 8/12/2005) (Entered: 08/12/2005)
08/23/2005	<u>47</u>	MOTION [ADMINISTRATIVE MOTION] TO CONSIDER WHETHER CASES SHOULD BE RELATED, PURSUANT TO L.R. 7-11 filed by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation, Toshiba Corporation. (Lam, Vincent) (Filed on 8/23/2005) (Entered: 08/23/2005)
08/23/2005	<u>48</u>	STIPULATION re <u>47</u> MOTION [ADMINISTRATIVE MOTION] TO CONSIDER WHETHER CASES SHOULD BE RELATED, PURSUANT TO L.R. 7-11 by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation, Toshiba Corporation. (Lam, Vincent) (Filed on 8/23/2005) (Entered: 08/23/2005)
08/23/2005	<u>49</u>	Proposed Order re <u>47</u> MOTION [ADMINISTRATIVE MOTION] TO CONSIDER WHETHER CASES SHOULD BE RELATED, PURSUANT TO L.R. 7-11 <i>GRANTED</i> by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation, Toshiba Corporation. (Lam, Vincent) (Filed on 8/23/2005) (Entered: 08/23/2005)
08/23/2005	<u>50</u>	JOINT CASE MANAGEMENT STATEMENT <i>AND [PROPOSED] ORDER</i> filed by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation, Toshiba Corporation. (Lam, Vincent) (Filed on 8/23/2005) (Entered: 08/23/2005)
08/30/2005	<u>51</u>	ORDER by Chief Judge Vaughn R Walker granting <u>47</u> Motion to relate case. (cgd, COURT STAFF) (Filed on 8/30/2005) (Entered: 08/31/2005)
08/30/2005	<u>53</u>	JOINT CASE MANAGEMENT STATEMENT AND ORDER. Signed by Chief Judge Vaughn R Walker on 8/30/2005. (cgd, COURT STAFF) (Filed on 8/30/2005) (Entered: 09/02/2005)
09/02/2005	<u>52</u>	Minute Entry: Initial Case Management Conference held on 8/30/2005 before

		Chief Judge Vaughn R Walker. Parties to submit a joint suggested discovery schedule directed to the 12 patents. The court will adopt the proposed schedule as the default as set forth in the parties joint case management statement. Further Case Management Conference set for November 29, 2005 at 9:00 a.m. () (cgd, COURT STAFF) (Date Filed: 9/2/2005) (Entered: 09/02/2005)
09/02/2005		Set/Reset Hearings: Further Case Management Conference set for 11/29/2005 09:00 AM. (cgd, COURT STAFF) (Filed on 9/2/2005) (Entered: 09/02/2005)
09/07/2005	<u>54</u>	Letter from T. G. Brown re History of Related Case. (Attachments: # <u>1</u> Exhibit A)(Brown, Theodore) (Filed on 9/7/2005) (Entered: 09/07/2005)
09/07/2005	<u>55</u>	Letter from Ronald Yin, Counsel for Plaintiffs, in response to Theodore Brown's, Counsel for Defendants, letter of 9/6/05. (Lam, Vincent) (Filed on 9/7/2005) (Entered: 09/07/2005)
09/13/2005	<u>56</u>	STIPULATION [<i>Proposed</i>] <i>Scheduling Order</i> by Hynix Semiconductor Inc., Hynix Semiconductor Inc., Hynix Semiconductor Inc.. (Brown, Theodore) (Filed on 9/13/2005) (Entered: 09/13/2005)
09/23/2005	<u>57</u>	STIPULATION AND ORDER. Claims Construction hearing scheduled for 3/29/2006 at 9:00 AM. Signed by Judge Vaughn R Walker on 9/23/2005. (cgd, COURT STAFF) (Filed on 9/23/2005) (Entered: 09/23/2005)
09/23/2005		Set/Reset Hearings: Claims Construction Hearing set for 3/29/2006 09:00 AM. (cgd, COURT STAFF) (Filed on 9/23/2005) (Entered: 09/23/2005)
10/07/2005	<u>58</u>	Letter from Plaintiff Toshiba Corporation. (Dungan, Erin) (Filed on 10/7/2005) (Entered: 10/07/2005)
10/07/2005	<u>59</u>	Proposed Order [<i>Proposed</i>] <i>Stipulated Protective Order</i> by Toshiba Corporation. (Dungan, Erin) (Filed on 10/7/2005) (Entered: 10/07/2005)
10/11/2005	<u>60</u>	Letter from Theodore G. Brown, III to The Honorable Vaughn R. Walker. (Brown, Theodore) (Filed on 10/11/2005) (Entered: 10/11/2005)
10/17/2005	<u>61</u>	STIPULATED PROTECTIVE ORDER. Signed by Chief Judge Vaughn R Walker on 10/17/2005. (cgd, COURT STAFF) (Filed on 10/17/2005) (Entered: 10/17/2005)
10/25/2005	<u>62</u>	NOTICE of Appearance by Keith L. Slenkovich <i>on Behalf of Hynix Semiconductor Inc</i> (Slenkovich, Keith) (Filed on 10/25/2005) (Entered: 10/25/2005)
10/25/2005	<u>63</u>	MOTION [ADMINISTRATIVE] TO CONSIDER WHETHER CASES SHOULD BE RELATED, PURSUANT TO L.R. 3-12 filed by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation, Toshiba Corporation. (Lam, Vincent) (Filed on 10/25/2005) (Entered: 10/25/2005)
10/25/2005	<u>64</u>	STIPULATION re 63 MOTION [ADMINISTRATIVE] TO CONSIDER

		WHETHER CASES SHOULD BE RELATED, PURSUANT TO L.R. 3-12 (b) AND 7-11 by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation, Toshiba Corporation. (Lam, Vincent) (Filed on 10/25/2005) (Entered: 10/25/2005)
10/25/2005	<u>65</u>	Proposed Order re <u>63</u> MOTION [ADMINISTRATIVE] TO CONSIDER WHETHER CASES SHOULD BE RELATED, PURSUANT TO L.R. 3-12 by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation, Toshiba Corporation. (Lam, Vincent) (Filed on 10/25/2005) (Entered: 10/25/2005)
10/27/2005	<u>66</u>	ORDER re <u>58</u> Letter filed by Toshiba Corporation, <u>60</u> Letter filed by Hynix Semiconductor Inc. Toshiba may depose the inventors once only, unless good cause is shown. To the extent the stay interferes with the deposition of the inventors on all topics, the stay is lifted. Signed by Judge Vaughn R Walker on 10/27/05. (vrwlc2, COURT STAFF) (Filed on 10/27/2005) (Entered: 10/27/2005)
11/10/2005	<u>67</u>	ORDER by Chief Judge Vaughn R Walker granting <u>63</u> administrative Motion to relate cases. (egd, COURT STAFF) (Filed on 11/10/2005) (Entered: 11/10/2005)
11/14/2005	<u>68</u>	CLERK'S NOTICE : Further Case Management Conference continued from 11/29/2005 to 1/31/2006 09:00 AM. Case Management Statement due by 1/24/2006. (egd, COURT STAFF) (Filed on 11/14/2005) (Entered: 11/14/2005)
11/15/2005	<u>69</u>	MOTION [ADMINISTRATIVE] <i>TO CONSIDER WHETHER CASES SHOULD BE RELATED, PURSUANT TO L R 3-12</i> filed by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation, Toshiba Corporation. (Lam, Vincent) (Filed on 11/15/2005) (Entered: 11/15/2005)
11/15/2005	<u>70</u>	STIPULATION re <u>69</u> MOTION [ADMINISTRATIVE] <i>TO CONSIDER WHETHER CASES SHOULD BE RELATED, PURSUANT TO L R 3-12 (b) and 7-11</i> by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation, Toshiba Corporation. (Lam, Vincent) (Filed on 11/15/2005) (Entered: 11/15/2005)
11/15/2005	<u>71</u>	Proposed Order re <u>69</u> MOTION [ADMINISTRATIVE] <i>TO CONSIDER WHETHER CASES SHOULD BE RELATED, PURSUANT TO L R 3-12</i> by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc.,

		Toshiba Corporation, Toshiba Corporation. (Lam, Vincent) (Filed on 11/15/2005) (Entered: 11/15/2005)
11/23/2005	<u>72</u>	ORDER by Chief Judge Vaughn R Walker granting <u>69</u> Administrative Motion to relate cases (C05-4547). (cgd, COURT STAFF) (Filed on 11/23/2005) (Entered: 11/23/2005)
11/28/2005	<u>73</u>	Letter from Robert A. McFarlane. (McFarlane, Robert) (Filed on 11/28/2005) (Entered: 11/28/2005)
11/29/2005	<u>74</u>	Letter from Mark Fowler. (Lam, Vincent) (Filed on 11/29/2005) (Entered: 11/29/2005)
12/16/2005	<u>75</u>	CLAIM CONSTRUCTION STATEMENT [<i>Joint Claim Construction Statement and PreHearing Statement Pursuant to Patent Local Rule 4-3</i>] filed by Hynix Semiconductor Inc., Hynix Semiconductor Inc. (Attachments: # <u>1</u> Appendix 1# <u>2</u> Appendix 2# <u>3</u> Appendix 3# <u>4</u> Appendix 4# <u>5</u> Appendix 5# <u>6</u> Appendix 6# <u>7</u> Appendix 7# <u>8</u> Appendix 8# <u>9</u> Appendix 9# <u>10</u> Appendix 10# <u>11</u> Appendix 11)(McFarlane, Robert) (Filed on 12/16/2005) (Entered: 12/16/2005)
12/16/2005	<u>76</u>	Joint MOTION ADMINISTRATIVE REGARDING CLAIM CONSTRUCTION BRIEFING AND HEARING PURSUANT TO CIVIL LOCAL RULE 7-11 filed by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation, Toshiba Corporation. (Lam, Vincent) (Filed on 12/16/2005) (Entered: 12/16/2005)
12/16/2005	<u>77</u>	EXHIBITS re <u>75</u> Claim Construction Statement, [<i>Joint Submission of Patents in Suit</i>] filed by Hynix Semiconductor Inc. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2-4# <u>3</u> Exhibit 5-8# <u>4</u> Exhibit 9-11)(Related document(s) <u>75</u>) (McFarlane, Robert) (Filed on 12/16/2005) (Entered: 12/16/2005)
12/28/2005	<u>78</u>	Minute Entry: Telephone Conference re <u>76</u> Joint MOTION ADMINISTRATIVE REGARDING CLAIM CONSTRUCTION BRIEFING AND HEARING PURSUANT TO CIVIL LOCAL RULE 7-11. ORDERED: Motion <u>76</u> DENIED; parties directed to confer and identify the most crucial claim terms and patents and file a statement by Friday, January 6, 2006. Motion terminated. (Date Filed: 12/28/2005). (Court Reporter Joan Columbini.)(epb, COURT STAFF) (Date Filed: 12/28/2005) (Entered: 12/28/2005)
01/05/2006	<u>79</u>	Letter from Robert A. McFarlane <i>submitting Hynix Semiconductor, Inc 's proposal to narrow the claim construction disputes presently at issue.</i> (McFarlane, Robert) (Filed on 1/5/2006) (Entered: 01/05/2006)
01/05/2006	<u>80</u>	Letter from Mark Fowler <i>submitting the Toshiba parties' proposal concerning the number of patents and claim terms to be construed.</i> (Lam, Vincent) (Filed on 1/5/2006) (Entered: 01/05/2006)
01/06/2006	<u>81</u>	Minute Entry: Telephone Conference. The parties are to file simultaneously their opening and reply briefs. The court has allowed the parties to exceed the

		page limitation of their opening briefs of up to 35 pages for the following patents and terms for construction: '190 patent and three claim terms, '519 patent and three claim terms, '311 patent and four claim terms and '111 patent and eight claim terms. Reply briefs are not to exceed 20 pages. Opening briefs are due not later than February 9, 2006. Opposition or reply briefs are to be filed no later than March 2, 2006. The claims construction hearing continued to be set for March 29, 2006. (Court Reporter Belle Ball.) (cgd, COURT STAFF) (Date Filed: 1/6/2006) (Entered: 01/06/2006)
01/20/2006	82	TRANSCRIPT of Proceedings held on January 6, 2006 via telephone before Judge Vaughn R. Walker. Court Reporter: Belle Ball. (gsa, COURT STAFF) (Filed on 1/20/2006) (Entered: 01/23/2006)
01/24/2006	<u>83</u>	JOINT CASE MANAGEMENT STATEMENT <i>Supplemental Joint Case Management Statement and [Proposed] Supplemental Order</i> filed by Hynix Semiconductor Inc.. (McFarlane, Robert) (Filed on 1/24/2006) (Entered: 01/24/2006)
01/31/2006	<u>84</u>	Minute Entry: Further Case Management Conference held on 1/31/2006 before Chief Judge Vaughn R Walker. The parties in C04-4708 shall be realigned so that Hynix is the plaintiff and Toshiba is the defendant. The claim construction hearing on Hynix' patents remains set for March 29, 2006 at 9:30 AM. The parties opening claim constructions briefs are due on 2/9/2006, and responsive briefs are due on 3/2/2006. Claim construction on Toshiba's patents (4 patents) is scheduled for May 31, 2006, and is set to begin at 9:30 AM. Further CMC: June 27, 2006 at 9:00 AM. () (cgd, COURT STAFF) (Date Filed: 1/31/2006) (Entered: 02/08/2006)
01/31/2006		Set/Reset Hearings: Further Case Management Conference set for 6/27/2006 09:00 AM. Claims Construction Hearing on Toshiba's patents set for 5/31/2006 09:30 AM. (cgd, COURT STAFF) (Filed on 1/31/2006) (Entered: 02/08/2006)
02/09/2006	85	CLAIM CONSTRUCTION STATEMENT <i>Claim Construction Brief</i> filed by Hynix Semiconductor Inc., Hynix Semiconductor Inc.. (Furniss, Daniel) (Filed on 2/9/2006) (Entered: 02/09/2006)
02/09/2006	<u>86</u>	Declaration of Daniel J. Furniss in Support of <u>85</u> Claim Construction Statement of <i>Plaintiff</i> filed by Hynix Semiconductor Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J# <u>11</u> Exhibit K# <u>12</u> Exhibit L# <u>13</u> Exhibit M# <u>14</u> Exhibit N# <u>15</u> Exhibit O# <u>16</u> Exhibit P# <u>17</u> Exhibit Q) (Related document(s) <u>85</u>) (Furniss, Daniel) (Filed on 2/9/2006) (Entered: 02/09/2006)
02/09/2006	<u>87</u>	CLAIM CONSTRUCTION STATEMENT <i>THE TOSHIBA PARTIES' OPENING CLAIM CONSTRUCTION BRIEF</i> filed by Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation, Toshiba America Business Solutions, Inc.. (Lam, Vincent) (Filed on 2/9/2006) (Entered: 02/09/2006)
02/09/2006	<u>88</u>	Declaration of VINCENT S. LAM in Support of <u>87</u> Claim Construction

		Statement, <i>THE TOSHIBA PARTIES' OPENING CLAIM CONSTRUCTION BRIEF</i> filed by Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> # <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J# <u>11</u> Exhibit K# <u>12</u> Exhibit L# <u>13</u> Exhibit M# <u>14</u> Exhibit N# <u>15</u> Exhibit O# <u>16</u> Exhibit P# <u>17</u> Exhibit Q# <u>18</u> Exhibit R# <u>19</u> Exhibit S# <u>20</u> Exhibit T# <u>21</u> Exhibit U# <u>22</u> Exhibit V# <u>23</u> Exhibit W# <u>24</u> Exhibit X# <u>25</u> Exhibit Y# <u>26</u> Exhibit Z# <u>27</u> Exhibit AA# <u>28</u> Exhibit BB# <u>29</u> Exhibit CC# <u>30</u> Exhibit DD)(Related document(s) <u>87</u>) (Lam, Vincent) (Filed on 2/9/2006) (Entered: 02/09/2006)
03/02/2006	<u>89</u>	CLAIM CONSTRUCTION STATEMENT <i>THE TOSHIBA PARTIES' REPLY CLAIM CONSTRUCTION BRIEF</i> filed by Toshiba Corporation, Toshiba Corporation. (Fowler, Mark) (Filed on 3/2/2006) (Entered: 03/02/2006)
03/02/2006	<u>90</u>	CLAIM CONSTRUCTION STATEMENT <i>SUPPLEMENTAL DECLARATION OF VINCENT S. LAM IN SUPPORT OF THE TOSHIBA PARTIES' REPLY CLAIM CONSTRUCTION BRIEF</i> filed by Toshiba Corporation, Toshiba Corporation. (Attachments: # <u>1</u> Exhibit A)(Fowler, Mark) (Filed on 3/2/2006) (Entered: 03/02/2006)
03/02/2006	<u>91</u>	CLAIM CONSTRUCTION STATEMENT <i>Final Joint Claim Construction and Prehearing Statement Pursuant to Patent Local Rule 4-3 and Standing Order No. 3.1</i> filed by Hynix Semiconductor Inc., Hynix Semiconductor Inc.. (Attachments: # <u>1</u> Appendix 1# <u>2</u> Appendix 2# <u>3</u> Appendix 3# <u>4</u> Appendix 4) (McFarlane, Robert) (Filed on 3/2/2006) (Entered: 03/02/2006)
03/02/2006	<u>92</u>	Reply Memorandum <i>In Support of Plaintiff Hynix's Claim Construction Brief</i> filed by Hynix Semiconductor Inc.. (Furniss, Daniel) (Filed on 3/2/2006) (Entered: 03/02/2006)
03/02/2006	<u>93</u>	Declaration of Daniel J. Furniss in Support of <u>92</u> Reply Memorandum of <i>Hynix Semiconductor, Inc 's Claim Construction Brief</i> filed by Hynix Semiconductor Inc.. (Attachments: # <u>1</u> Exhibit R# <u>2</u> Exhibit S# <u>3</u> Exhibit T# <u>4</u> Exhibit U# <u>5</u> Exhibit V# <u>6</u> Exhibit W# <u>7</u> Exhibit X# <u>8</u> Exhibit Y# <u>9</u> Exhibit Z# <u>10</u> Exhibit AA# <u>11</u> Exhibit BB# <u>12</u> Exhibit CC# <u>13</u> Exhibit DD# <u>14</u> Exhibit EE)(Related document(s) <u>92</u>) (Furniss, Daniel) (Filed on 3/2/2006) (Entered: 03/02/2006)
03/21/2006	<u>94</u>	NOTICE of Appearance by Eric P. Jacobs <i>Notice of Appearance of Eric P Jacobs</i> (Jacobs, Eric) (Filed on 3/21/2006) (Entered: 03/21/2006)
03/22/2006	<u>95</u>	STIPULATION AND <i>[PROPOSED] ORDER REGARDING JOINT MISCELLANEOUS ADMINISTRATIVE REQUEST FOR LEAVE TO PERMIT DELIVERY AND USE OF ELECTRONIC EQUIPMENT AT MARKMAN HEARING</i> by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation. (Lam, Vincent) (Filed on 3/22/2006) (Entered: 03/22/2006)
03/27/2006	<u>96</u>	STIPULATION AND ORDER Granting joint miscellaneous administrative

		request for leave to permit delivery and use of electronic equipment at Markman hearing scheduled on 3/29/2006. Signed by Chief Judge Vaughn R Walker on 3/27/2006. (cgd, COURT STAFF) (Filed on 3/27/2006) (Entered: 03/27/2006)
03/29/2006	<u>97</u>	Minute Entry: Claims Construction Hearing held on 3/29/2006 before Chief Judge Vaughn R Walker, the court submitted the matter, court to issue written ruling. (Date Filed: 3/29/2006). (Court Reporter Kathy Wyatt.) (cgd, COURT STAFF) (Date Filed: 3/29/2006) (Entered: 03/29/2006)
04/14/2006	<u>98</u>	TRANSCRIPT of Proceedings held on 3/29/2006 before Judge Vaughn R. Walker. Court Reporter: Katherine Wyatt.. (gsa, COURT STAFF) (Filed on 4/14/2006) (Entered: 04/17/2006)
05/31/2006		CLAIM CONSTRUCTION SCHEDULE: The Court has rescheduled the claim construction hearing currently set for 5/31/2006 until 7/6/2006 9:30 AM. (cgd, COURT STAFF) (Filed on 5/31/2006) (Entered: 05/31/2006)
06/01/2006	<u>99</u>	STIPULATION TO CHANGE FURTHER CASE MANAGEMENT CONFERENCE DATE AND [PROPOSED] ORDER by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation. (Lam, Vincent) (Filed on 6/1/2006) (Entered: 06/01/2006)
06/05/2006	<u>100</u>	STIPULATION AND ORDER : Further Case Management Conference Continued from 6/27/2006 to 8/22/2006 09:00 AM.. Signed by Chief Judge Vaughn R Walker on 6/5/2006. (cgd, COURT STAFF) (Filed on 6/5/2006) (Entered: 06/05/2006)
06/07/2006		Remark : The further case management conference previously set for 6/27/2006 is vacated. (cgd, COURT STAFF) (Filed on 6/7/2006) (Entered: 06/07/2006)
07/05/2006	<u>101</u>	CLERK'S NOTICE : YOU ARE NOTIFIED THAT the Claim Construction currently scheduled for July 6, 2006 has been vacated until further notice from the court. (cgd, COURT STAFF) (Filed on 7/5/2006) (Entered: 07/05/2006)
07/05/2006	<u>102</u>	ORDER As stated in a clerk's notice filed earlier today (Doc #101), the court VACATES the claim construction hearing presently scheduled for July 6, 2006, at 9:30 AM. The court will construe the disputed terms on the submitted papers. If the court later determines that a hearing is warranted, the clerk will contact the parties to reschedule the hearing. Pat L R 4-6. Signed by Chief Judge Vaughn R Walker on 7/5/06.(vrwlc2, COURT STAFF) (Filed on 7/5/2006) (Entered: 07/05/2006)
08/11/2006	<u>103</u>	JOINT CASE MANAGEMENT STATEMENT <i>Supplemental Joint Case Management Statement and (Proposed) Supplemental Order</i> filed by Hynix Semiconductor Inc.. (McFarlane, Robert) (Filed on 8/11/2006) (Entered: 08/11/2006)
08/21/2006	<u>104</u>	Claim construction order construing some of the disputed terms of the '579, '994, '715 and '588 patents. Signed by Chief Judge Walker on 8/21/06.

		(vrwlc2, COURT STAFF) (Filed on 8/21/2006) (Entered: 08/21/2006)
08/22/2006	<u>105</u>	Minute Entry: Further Case Management Conference held on 8/22/2006 before Chief Judge Vaughn R Walker (Date Filed: 8/22/2006). Further Case Management Conference set for 1/16/2007 09:00 AM. Parties will stipulate to Patent LR disclosures and discovery schedule.() (cgd, COURT STAFF) (Date Filed: 8/22/2006) (Entered: 08/25/2006)
09/01/2006	<u>106</u>	Claim construction order construing some of the disputed terms of the '311, '519, '190 and '111 patents. Signed by Chief Judge Walker on 9/1/06. (vrwlc2, COURT STAFF) (Filed on 9/1/2006) (Entered: 09/01/2006)
09/07/2006	<u>107</u>	NOTICE by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation <i>OF CHANGE OF FIRM NAME</i> (Lam, Vincent) (Filed on 9/7/2006) (Entered: 09/07/2006)
09/11/2006	<u>108</u>	JOINT CASE MANAGEMENT STATEMENT <i>Joint Statement And Proposed Order Re Discovery Schedule</i> filed by Hynix Semiconductor Inc.. (McFarlane, Robert) (Filed on 9/11/2006) (Entered: 09/11/2006)
09/18/2006	<u>109</u>	Proposed Order re <u>108</u> Case Management Statement (Joint) <i>Hynix's [Proposed] Order Re Discovery Schedule</i> by Hynix Semiconductor Inc.. (McFarlane, Robert) (Filed on 9/18/2006) (Entered: 09/18/2006)
09/18/2006	<u>110</u>	Proposed Order <i>TOSHIBA'S [PROPOSED] ORDER RE DISCOVERY SCHEDULE</i> by Toshiba Corporation. (Lam, Vincent) (Filed on 9/18/2006) (Entered: 09/18/2006)
09/25/2006	<u>111</u>	NOTICE of Appearance by Vincent S. Lam <i>NOTICE OF ENTRY OF APPEARANCE [OF WILLIAM H WRIGHT, HOGAN & HARTSON LLP]</i> (Lam, Vincent) (Filed on 9/25/2006) (Entered: 09/25/2006)
09/26/2006	<u>112</u>	ORDER re <u>109</u> case management order filed by Hynix Semiconductor Inc. The Order re Discovery submitted by Hynix and as MODIFIED and set forth is hereby adopted by the Court as the Case Management Order for the case and the parties are ORDERED to comply with this Order. Signed by Chief Judge Vaughn R Walker on 9/26/2006. (cgd, COURT STAFF) (Filed on 9/26/2006) (Entered: 09/26/2006)
10/12/2006	<u>113</u>	Declaration of MEGAN OLESEK <i>IN SUPPORT OF THE TOSHIBA ENTITIES' MOTION FOR LEAVE TO AMEND REPLIES TO COUNTERCLAIMS OF HYNIX SEMICONDUCTOR INC.</i> filed by Toshiba Corporation. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J# <u>11</u> Exhibit K# <u>12</u> Exhibit L# <u>13</u> Exhibit M)(Olesek, Megan) (Filed on 10/12/2006) (Entered: 10/12/2006)
10/12/2006	<u>114</u>	NOTICE by Toshiba Corporation re <u>113</u> Declaration in Support, <i>MANUAL FILING NOTIFICATION OF CONFIDENTIAL EXHIBITS N THROUGH S TO DECLARATION OF MEGAN OLESEK IN SUPPORT OF THE TOSHIBA ENTITIES' MOTION FOR LEAVE TO AMEND REPLIES TO</i>

		<i>COUNTERCLAIMS OF HYNIX SEMICONDUCTOR INC.</i> (Olesek, Megan) (Filed on 10/12/2006) (Entered: 10/12/2006)
10/12/2006	<u>115</u>	CERTIFICATE OF SERVICE by Toshiba Corporation <i>OF CONFIDENTIAL EXHIBITS N THROUGH S TO DECLARATION OF MEGAN OLESEK IN SUPPORT OF THE TOSHIBA ENTITIES' MOTION FOR LEAVE TO AMEND REPLIES TO COUNTERCLAIMS OF HYNIX SEMICONDUCTOR INC.</i> (Olesek, Megan) (Filed on 10/12/2006) (Entered: 10/12/2006)
10/12/2006	<u>116</u>	MOTION to Seal Document <i>The Toshiba Entities' Administrative Motion to File Documents Under Seal</i> filed by Toshiba Corporation. Motion Hearing set for 11/16/2006 02:00 PM. (Olesek, Megan) (Filed on 10/12/2006) (Entered: 10/12/2006)
10/12/2006	<u>117</u>	Declaration of MEGAN OLESEK <i>IN SUPPORT OF THE TOSHIBA ENTITIES' ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL</i> filed by Toshiba Corporation. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Olesek, Megan) (Filed on 10/12/2006) (Entered: 10/12/2006)
10/12/2006	<u>118</u>	Proposed Order <i>Granting the Toshiba Entities' Administrative Motion to File Documents Under Seal</i> by Toshiba Corporation. (Olesek, Megan) (Filed on 10/12/2006) (Entered: 10/12/2006)
10/12/2006	<u>119</u>	MOTION to Amend/Correct <i>THE TOSHIBA ENTITIES' MOTON FOR LEAVE TO AMEND REPLIES TO COUNTERLCLAIMS OF HYNIX SEMICONDUCTOR INC.</i> filed by Toshiba Corporation. Motion Hearing set for 11/16/2006 02:00 PM. (Olesek, Megan) (Filed on 10/12/2006) (Entered: 10/12/2006)
10/12/2006	<u>120</u>	Proposed Order <i>Granting the Toshiba Entities' Motion for Leave to Amend Replies to Counterclaims of Hynix Semiconductor</i> by Toshiba Corporation. (Olesek, Megan) (Filed on 10/12/2006) (Entered: 10/12/2006)
10/12/2006	<u>124</u>	EXHIBIT N re <u>113</u> Declaration in Support, filed by Toshiba Corporation. FILED UNDER SEAL. (Related document(s) <u>113</u>) (gsa, COURT STAFF) (Filed on 10/12/2006) (Entered: 10/25/2006)
10/12/2006	<u>125</u>	EXHIBIT O re <u>113</u> Declaration in Support, filed by Toshiba Corporation. FILED UNDER SEAL (Related document(s) <u>113</u>) (gsa, COURT STAFF) (Filed on 10/12/2006) (Entered: 10/25/2006)
10/12/2006	<u>128</u>	EXHIBIT R re <u>113</u> Declaration in Support, filed by Toshiba Corporation. FILED UNDER SEAL. (Related document(s) <u>113</u>) (gsa, COURT STAFF) (Filed on 10/12/2006) (Entered: 10/25/2006)
10/17/2006	<u>121</u>	Declaration of Steven W. Flanders in Support of <u>116</u> MOTION to Seal Document <i>The Toshiba Entities' Administrative Motion to File Documents Under Seal Civil L.R. 79-5(d) Declaration of Steven W Flanders in Support Of Defendants' Administrative Motion To File Document Under Seal</i> filed by Hynix Semiconductor Inc.. (Related document(s) <u>116</u>) (McFarlane, Robert) (Filed on 10/17/2006) (Entered: 10/17/2006)
10/17/2006	<u>122</u>	Proposed Order re <u>116</u> MOTION to Seal Document <i>The Toshiba Entities' Administrative Motion to File Documents Under Seal [Proposed] Order</i>

		<i>Granting Toshiba's Administrative Motion For An Order Permitting The Filing Under Seal Of Certain Exhibits To Declaration Of Megan Olesek In Support Of Defendants' Administrative Motion To File Documents Under Seal</i> by Hynix Semiconductor Inc.. (McFarlane, Robert) (Filed on 10/17/2006) (Entered: 10/17/2006)
10/25/2006	<u>123</u>	ORDER by Chief Judge Vaughn R Walker granting <u>116</u> <u>118</u> Motion to Seal Document, Exhibits N-S. (cgd, COURT STAFF) (Filed on 10/25/2006) (Entered: 10/25/2006)
10/25/2006	<u>126</u>	EXHIBIT P re <u>113</u> Declaration in Support, filed by Toshiba Corporation. FILED UNDER SEAL (Related document(s) <u>113</u>) (gsa, COURT STAFF) (Filed on 10/25/2006) (Entered: 10/25/2006)
10/25/2006	<u>127</u>	EXHIBIT Q re <u>113</u> Declaration in Support, filed by Toshiba Corporation. FILED UNDER SEAL (Related document(s) <u>113</u>) (gsa, COURT STAFF) (Filed on 10/25/2006) (Entered: 10/25/2006)
10/25/2006	<u>129</u>	EXHIBIT S re <u>113</u> Declaration in Support, filed by Toshiba Corporation. FILED UNDER SEAL. (Related document(s) <u>113</u>) (gsa, COURT STAFF) (Filed on 10/25/2006) (Entered: 10/25/2006)
10/26/2006	<u>130</u>	MOTION to Seal Document <i>Hynix Semiconductor Inc.'s Administrative Motion To File Documents Under Seal</i> filed by Hynix Semiconductor Inc.. (McFarlane, Robert) (Filed on 10/26/2006) (Entered: 10/26/2006)
10/26/2006	<u>131</u>	Declaration of Steven W. Flanders <i>Civil L.R. 79-5(d) Declaration of Steven W. Flanders In Support Of Hynix Semiconductor Inc.'s Administrative Motion To File Document Under Seal</i> filed by Hynix Semiconductor Inc.. (McFarlane, Robert) (Filed on 10/26/2006) (Entered: 10/26/2006)
10/26/2006	<u>132</u>	Proposed Order <i>Stipulation And [Proposed] Order Granting Hynix Semiconductor Inc.'s Administrative Motion To File Documents Under Seal</i> by Hynix Semiconductor Inc.. (McFarlane, Robert) (Filed on 10/26/2006) (Entered: 10/26/2006)
10/26/2006	<u>133</u>	Memorandum in Opposition re <u>119</u> MOTION to Amend/Correct <i>THE TOSHIBA ENTITIES' MOTON FOR LEAVE TO AMEND REPLIES TO COUNTERLCLAIMS OF HYNIX SEMICONDUCTOR INC [REDACTED VERSION] HYNIX SEMICONDUCTOR INC 'S OPPOSITION TO THE TOSHIBA ENTITIES' MOTION FOR LEAVE TO AMEND REPLIES TO COUNTERCLAIMS OF HYNIX SEMICONDUCTOR, INC</i> filed by Hynix Semiconductor Inc.. (McFarlane, Robert) (Filed on 10/26/2006) (Entered: 10/26/2006)
10/26/2006	<u>134</u>	DECLARATION of Steven W. Flanders in Opposition to <u>119</u> MOTION to Amend/Correct <i>THE TOSHIBA ENTITIES' MOTON FOR LEAVE TO AMEND REPLIES TO COUNTERLCLAIMS OF HYNIX SEMICONDUCTOR INC Declaration of Steven W Flanders In Support Of Hynix Semiconductor Inc 's Opposition To The Toshiba Entities' Motion For Leave To Amend Replies To Counterclaims Of Hynix Semiconductor Inc.</i> filed by Hynix Semiconductor Inc.. (Attachments: # <u>1</u> Exhibit Exhibits A-I# <u>2</u> Proposed Order [Proposed] Order Denying The Toshiba Entities' Motion For Leave To

		Amend Replies To Counterclaims Of Hynix Semiconductor Inc.)(Related document(s) <u>119</u>) (McFarlane, Robert) (Filed on 10/26/2006) (Entered: 10/26/2006)
10/26/2006	<u>138</u>	MEMORANDUM in Opposition to the Toshiba Entities' Motion for Leave to Amend Replies to Counterclaims of Hynix Semiconductor, Inc. filed by Hynix Semiconductor Inc. FILED UNDER SEAL. (gsa, COURT STAFF) (Filed on 10/26/2006) (Entered: 11/06/2006)
10/26/2006	<u>139</u>	EXHIBITS B and D-H re <u>121</u> Declaration in Support, filed by Hynix Semiconductor Inc. FILED UNDER SEAL. (Related document(s) <u>121</u>) (gsa, COURT STAFF) (Filed on 10/26/2006) (Entered: 11/06/2006)
10/31/2006	<u>135</u>	ORDER by Chief Judge Walker granting <u>119</u> Motion to Amend/Correct; Toshiba is required to E-FILE the amended document (vrvlc2, COURT STAFF) (Filed on 10/31/2006) (Entered: 10/31/2006)
11/01/2006	<u>137</u>	ORDER by Chief Judge Vaughn R Walker granting <u>130</u> Motion to Seal Documents Hynix brief and exhibits B,D,E,F,G,H. (cgd, COURT STAFF) (Filed on 11/1/2006) (Entered: 11/03/2006)
11/02/2006	<u>136</u>	STIPULATION <i>and [Proposed] Order Extending Deadline For Mediation And Extending Deadline For Subsequent Disclosures Under Local Patent Rules</i> by Hynix Semiconductor Inc.. (McFarlane, Robert) (Filed on 11/2/2006) (Entered: 11/02/2006)
11/06/2006	<u>140</u>	STIPULATION AND ORDER EXTENDING DEADLINE FOR MEDIATION AND EXTENDING DEADLINE FOR SUBSEQUENT DISCLOSURES UNDER LOCAL PATENT RULES. The deadline to complete a mediation shall be extended to 12/15/2006 so that the Parties may complete their mediation before Judge Lynch. The deadline for disclosures under the Local Patent Rules shall be extended to 12/20/2006. Signed by Chief Judge Vaughn R Walker on 11/6/2006. (cgd, COURT STAFF) (Filed on 11/6/2006) (Entered: 11/06/2006)
11/08/2006	<u>141</u>	ERRONEOUS DOCKET ENTRY - See #150 Reply Memorandum <i>[AMENDED] TO HYNIX'S FIRST AMENDED COUNTERCLAIMS AND JURY DEMAND</i> filed by Toshiba America Electronic Components, Inc.. (Olesek, Megan) (Filed on 11/8/2006) Modified on 11/9/2006 (gsa, COURT STAFF). (Entered: 11/08/2006)
11/08/2006	<u>142</u>	ERRONEOUS DOCKET ENTRY - See #151 Reply Memorandum <i>[AMENDED] TO HYNIX'S FIRST AMENDED COUNTERCLAIMS AND JURY DEMAND</i> filed by Toshiba Corporation. (Olesek, Megan) (Filed on 11/8/2006) Modified on 11/9/2006 (gsa, COURT STAFF). (Entered: 11/08/2006)
11/08/2006	<u>143</u>	ERRONEOUS DOCKET ENTRY - See #152 Reply Memorandum <i>[AMENDED] TO HYNIX'S FIRST AMENDED COUNTERCLAIMS AND JURY DEMAND</i> filed by Toshiba America Information Systems, Inc.. (Olesek, Megan) (Filed on 11/8/2006) Modified on 11/9/2006 (gsa, COURT STAFF). (Entered: 11/08/2006)

11/08/2006	<u>144</u>	ERRONEOUS DOCKET ENTRY - See #153 Reply Memorandum <i>REDACTED [FIRST AMENDED] TO HYNIX'S COUNTERCLAIMS</i> filed by Toshiba America Business Solutions, Inc. (Olesek, Megan) (Filed on 11/8/2006) Modified on 11/9/2006 (gsa, COURT STAFF). (Entered: 11/08/2006)
11/08/2006	<u>145</u>	ANSWER TO COUNTERCLAIM <i>[REDACTED] [FIRST AMENDED] REPLY TO HYNIX'S COUNTERCLAIMS</i> Toshiba America Consumer Products, L.L.C., (Olesek, Megan) (Filed on 11/8/2006) Modified on 11/8/2006 (ewn, COURT STAFF). (Entered: 11/08/2006)
11/08/2006	<u>146</u>	ANSWER TO COUNTERCLAIM <i>[REDACTED] [FIRST AMENDED] REPLY TO HYNIX'S COUNTERCLAIMS</i> by Toshiba America Electronic Components, Inc., (Olesek, Megan) (Filed on 11/8/2006) (Entered: 11/08/2006)
11/08/2006	<u>147</u>	ANSWER TO COUNTERCLAIM <i>[REDACTED] [FIRST AMENDED] REPLY TO HYNIX'S COUNTERCLAIMS</i> by Toshiba America Information Systems, Inc. (Olesek, Megan) (Filed on 11/8/2006) (Entered: 11/08/2006)
11/08/2006	<u>148</u>	ANSWER TO COUNTERCLAIM <i>[REDACTED] [FIRST AMENDED] REPLY TO HYNIX'S COUNTERCLAIMS</i> by Toshiba America Medical Systems, Inc.. (Olesek, Megan) (Filed on 11/8/2006) (Entered: 11/08/2006)
11/08/2006	<u>149</u>	ANSWER TO COUNTERCLAIM <i>[REDACTED] [FIRST AMENDED] REPLY TO HYNIX'S COUNTERCLAIMS</i> by Toshiba Corporation. (Olesek, Megan) (Filed on 11/8/2006) (Entered: 11/08/2006)
11/08/2006	<u>154</u>	FIRST AMENDED REPLY TO Hynix Semiconductor Inc's Counterclaim by Toshiba Corporations. FILED UNDER SEAL. (gsa, COURT STAFF) (Filed on 11/8/2006) (Entered: 11/16/2006)
11/08/2006	<u>155</u>	FIRST AMENDED REPLY TO Hynix Semiconductor Inc's Counterclaims by Toshiba America Electronic Components, Inc. FILED UNDER SEAL. (gsa, COURT STAFF) (Filed on 11/8/2006) (Entered: 11/16/2006)
11/08/2006	<u>156</u>	FIRST AMENDED REPLY TO Hynix Semiconductor Inc's Counterclaims by Toshiba America Consumer Products, L.L.C. FILED UNDER SEAL. (gsa, COURT STAFF) (Filed on 11/8/2006) (Entered: 11/16/2006)
11/08/2006	<u>157</u>	FIRST AMENDED REPLY TO Hynix Semiconductor Inc's Counterclaims by Toshiba America Information Systems, Inc. FILED UNDER SEAL. (gsa, COURT STAFF) (Filed on 11/8/2006) (Entered: 11/16/2006)
11/08/2006	<u>158</u>	FIRST AMENDED REPLY TO Hynix Semiconductor Inc's Counterclaims by Toshiba America Business Solutions, Inc. FILED UNDER SEAL. (gsa, COURT STAFF) (Filed on 11/8/2006) (Entered: 11/16/2006)
11/08/2006	<u>159</u>	FIRST AMENDED REPLY TO Hynix Semiconductor Inc's Counterclaims by Toshiba America Medical Systems, Inc. FILED UNDER SEAL. (gsa, COURT STAFF) (Filed on 11/8/2006) (Entered: 11/16/2006)
11/09/2006	<u>150</u>	ANSWER TO COUNTERCLAIM <i>[AMENDED] REPLY TO HYNIX'S FIRST AMENDED COUNTERCLAIMS AND JURY DEMAND</i> by Toshiba America

		Electronic Components, Inc., (Olesek, Megan) (Filed on 11/9/2006) (Entered: 11/09/2006)
11/09/2006	<u>151</u>	ANSWER TO COUNTERCLAIM <i>[AMENDED]</i> REPLY TO HYNIX'S FIRST AMENDED COUNTERCLAIMS AND JURY DEMAND by Toshiba Corporation. (Olesek, Megan) (Filed on 11/9/2006) (Entered: 11/09/2006)
11/09/2006	<u>152</u>	ANSWER TO COUNTERCLAIM <i>[AMENDED]</i> REPLY TO HYNIX'S FIRST AMENDED COUNTERCLAIMS AND JURY DEMAND by Toshiba America Information Systems, Inc.. (Olesek, Megan) (Filed on 11/9/2006) (Entered: 11/09/2006)
11/09/2006	<u>153</u>	ANSWER TO COUNTERCLAIM <i>[REDACTED]</i> <i>[FIRST AMENDED]</i> REPLY TO HYNIX'S COUNTERCLAIMS by Toshiba America Business Solutions, Inc.. (Olesek, Megan) (Filed on 11/9/2006) (Entered: 11/09/2006)
12/07/2006	<u>160</u>	STIPULATION AND <i>[PROPOSED]</i> ORDER EXTENDING DEADLINE FOR MEDIATION by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation. (Lam, Vincent) (Filed on 12/7/2006) (Entered: 12/07/2006)
12/08/2006	<u>161</u>	STIPULATION AND ORDER extending deadline for Mediation. The deadline to complete mediation shall be extended to 2/1/2007. The extensions of time provided does not alter any further deadlines previously agreed by the parties or set by the court. Signed by Chief Judge Vaughn R Walker on 12/8/2006. (cgd, COURT STAFF) (Filed on 12/8/2006) (Entered: 12/11/2006)
12/19/2006	<u>162</u>	STIPULATION AND <i>[PROPOSED]</i> ORDER EXTENDING DISCOVERY SCHEDULE by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation. (Lam, Vincent) (Filed on 12/19/2006) (Entered: 12/19/2006)
12/27/2006	<u>163</u>	STIPULATION AND ORDER EXTENDING DISCOVERY SCHEDULE. The Stipulation and Order Extending Discovery Schedule is hereby adopted by the Court. The parties are directed to comply with this Order. Signed by Chief Judge Vaughn R Walker on 12/27/2006. (cgd, COURT STAFF) (Filed on 12/27/2006) (Entered: 12/27/2006)
01/04/2007	<u>164</u>	STIPULATION <i>Joint Stipulation and [Proposed] Order Requesting Continuance of January 16, 2007 Case Management Conference</i> by Hynix Semiconductor Inc.. (McFarlane, Robert) (Filed on 1/4/2007) (Entered: 01/04/2007)
01/08/2007	<u>165</u>	STIPULATION AND ORDER. The Case Management Conference presently scheduled for 1/16/2007 shall be continued until 2/13/2007 at 9:00 AM. Signed by Chief Judge Vaughn R Walker on 1/8/2007. (cgd, COURT STAFF) (Filed on 1/8/2007) (Entered: 01/08/2007)
01/08/2007		Set/Reset Hearings: Case Management Conference set for 2/13/2007 09:00

		AM. Case Management Statement due 2/6/2007. (cgd, COURT STAFF) (Filed on 1/8/2007) (Entered: 01/08/2007)
01/11/2007	<u>166</u>	MOTION to Related Case <i>ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED, PURSUANT TO L.R. 3-12</i> filed by Toshiba Corporation. (Attachments: # <u>1</u> Proposed Order [PROPOSED] RELATED CASE ORDER)(Lam, Vincent) (Filed on 1/11/2007) (Entered: 01/11/2007)
01/11/2007	<u>167</u>	STIPULATION re <u>166</u> MOTION to Related Case <i>ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED, PURSUANT TO L.R. 3-12</i> by Toshiba Corporation. (Lam, Vincent) (Filed on 1/11/2007) (Entered: 01/11/2007)
01/23/2007	<u>168</u>	ORDER by Chief Judge Vaughn R Walker granting <u>166</u> Motion to Relate Cases C04-4708 and C07-0153. (cgd, COURT STAFF) (Filed on 1/23/2007) (Entered: 01/24/2007)
01/23/2007	<u>169</u>	STIPULATION AND ORDER relating C04-4708 and C07-0153 under Civil L.R. 3-12. Signed by Chief Judge Vaughn R Walker on 1/23/2007. (cgd, COURT STAFF) (Filed on 1/23/2007) (Entered: 01/24/2007)
01/24/2007	<u>170</u>	STIPULATION AND [PROPOSED] ORDER EXTENDING DEADLINE FOR MEDIATION by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation. (Lam, Vincent) (Filed on 1/24/2007) (Entered: 01/24/2007)
01/25/2007	<u>171</u>	STIPULATION AND ORDER EXTENDING DEADLINE FOR MEDIATION. The deadline to complete a mediation shall be extended to 4/2/2007 so that the Parties may complete their mediation before Judge Lynch. The extensions of time provided in the stipulation do not alter any further deadlines previously agreed by the Parties or set by the Court. Signed by Chief Judge Vaughn R Walker on 1/25/2007. (cgd, COURT STAFF) (Filed on 1/25/2007) (Entered: 01/25/2007)
01/31/2007	<u>172</u>	STIPULATION AND [PROPOSED] ORDER EXTENDING DISCOVERY SCHEDULE by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation. (Lam, Vincent) (Filed on 1/31/2007) (Entered: 01/31/2007)
01/31/2007	<u>173</u>	STIPULATION JOINT REQUESTING CONTINUANCE OF FEBRUARY 13, 2007 CASE MANAGEMENT CONFERENCE AND [PROPOSED] ORDER by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation. (Lam, Vincent) (Filed on 1/31/2007) (Entered: 01/31/2007)
02/02/2007	<u>174</u>	STIPULATION AND ORDER EXTENDING DISCOVERY SCHEDULE.

		Signed by Chief Judge Vaughn R Walker on 2/2/2007. (cgd, COURT STAFF) (Filed on 2/2/2007) (Entered: 02/02/2007)
02/02/2007	<u>175</u>	STIPULATION AND ORDER to continue Case Management Conference from 2/13/2007 to 4/17/2007 at 9:00 AM. Signed by Chief Judge Vaughn R Walker on 2/2/2007. (cgd, COURT STAFF) (Filed on 2/2/2007) (Entered: 02/02/2007)
02/02/2007		Set Deadlines/Hearings: Case Management Statement due by 4/10/2007. Further Case Management Conference set for 4/17/2007 09:00 AM. (cgd, COURT STAFF) (Filed on 2/2/2007) (Entered: 02/02/2007)
02/05/2007	<u>176</u>	MOTION to Stay <i>Hynix's Notice of Motion and Motion to Stay Certain Proceedings Pending Determination in ITC Action; Memorandum of Points and Authorities in Support Thereof</i> filed by Hynix Semiconductor Inc.. Motion Hearing set for 3/15/2007 02:00 PM in Courtroom 6, 17th Floor, San Francisco. (Attachments: # <u>1</u> Proposed Order)(McFarlane, Robert) (Filed on 2/5/2007) (Entered: 02/05/2007)
02/05/2007	<u>177</u>	Declaration in Support of <u>176</u> MOTION to Stay <i>Hynix's Notice of Motion and Motion to Stay Certain Proceedings Pending Determination in ITC Action; Memorandum of Points and Authorities in Support Thereof Declaration of Robert A. McFarlane in Support of Motion to Stay Certain Proceedings Pending Determination in ITC Action</i> filed by Hynix Semiconductor Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Related document(s) <u>176</u>) (McFarlane, Robert) (Filed on 2/5/2007) (Entered: 02/05/2007)
02/16/2007	<u>178</u>	Statement of Non-Opposition <i>IN RESPONSE TO HYNIX'S MOTION TO STAY PROCEEDINGS</i> filed by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation. (Lam, Vincent) (Filed on 2/16/2007) (Entered: 02/16/2007)
03/13/2007		CLERK'S NOTICE vacating the hearing noticed for 3/15/2007 on Hynix's motion to stay certain proceedings pending determination in ITC action, and Toshiba's filing of non-opposition brief to the motion. (cgk, COURT STAFF) (Filed on 3/13/2007) (Entered: 03/13/2007)
03/14/2007	<u>179</u>	ORDER GRANTING MOTION TO STAY CERTAIN PROCEEDINGS PENDING DETERMINATION IN ITC ACTION re <u>176</u> . Pursuant to 28 U.S.C. 1659, C07-0153 is hereby stayed, and proceedings in C05-4547 are stayed as to U.S. Patent No. 6,424,588, pending notice to the Court that final determination has been entered in the International Trade Commission in its section 337 investigation regarding these three patents. Signed by Chief Judge Vaughn R Walker on 3/14/2007. (cgk, COURT STAFF) (Filed on 3/14/2007) (Entered: 03/14/2007)
03/27/2007	<u>180</u>	STIPULATION of Dismissal <i>AND [PROPOSED] ORDER DISMISSING ACTIONS PURSUANT TO RULE 41(a)</i> by Toshiba America Business Solutions, Inc., Toshiba America Consumer Products, L.L.C., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Medical Systems, Inc., Toshiba Corporation.

		(Lam, Vincent) (Filed on 3/27/2007) (Entered: 03/27/2007)
03/30/2007	<u>181</u>	STIPULATION AND ORDER DISMISSING CASE pursuant to Rule 41(a). It is hereby stipulated by and between the parties to this action through their designated counsel that this action and all related actions be and hereby are DISMISSED WITHOUT PREJUDICE pursuant to FRCP 41(a)(1). Each party is to bear its own costs, expenses and attorneys fees. Signed by Chief Judge Vaughn R Walker on 3/30/2007. (cgk, COURT STAFF) (Filed on 3/30/2007) (Entered: 03/30/2007)

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NORTHERN DISTRICT OF CALIFORNIA
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7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 TOSHIBA CORPORATION,
11 Plaintiff,

004-04708 JCS

12 v.

**COMPLAINT FOR DECLARATORY
JUDGMENT OF NON-INFRINGEMENT AND
INVALIDITY**

13 HYNIX SEMICONDUCTOR INC., and
14 HYNIX SEMICONDUCTOR AMERICA
INC.

DEMAND FOR JURY TRIAL

15 Defendants.
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1 Plaintiff, TOSHIBA CORPORATION, hereby demands a jury trial and alleges as follows:

2 **PARTIES**

3 1. Plaintiff TOSHIBA CORPORATION ("Toshiba") is a Japanese corporation,
4 having its principal place of business at 1-1 Shibaura 1-Chome, Minato-Ku, Tokyo 105-8001,
5 Japan.

6 2. Upon information and belief, Defendant HYNIX SEMICONDUCTOR INC.
7 ("HSI") is a Korean corporation, having its principal place of business at San 136-1, Ami-Ri
8 Bubal-eub Ichon-si Kyoungki-do, Korea 467-860.

9 3. Upon information and belief, Defendant HYNIX SEMICONDUCTOR AMERICA
10 ("HSA") is a California corporation, having its principal place of business at 3101 North First
11 Street, San Jose, California 95134.

12 4. HSI and HSA are collectively referred to herein as "Defendants."

13
14 **JURISDICTION AND VENUE**

15 5. *This court has subject matter jurisdiction over this action as provided for in 28*
16 *U.S.C. §§ 1331, 1338, 2201 and 2202, and pursuant to the Patent Laws of the United States, 35*
17 *U.S.C. § 1 et seq.*

18 6. This court has personal jurisdiction over Defendants because Defendants have
19 sufficient minimum contacts with this State. In particular, Defendants maintain offices in this
20 State and, on information and belief, conduct substantial business within the State.

21 7. Venue in this judicial district is proper under the provisions of 28 U.S.C. §§
22 1391(b), (c), and (d), and 1400(b).

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24 **THE PATENTS**

25 8. On January 5, 1988, United States Patent No. 4,718,019 ("the '019 patent"), titled
26 *Electron Beam Exposure System and an Apparatus for Carrying Out a Pattern Unwinder*, was
27 issued.

1 9. On information and belief, HSI is the assignee and the owner of all right, title, and
2 interest in and to the '019 patent.

3 10. On July 9, 1991, United States Patent No. 5,031,111 ("the 111 patent"), titled
4 *Automated Circuit Design Method*, was issued.

5 11. On information and belief, HSI is the assignee and the owner of all right, title, and
6 interest in and to the '111 patent.

7 12. On March 27, 2001, Reexamination Certificate 4297 was issued for the '111
8 patent.

9 13. On June 6, 1995, United States Patent No. 5,422,311 ("the '311 patent"), titled
10 *Method for Manufacturing a Conductor Layer in a Semiconductor Device*, was issued.

11 14. On information and belief, HSI is the assignee and the owner of all right, title, and
12 interest in and to the '311 patent.

13 15. On April 23, 1996, United States Patent No. 5,509,995 ("the '995 patent"), titled
14 *Process for Anisotropically Etching Semiconductor Material*, was issued.

15 16. On information and belief, HSI is the assignee and the owner of all right, title, and
16 interest in and to the '995 patent.

17 17. On April 30, 1996, United States Patent No. 5,512,519 ("the '519 patent"), titled
18 *Method for Forming a Silicon Insulating Layer in a Semiconductor Device*, was issued.

19 18. On information and belief, HSI is the assignee and the owner of all right, title, and
20 interest in and to the '519 patent.

21 19. On September 2, 1997, United States Patent No. 5,663,102 ("the '102 patent"),
22 titled *Method for Forming Multi-Layered Metal Wiring Semiconductor Element Using CMP or*
23 *Etch Back*, was issued.

24 20. On information and belief, HSI is the assignee and the owner of all right, title, and
25 interest in and to the '102 patent.

26 21. On September 15, 1998, United States Patent No. 5,807,728 ("the '728 patent"),
27 titled *Thin Film Transistor for Antistatic Circuit and Method for Fabricating the Same*, was
28 issued.

1 22. On information and belief, HSI is the assignee and the owner of all right, title, and
2 interest in and to the '728 patent.

3 23. On January 19, 1999, United States Patent No. 5,861,334 ("the '334 patent"), titled
4 *Method for Fabricating Semiconductor Device Having a Buried Channel*, was issued.

5 24. On information and belief, HSI is the assignee and the owner of all right, title, and
6 interest in and to the '334 patent.

7 25. On February 9, 1999, United States Patent No. 5,869,404 ("the '404 patent"), titled
8 *Method for Forming a Contact Hole of Semiconductor Device*, was issued.

9 26. On information and belief, HSI is the assignee and the owner of all right, title, and
10 interest in and to the '404 patent.

11 27. On March 27, 2001, United States Patent No. 6,207,997 ("the '997 patent"), titled
12 *Thin Film Transistor for Antistatic Circuit and Method for Fabricating the Same*, was issued.

13 28. On information and belief, HSI is the assignee and the owner of all right, title, and
14 interest in and to the '997 patent.

15 29. On December 11, 2001, United States Patent No. 6,330,190 ("the '190 patent"),
16 titled *Semiconductor Structure for Flash Memory Enabling Low Operating Potentials*, was
17 issued.

18 30. On information and belief, HSA is the assignee and the owner of all right, title,
19 and interest in and to the '190 patent.

20 31. The '019 patent, the '111 patent, the '311 patent, the '995 patent, the '519 patent,
21 the '102 patent, the '728 patent, the '334 patent, the '404 patent, the '997 patent, and the '190
22 patent are collectively referred to herein as "the patents-at-issue."

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ASSERTION BY DEFENDANTS

25 32. Commencing in approximately September 2003, Defendants have asserted the
26 patents-at-issue against Toshiba. Specifically, Defendants have alleged that Toshiba has been and
27 is making, using, offering for sale, selling, and/or importing into the United States devices that
28 embody the alleged inventions disclosed and claimed in the patents-at-issue. Despite Toshiba's

1 denial, Defendants have persisted in this assertion.

2

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COUNT I
(Declaratory Judgment – Non-Infringement of the '019 Patent)

4

33. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through

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34. This is an action for declaratory judgment of non-infringement of any valid claim

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of the '019 patent.

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35. There exists an actual and justiciable controversy between HSI and Toshiba

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concerning whether the claims of the '019 patent are infringed by Toshiba.

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36. HSI has alleged, and continues to allege, that Toshiba has been and is making,

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using, offering for sale, selling and/or importing into the United States devices that embody the

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alleged invention disclosed and claimed in the '019 patent.

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37. HSI has alleged, and continues to allege, that Toshiba has induced and contributed

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to infringement of the '019 patent by others.

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38. HSI alleged, and continues to allege, that Toshiba's alleged infringement was

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willful and deliberate.

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39. HSI alleged, and continues to allege, that it has been and will continue to be

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irreparably harmed by Toshiba's alleged infringement.

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40. HSI alleged, and continues to allege, that it has no adequate remedy at law.

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41. Toshiba denies HSI's allegations.

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42. Toshiba has not been, and is not now, making, using, offering for sale, selling

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and/or importing into the United States devices that embody the alleged invention disclosed and

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claimed in the '019 patent, either literally or under the doctrine of equivalents.

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43. Toshiba has not induced other to infringe, and is not now inducing others to

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infringe, any valid claim of the '019 patent, either literally or under the doctrine of equivalents.

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44. Toshiba has not contributed to infringement, and is not now contributing to

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infringement, of any valid claim of the '019 patent, either literally or under the doctrine of

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equivalents.

1 45. Toshiba desires and requests a judicial determination and declaration of the
2 *respective rights and duties of the parties based on the disputes recited above. Such a*
3 *determination and declaration is necessary and appropriate at this times so that the parties may*
4 *ascertain their respective rights and duties regarding the non-infringement of the '019 patent.*

5
6 **COUNT II**
(Declaratory Judgment – Invalidity of the '019 Patent)

7 46. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through
8 32.

9 47. This is an action for declaratory judgment of the invalidity of the any and all
10 claims of the '019 patent.

11 48. There exists an actual and justiciable controversy between HSI and Toshiba
12 concerning whether the claims of the '019 patent are valid.

13 49. The '019 patent and its claims are invalid because they fail to comply with the
14 conditions and requirements for patentability set forth in Title 35, United States Code, including
15 but not limited to the provisions of 35 U.S.C. §§ 101, 102, 103, and/or 112.

16 50. Toshiba desires and requests a judicial determination and declaration of the
17 *respective rights and duties of the parties based on the disputes recited above. Such a*
18 *determination and declaration is necessary and appropriate at this times so that the parties may*
19 *ascertain their respective rights and duties regarding the validity of the '019 patent.*

20
21 **COUNT III**
(Declaratory Judgment – Non-Infringement of the '111 Patent)

22 51. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through
23 32.

24 52. This is an action for declaratory judgment of non-infringement of any valid claim
25 of the '111 patent.

26 53. There exists an actual and justiciable controversy between HSI and Toshiba
27 concerning whether the claims of the '111 patent are infringed by Toshiba.

28 54. HSI has alleged, and continues to allege, that Toshiba has been and is making,

1 using, offering for sale, selling and/or importing into the United States devices that embody the
2 alleged invention disclosed and claimed in the '111 patent.

3 55. HSI has alleged, and continues to allege, that Toshiba has induced and contributed
4 to infringement of the '111 patent by others.

5 56. HSI alleged, and continues to allege, that Toshiba's alleged infringement was
6 willful and deliberate.

7 57. HSI alleged, and continues to allege, that it has been and will continue to be
8 irreparably harmed by Toshiba's alleged infringement.

9 58. HSI alleged, and continues to allege, that it has no adequate remedy at law.

10 59. Toshiba denies HSI's allegations.

11 60. Toshiba has not been, and is not now, making, using, offering for sale, selling
12 and/or importing into the United States devices that embody the alleged invention disclosed and
13 claimed in the '111 patent, either literally or under the doctrine of equivalents.

14 61. Toshiba has not induced other to infringe, and is not now inducing others to
15 infringe, any valid claim of the '111 patent, either literally or under the doctrine of equivalents.

16 62. Toshiba has not contributed to infringement, and is not now contributing to
17 infringement, of any valid claim of the '111 patent, either literally or under the doctrine of
18 equivalents.

19 63. Toshiba desires and requests a judicial determination and declaration of the
20 respective rights and duties of the parties based on the disputes recited above. Such a
21 determination and declaration is necessary and appropriate at this time so that the parties may
22 ascertain their respective rights and duties regarding the non-infringement of the '111 patent.

23
24 **COUNT IV**
(Declaratory Judgment – Invalidity of the '111 Patent)

25 64. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through
26 32.

27 65. This is an action for declaratory judgment of the invalidity of the any and all
28 claims of the '111 patent.

1 66. There exists an actual and justiciable controversy between HSI and Toshiba
2 concerning whether the claims of the '111 patent are valid.

3 67. The '111 patent and its claims are invalid because they fail to comply with the
4 conditions and requirements for patentability set forth in Title 35, United States Code, including
5 but not limited to the provisions of 35 U.S.C. §§ 101, 102, 103, and/or 112.

6 68. Toshiba desires and requests a judicial determination and declaration of the
7 respective rights and duties of the parties based on the disputes recited above. Such a
8 determination and declaration is necessary and appropriate at this times so that the parties may
9 ascertain their respective rights and duties regarding the validity of the '111 patent.

10

11 **COUNT V**
(Declaratory Judgment – Non-Infringement of the '311 Patent)

12 69. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through
13 32.

14 70. This is an action for declaratory judgment of non-infringement of any valid claim
15 of the '311 patent.

16 71. There exists an actual and justiciable controversy between HSI and Toshiba
17 concerning whether the claims of the '311 patent are infringed by Toshiba.

18 72. HSI has alleged, and continues to allege, that Toshiba has been and is making,
19 using, offering for sale, selling and/or importing into the United States devices that embody the
20 alleged invention disclosed and claimed in the '311 patent.

21 73. HSI has alleged, and continues to allege, that Toshiba has induced and contributed
22 to infringement of the '311 patent by others.

23 74. HSI alleged, and continues to allege, that Toshiba's alleged infringement was
24 willful and deliberate.

25 75. HSI alleged, and continues to allege, that it has been and will continue to be
26 irreparably harmed by Toshiba's alleged infringement.

27 76. HSI alleged, and continues to allege, that is has no adequate remedy at law.

28 77. Toshiba denies HSI's allegations.

1 78. Toshiba has not been, and is not now, making, using, offering for sale, selling
2 and/or importing into the United States devices that embody the alleged invention disclosed and
3 claimed in the '311 patent, either literally or under the doctrine of equivalents.

4 79. Toshiba has not induced other to infringe, and is not now inducing others to
5 infringe, any valid claim of the '311 patent, either literally or under the doctrine of equivalents.

6 80. Toshiba has not contributed to infringement, and is not now contributing to
7 infringement, of any valid claim of the '311 patent, either literally or under the doctrine of
8 equivalents.

9 81. Toshiba desires and requests a judicial determination and declaration of the
10 respective rights and duties of the parties based on the disputes recited above. Such a
11 determination and declaration is necessary and appropriate at this times so that the parties may
12 ascertain their respective rights and duties regarding the non-infringement of the '311 patent.

13
14 **COUNT VI**
(Declaratory Judgment – Invalidity of the '311 Patent)

15 82. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through
16 32.

17 83. This is an action for declaratory judgment of the invalidity of the any and all
18 claims of the '311 patent.

19 84. There exists an actual and justiciable controversy between HSI and Toshiba
20 concerning whether the claims of the '311 patent are valid.

21 85. The '311 patent and its claims are invalid because they fail to comply with the
22 conditions and requirements for patentability set forth in Title 35, United States Code, including
23 but not limited to the provisions of 35 U.S.C. §§ 101, 102, 103, and/or 112.

24 86. Toshiba desires and requests a judicial determination and declaration of the
25 respective rights and duties of the parties based on the disputes recited above. Such a
26 determination and declaration is necessary and appropriate at this times so that the parties may
27 ascertain their respective rights and duties regarding the validity of the '311 patent.

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COUNT VII
(Declaratory Judgment – Non-Infringement of the '995 Patent)

87. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through 32.

88. This is an action for declaratory judgment of non-infringement of any valid claim of the '995 patent.

89. There exists an actual and justiciable controversy between HSI and Toshiba concerning whether the claims of the '995 patent are infringed by Toshiba.

90. HSI has alleged, and continues to allege, that Toshiba has been and is making, using, offering for sale, selling and/or importing into the United States devices that embody the alleged invention disclosed and claimed in the '995 patent.

91. HSI has alleged, and continues to allege, that Toshiba has induced and contributed to infringement of the '995 patent by others.

92. HSI alleged, and continues to allege, that Toshiba's alleged infringement was willful and deliberate.

93. HSI alleged, and continues to allege, that it has been and will continue to be irreparably harmed by Toshiba's alleged infringement.

94. HSI alleged, and continues to allege, that it has no adequate remedy at law.

95. Toshiba denies HSI's allegations.

96. Toshiba has not been, and is not now, making, using, offering for sale, selling and/or importing into the United States devices that embody the alleged invention disclosed and claimed in the '995 patent, either literally or under the doctrine of equivalents.

97. Toshiba has not induced other to infringe, and is not now inducing others to infringe, any valid claim of the '995 patent, either literally or under the doctrine of equivalents.

98. Toshiba has not contributed to infringement, and is not now contributing to infringement, of any valid claim of the '995 patent, either literally or under the doctrine of equivalents.

99. Toshiba desires and requests a judicial determination and declaration of the

1 respective rights and duties of the parties based on the disputes recited above. Such a
2 determination and declaration is necessary and appropriate at this times so that the parties may
3 ascertain their respective rights and duties regarding the non-infringement of the '995 patent.

4
5 **COUNT VIII**
6 **(Declaratory Judgment – Invalidity of the '995 Patent)**

7 100. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through
8 32.

9 101. This is an action for declaratory judgment of the invalidity of the any and all
10 claims of the '995 patent.

11 102. There exists an actual and justiciable controversy between HSI and Toshiba
12 concerning whether the claims of the '995 patent are valid.

13 103. The '995 patent and its claims are invalid because they fail to comply with the
14 conditions and requirements for patentability set forth in Title 35, United States Code, including
15 but not limited to the provisions of 35 U.S.C. §§ 101, 102, 103, and/or 112.

16 104. Toshiba desires and requests a judicial determination and declaration of the
17 respective rights and duties of the parties based on the disputes recited above. Such a
18 determination and declaration is necessary and appropriate at this times so that the parties may
19 ascertain their respective rights and duties regarding the validity of the '995 patent.

20 **COUNT IX**
21 **(Declaratory Judgment – Non-Infringement of the '519 Patent)**

22 105. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through
23 32.

24 106. This is an action for declaratory judgment of non-infringement of any valid claim
25 of the '519 patent.

26 107. There exists an actual and justiciable controversy between HSI and Toshiba
27 concerning whether the claims of the '519 patent are infringed by Toshiba.

28 108. HSI has alleged, and continues to allege, that Toshiba has been and is making,
using, offering for sale, selling and/or importing into the United States devices that embody the

1 alleged invention disclosed and claimed in the '519 patent.

2 109. HSI has alleged, and continues to allege, that Toshiba has induced and contributed
3 to infringement of the '519 patent by others.

4 110. HSI alleged, and continues to allege, that Toshiba's alleged infringement was
5 willful and deliberate.

6 111. HSI alleged, and continues to allege, that it has been and will continue to be
7 irreparably harmed by Toshiba's alleged infringement.

8 112. HSI alleged, and continues to allege, that is has no adequate remedy at law.

9 113. Toshiba denies HSI's allegations.

10 114. Toshiba has not been, and is not now, making, using, offering for sale, selling
11 and/or importing into the United States devices that embody the alleged invention disclosed and
12 claimed in the '519 patent, either literally or under the doctrine of equivalents.

13 115. Toshiba has not induced other to infringe, and is not now inducing others to
14 infringe, any valid claim of the '519 patent, either literally or under the doctrine of equivalents.

15 116. Toshiba has not contributed to infringement, and is not now contributing to
16 infringement, of any valid claim of the '519 patent, either literally or under the doctrine of
17 equivalents.

18 117. Toshiba desires and requests a judicial determination and declaration of the
19 respective rights and duties of the parties based on the disputes recited above. Such a
20 determination and declaration is necessary and appropriate at this times so that the parties may
21 ascertain their respective rights and duties regarding the non-infringement of the '519 patent.

22
23 **COUNT X**
(Declaratory Judgment – Invalidity of the '519 Patent)

24 118. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through
25 32.

26 119. This is an action for declaratory judgment of the invalidity of the any and all
27 claims of the '519 patent.

28 120. There exists an actual and justiciable controversy between HSI and Toshiba

1 concerning whether the claims of the '519 patent are valid.

2 121. The '519 patent and its claims are invalid because they fail to comply with the
3 conditions and requirements for patentability set forth in Title 35, United States Code, including
4 but not limited to the provisions of 35 U.S.C. §§ 101, 102, 103, and/or 112.

5 122. Toshiba desires and requests a judicial determination and declaration of the
6 respective rights and duties of the parties based on the disputes recited above. Such a
7 determination and declaration is necessary and appropriate at this times so that the parties may
8 ascertain their respective rights and duties regarding the validity of the '519 patent.

9
10 **COUNT XI**
(Declaratory Judgment – Non-Infringement of the '102 Patent)

11 123. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through
12 32.

13 124. This is an action for declaratory judgment of non-infringement of any valid claim
14 of the '102 patent.

15 125. There exists an actual and justiciable controversy between HSI and Toshiba
16 concerning whether the claims of the '102 patent are infringed by Toshiba.

17 126. HSI has alleged, and continues to allege, that Toshiba has been and is making,
18 using, offering for sale, selling and/or importing into the United States devices that embody the
19 alleged invention disclosed and claimed in the '102 patent.

20 127. HSI has alleged, and continues to allege, that Toshiba has induced and contributed
21 to infringement of the '102 patent by others.

22 128. HSI alleged, and continues to allege, that Toshiba's alleged infringement was
23 willful and deliberate.

24 129. HSI alleged, and continues to allege, that it has been and will continue to be
25 irreparably harmed by Toshiba's alleged infringement.

26 130. HSI alleged, and continues to allege, that is has no adequate remedy at law.

27 131. Toshiba denies HSI's allegations.

28 132. Toshiba has not been, and is not now, making, using, offering for sale, selling

1 and/or importing into the United States devices that embody the alleged invention disclosed and
2 claimed in the '102 patent, either literally or under the doctrine of equivalents.

3 133. Toshiba has not induced other to infringe, and is not now inducing others to
4 infringe, any valid claim of the '102 patent, either literally or under the doctrine of equivalents.

5 134. Toshiba has not contributed to infringement, and is not now contributing to
6 infringement, of any valid claim of the '102 patent, either literally or under the doctrine of
7 equivalents.

8 135. Toshiba desires and requests a judicial determination and declaration of the
9 respective rights and duties of the parties based on the disputes recited above. Such a
10 determination and declaration is necessary and appropriate at this times so that the parties may
11 ascertain their respective rights and duties regarding the non-infringement of the '102 patent.

12
13 **COUNT XII**
(Declaratory Judgment – Invalidity of the '102 Patent)

14 136. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through
15 32.

16 137. This is an action for declaratory judgment of the invalidity of the any and all
17 claims of the '102 patent.

18 138. There exists an actual and justiciable controversy between HSI and Toshiba
19 concerning whether the claims of the '102 patent are valid.

20 139. The '102 patent and its claims are invalid because they fail to comply with the
21 conditions and requirements for patentability set forth in Title 35, United States Code, including
22 but not limited to the provisions of 35 U.S.C. §§ 101, 102, 103, and/or 112.

23 140. Toshiba desires and requests a judicial determination and declaration of the
24 respective rights and duties of the parties based on the disputes recited above. Such a
25 determination and declaration is necessary and appropriate at this times so that the parties may
26 ascertain their respective rights and duties regarding the validity of the '102 patent.

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COUNT XIII
(Declaratory Judgment – Non-Infringement of the ‘728 Patent)

141. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through 32.

142. This is an action for declaratory judgment of non-infringement of any valid claim of the ‘728 patent.

143. There exists an actual and justiciable controversy between HSI and Toshiba concerning whether the claims of the ‘728 patent are infringed by Toshiba.

144. HSI has alleged, and continues to allege, that Toshiba has been and is making, using, offering for sale, selling and/or importing into the United States devices that embody the alleged invention disclosed and claimed in the ‘728 patent.

145. HSI has alleged, and continues to allege, that Toshiba has induced and contributed to infringement of the ‘728 patent by others.

146. HSI alleged, and continues to allege, that Toshiba’s alleged infringement was willful and deliberate.

147. HSI alleged, and continues to allege, that it has been and will continue to be irreparably harmed by Toshiba’s alleged infringement.

148. HSI alleged, and continues to allege, that it has no adequate remedy at law.

149. Toshiba denies HSI’s allegations.

150. Toshiba has not been, and is not now, making, using, offering for sale, selling and/or importing into the United States devices that embody the alleged invention disclosed and claimed in the ‘728 patent, either literally or under the doctrine of equivalents.

151. Toshiba has not induced other to infringe, and is not now inducing others to infringe, any valid claim of the ‘728 patent, either literally or under the doctrine of equivalents.

152. Toshiba has not contributed to infringement, and is not now contributing to infringement, of any valid claim of the ‘728 patent, either literally or under the doctrine of equivalents.

153. Toshiba desires and requests a judicial determination and declaration of the

1 respective rights and duties of the parties based on the disputes recited above. Such a
2 determination and declaration is necessary and appropriate at this times so that the parties may
3 ascertain their respective rights and duties regarding the non-infringement of the '728 patent.

4
5 **COUNT XIV**
6 **(Declaratory Judgment – Invalidity of the '728 Patent)**

7 154. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through
8 32.

9 155. This is an action for declaratory judgment of the invalidity of the any and all
10 claims of the '728 patent.

11 156. There exists an actual and justiciable controversy between HSI and Toshiba
12 concerning whether the claims of the '728 patent are valid.

13 157. The '728 patent and its claims are invalid because they fail to comply with the
14 conditions and requirements for patentability set forth in Title 35, United States Code, including
15 but not limited to the provisions of 35 U.S.C. §§ 101, 102, 103, and/or 112.

16 158. Toshiba desires and requests a judicial determination and declaration of the
17 respective rights and duties of the parties based on the disputes recited above. Such a
18 determination and declaration is necessary and appropriate at this times so that the parties may
19 ascertain their respective rights and duties regarding the validity of the '728 patent.

20 **COUNT XV**
21 **(Declaratory Judgment – Non-Infringement of the '334 Patent)**

22 159. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through
23 32.

24 160. This is an action for declaratory judgment of non-infringement of any valid claim
25 of the '334 patent.

26 161. There exists an actual and justiciable controversy between HSI and Toshiba
27 concerning whether the claims of the '334 patent are infringed by Toshiba.

28 162. HSI has alleged, and continues to allege, that Toshiba has been and is making,
using, offering for sale, selling and/or importing into the United States devices that embody the

1 alleged invention disclosed and claimed in the '334 patent.

2 163. HSI has alleged, and continues to allege, that Toshiba has induced and contributed
3 to infringement of the '334 patent by others.

4 164. HSI alleged, and continues to allege, that Toshiba's alleged infringement was
5 willful and deliberate.

6 165. HSI alleged, and continues to allege, that it has been and will continue to be
7 irreparably harmed by Toshiba's alleged infringement.

8 166. HSI alleged, and continues to allege, that is has no adequate remedy at law.

9 167. Toshiba denies HSI's allegations.

10 168. Toshiba has not been, and is not now, making, using, offering for sale, selling
11 and/or importing into the United States devices that embody the alleged invention disclosed and
12 claimed in the '334 patent, either literally or under the doctrine of equivalents.

13 169. Toshiba has not induced other to infringe, and is not now inducing others to
14 infringe, any valid claim of the '334 patent, either literally or under the doctrine of equivalents.

15 170. Toshiba has not contributed to infringement, and is not now contributing to
16 infringement, of any valid claim of the '334 patent, either literally or under the doctrine of
17 equivalents.

18 171. Toshiba desires and requests a judicial determination and declaration of the
19 respective rights and duties of the parties based on the disputes recited above. Such a
20 determination and declaration is necessary and appropriate at this times so that the parties may
21 ascertain their respective rights and duties regarding the non-infringement of the '334 patent.

22
23 **COUNT XVI**
(Declaratory Judgment – Invalidity of the '334 Patent)

24 172. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through
25 32.

26 173. This is an action for declaratory judgment of the invalidity of the any and all
27 claims of the '334 patent.

28 174. There exists an actual and justiciable controversy between HSI and Toshiba

1 concerning whether the claims of the '334 patent are valid.

2 175. The '334 patent and its claims are invalid because they fail to comply with the
3 conditions and requirements for patentability set forth in Title 35, United States Code, including
4 but not limited to the provisions of 35 U.S.C. §§ 101, 102, 103, and/or 112.

5 176. Toshiba desires and requests a judicial determination and declaration of the
6 respective rights and duties of the parties based on the disputes recited above. Such a
7 determination and declaration is necessary and appropriate at this times so that the parties may
8 ascertain their respective rights and duties regarding the validity of the '334 patent.

9
10 **COUNT XVII**
(Declaratory Judgment – Non-Infringement of the '404 Patent)

11 177. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through
12 32.

13 178. This is an action for declaratory judgment of non-infringement of any valid claim
14 of the '404 patent.

15 179. There exists an actual and justiciable controversy between HSI and Toshiba
16 concerning whether the claims of the '404 patent are infringed by Toshiba.

17 180. HSI has alleged, and continues to allege, that Toshiba has been and is making,
18 using, offering for sale, selling and/or importing into the United States devices that embody the
19 alleged invention disclosed and claimed in the '404 patent.

20 181. HSI has alleged, and continues to allege, that Toshiba has induced and contributed
21 to infringement of the '404 patent by others.

22 182. HSI alleged, and continues to allege, that Toshiba's alleged infringement was
23 willful and deliberate.

24 183. HSI alleged, and continues to allege, that it has been and will continue to be
25 irreparably harmed by Toshiba's alleged infringement.

26 184. HSI alleged, and continues to allege, that is has no adequate remedy at law.

27 185. Toshiba denies HSI's allegations.

28 186. Toshiba has not been, and is not now, making, using, offering for sale, selling

1 and/or importing into the United States devices that embody the alleged invention disclosed and
2 claimed in the '404 patent, either literally or under the doctrine of equivalents.

3 187. Toshiba has not induced other to infringe, and is not now inducing others to
4 infringe, any valid claim of the '404 patent, either literally or under the doctrine of equivalents.

5 188. Toshiba has not contributed to infringement, and is not now contributing to
6 infringement, of any valid claim of the '404 patent, either literally or under the doctrine of
7 equivalents.

8 189. Toshiba desires and requests a judicial determination and declaration of the
9 respective rights and duties of the parties based on the disputes recited above. Such a
10 determination and declaration is necessary and appropriate at this times so that the parties may
11 ascertain their respective rights and duties regarding the non-infringement of the '404 patent.

12
13 **COUNT XVIII**
(Declaratory Judgment – Invalidity of the '404 Patent)

14 190. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through
15 32.

16 191. This is an action for declaratory judgment of the invalidity of the any and all
17 claims of the '404 patent.

18 192. There exists an actual and justiciable controversy between HSI and Toshiba
19 concerning whether the claims of the '404 patent are valid.

20 193. The '404 patent and its claims are invalid because they fail to comply with the
21 conditions and requirements for patentability set forth in Title 35, United States Code, including
22 but not limited to the provisions of 35 U.S.C. §§ 101, 102, 103, and/or 112.

23 194. Toshiba desires and requests a judicial determination and declaration of the
24 respective rights and duties of the parties based on the disputes recited above. Such a
25 determination and declaration is necessary and appropriate at this times so that the parties may
26 ascertain their respective rights and duties regarding the validity of the '404 patent.

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COUNT XIX
(Declaratory Judgment – Non-Infringement of the ‘997 Patent)

195. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through 32.

196. This is an action for declaratory judgment of non-infringement of any valid claim of the ‘997 patent.

197. There exists an actual and justiciable controversy between HSI and Toshiba concerning whether the claims of the ‘997 patent are infringed by Toshiba.

198. HSI has alleged, and continues to allege, that Toshiba has been and is making, using, offering for sale, selling and/or importing into the United States devices that embody the alleged invention disclosed and claimed in the ‘997 patent.

199. HSI has alleged, and continues to allege, that Toshiba has induced and contributed to infringement of the ‘997 patent by others.

200. HSI alleged, and continues to allege, that Toshiba’s alleged infringement was willful and deliberate.

201. HSI alleged, and continues to allege, that it has been and will continue to be irreparably harmed by Toshiba’s alleged infringement.

202. HSI alleged, and continues to allege, that it has no adequate remedy at law.

203. Toshiba denies HSI’s allegations.

204. Toshiba has not been, and is not now, making, using, offering for sale, selling and/or importing into the United States devices that embody the alleged invention disclosed and claimed in the ‘997 patent, either literally or under the doctrine of equivalents.

205. Toshiba has not induced other to infringe, and is not now inducing others to infringe, any valid claim of the ‘997 patent, either literally or under the doctrine of equivalents.

206. Toshiba has not contributed to infringement, and is not now contributing to infringement, of any valid claim of the ‘997 patent, either literally or under the doctrine of equivalents.

207. Toshiba desires and requests a judicial determination and declaration of the

1 respective rights and duties of the parties based on the disputes recited above. Such a
2 determination and declaration is necessary and appropriate at this times so that the parties may
3 ascertain their respective rights and duties regarding the non-infringement of the '997 patent.

4
5 **COUNT XX**
(Declaratory Judgment – Invalidity of the '997 Patent)

6 208. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through
7 32.

8 209. This is an action for declaratory judgment of the invalidity of the any and all
9 claims of the '997 patent.

10 210. There exists an actual and justiciable controversy between HSI and Toshiba
11 concerning whether the claims of the '997 patent are valid.

12 211. The '997 patent and its claims are invalid because they fail to comply with the
13 conditions and requirements for patentability set forth in Title 35, United States Code, including
14 but not limited to the provisions of 35 U.S.C. §§ 101, 102, 103, and/or 112.

15 212. Toshiba desires and requests a judicial determination and declaration of the
16 respective rights and duties of the parties based on the disputes recited above. Such a
17 determination and declaration is necessary and appropriate at this times so that the parties may
18 ascertain their respective rights and duties regarding the validity of the '997 patent.

19
20 **COUNT XXI**
(Declaratory Judgment – Non-Infringement of the '190 Patent)

21 213. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through
22 32.

23 214. This is an action for declaratory judgment of non-infringement of any valid claim
24 of the '190 patent.

25 215. There exists an actual and justiciable controversy between HSA and Toshiba
26 concerning whether the claims of the '190 patent are infringed by Toshiba.

27 216. HSA has alleged, and continues to allege, that Toshiba has been and is making,
28 using, offering for sale, selling and/or importing into the United States devices that embody the

1 alleged invention disclosed and claimed in the '190 patent.

2 217. HSA has alleged, and continues to allege, that Toshiba has induced and
3 contributed to infringement of the '190 patent by others.

4 218. HSA alleged, and continues to allege, that Toshiba's alleged infringement was
5 willful and deliberate.

6 219. HSA alleged, and continues to allege, that it has been and will continue to be
7 irreparably harmed by Toshiba's alleged infringement.

8 220. HSA alleged, and continues to allege, that is has no adequate remedy at law.

9 221. Toshiba denies HSA's allegations.

10 222. Toshiba has not been, and is not now, making, using, offering for sale, selling
11 and/or importing into the United States devices that embody the alleged invention disclosed and
12 claimed in the '190 patent, either literally or under the doctrine of equivalents.

13 223. Toshiba has not induced other to infringe, and is not now inducing others to
14 infringe, any valid claim of the '190 patent, either literally or under the doctrine of equivalents.

15 224. Toshiba has not contributed to infringement, and is not now contributing to
16 infringement, of any valid claim of the '190 patent, either literally or under the doctrine of
17 equivalents.

18 225. Toshiba desires and requests a judicial determination and declaration of the
19 respective rights and duties of the parties based on the disputes recited above. Such a
20 determination and declaration is necessary and appropriate at this times so that the parties may
21 ascertain their respective rights and duties regarding the non-infringement of the '190 patent.

22
23 **COUNT XXII**
(Declaratory Judgment – Invalidity of the '190 Patent)

24 226. Toshiba incorporates by reference the allegations set forth in paragraphs 1 through
25 32.

26 227. This is an action for declaratory judgment of the invalidity of the any and all
27 claims of the '190 patent.

28 228. There exists an actual and justiciable controversy between HSA and Toshiba

1 concerning whether the claims of the '190 patent are valid.

2 229. The '190 patent and its claims are invalid because they fail to comply with the
3 conditions and requirements for patentability set forth in Title 35, United States Code, including
4 but not limited to the provisions of 35 U.S.C. §§ 101, 102, 103, and/or 112.

5 230. Toshiba desires and requests a judicial determination and declaration of the
6 respective rights and duties of the parties based on the disputes recited above. Such a
7 determination and declaration is necessary and appropriate at this times so that the parties may
8 ascertain their respective rights and duties regarding the validity of the '190 patent.

9
10 **ATTORNEYS' FEES**

11 231. On information and belief, Toshiba alleges that this is an exceptional case within
12 the meaning of 35 U.S.C. § 285. Should the Court find this to be an exceptional case, Toshiba is
13 entitled to recover its costs and reasonable attorneys' fees.

14
15 **PRAYER FOR RELIEF**

16 WHEREFORE, Toshiba prays for the following relief:

- 17 A. A judgment declaring that Toshiba has not infringed and does not infringe, in any
18 manner or in any way, any valid claim of the '019 patent;
- 19 B. A judgment declaring that the '019 patent is invalid;
- 20 C. A judgment declaring that Toshiba has not infringed and does not infringe, in any
21 manner or in any way, any valid claim of the '111 patent;
- 22 D. A judgment declaring that the '111 patent is invalid;
- 23 E. A judgment declaring that Toshiba has not infringed and does not infringe, in any
24 manner or in any way, any valid claim of the '311 patent;
- 25 F. A judgment declaring that the '311 patent is invalid;
- 26 G. A judgment declaring that Toshiba has not infringed and does not infringe, in any
27 manner or in any way, any valid claim of the '995 patent;
- 28 H. A judgment declaring that the '995 patent is invalid;

1 I. A judgment declaring that Toshiba has not infringed and does not infringe, in any
2 manner or in any way, any valid claim of the '519 patent;

3 J. A judgment declaring that the '519 patent is invalid;

4 K. A judgment declaring that Toshiba has not infringed and does not infringe, in any
5 manner or in any way, any valid claim of the '102 patent;

6 L. A judgment declaring that the '102 patent is invalid;

7 M. A judgment declaring that Toshiba has not infringed and does not infringe, in any
8 manner or in any way, any valid claim of the '728 patent;

9 N. A judgment declaring that the '728 patent is invalid;

10 O. A judgment declaring that Toshiba has not infringed and does not infringe, in any
11 manner or in any way, any valid claim of the '334 patent;

12 P. A judgment declaring that the '334 patent is invalid;

13 Q. A judgment declaring that Toshiba has not infringed and does not infringe, in any
14 manner or in any way, any valid claim of the '404 patent;

15 R. A judgment declaring that the '404 patent is invalid;

16 S. A judgment declaring that Toshiba has not infringed and does not infringe, in any
17 manner or in any way, any valid claim of the '997 patent;

18 T. A judgment declaring that the '997 patent is invalid;

19 U. A judgment declaring that Toshiba has not infringed and does not infringe, in any
20 manner or in any way, any valid claim of the '190 patent;

21 V. A judgment declaring that the '190 patent is invalid;

22 W. A judgment that this is an "exceptional" case and Toshiba is therefore entitled to
23 its costs and reasonable attorneys' fees incurred in this action pursuant to 35 U.S.C. § 285;

24 X. A judgment that Toshiba is entitled to its costs incurred in this action;

25 Y. Such other and further equitable and legal relief as the Court or a jury deems just
26 and proper.

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DEMAND FOR JURY TRIAL

Toshiba hereby demands a jury trial on all issues.

Dated: November 8, 2004

GRAY CARY WARE & FREIDENRICH LLP

By Ronald K Yin
MARK FOWLER
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