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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 **OAKLAND DIVISION**

17 IN RE STATIC RANDOM ACCESS
18 MEMORY (SRAM) ANTITRUST
19 LITIGATION

20 Case No. M:07-CV-01819-CW

21 MDL No. 1819

22 **STIPULATION AND ORDER**
23 **AMENDING ORDER GRANTING IP**
24 **PLAINTIFFS' MOTION FOR CLASS**
25 **CERTIFICATION**

26 This Document Relates to:

27 ALL INDIRECT PURCHASER ACTIONS

28 WHEREAS, on November 25, 2009, the Court issued an Order Granting Indirect Purchaser Plaintiffs' Motion for Class Certification and Denying Motions to Exclude Expert Opinions (Dkt. 903) ("Order Granting Certification"), wherein the Court certified a nationwide injunctive class of indirect purchasers of SRAM pursuant to Federal Rules of Civil Procedure 23(a) and (b)(2), as well as twenty-seven (27) state classes of indirect purchasers of SRAM seeking damages and/or restitution under Federal Rules of Civil Procedure 23(a) and (b)(3); and

WHEREAS, the Court's Order certified a nationwide injunctive class of indirect purchasers of SRAM pursuant to the definition of that class as provided in the Complaint; and

WHEREAS, Indirect Purchaser ("IP") Plaintiffs, in their Notice Of Motion And Motion Of Indirect Purchaser Plaintiffs For Class Certification, dated January 29, 2009 ("Notice Of Motion

1 And Motion”) (Dkt. 645), at page 2 n.1, and in their Memorandum In Support Of Motion For Class
2 Certification, dated January 29, 2009 (Dkt. 645-2), at page 5, expressly limited the definition and
3 scope of each of the requested state plaintiff classes to purchasers of the following "products
4 containing SRAM": "handheld computer devices (also known as personal digital assistants ('PDAs')
5 and smart phones), desktop computers (with separate level 2 cache memory), servers, mainframes,
6 Voice-Over Internet Protocol Systems, routers, switches, modems, storage area networks and
7 firewalls"; and

8 WHEREAS, the briefing, discovery and oral argument on the IP Plaintiffs' Motion For Class
9 Certification all proceeded and were limited in scope as to the requested state plaintiff classes based
10 on the foregoing limited definition of "products containing SRAM"; and

11 WHEREAS, the foregoing limited definition of "products containing SRAM" was not
12 explicitly referenced in the definitions of the state plaintiff classes set forth on pages 29 to 36 of the
13 Order Granting Certification; and

14 WHEREAS, the parties wish to avoid any ambiguity with respect to the "products containing
15 SRAM" at issue with respect to the state plaintiff classes certified in the Order Granting Certification
16 for purposes of further litigation of this matter, without effect on the scope of any settlement class;

17 NOW THEREFORE, it is hereby stipulated by the undersigned counsel on behalf of the
18 parties identified below, and subject to the Court's approval, that:

19 The Court's Order Granting Certification be amended to add the following language, which is
20 substantively identical to language appearing in IP Plaintiffs' Notice Of Motion And Motion, on
21 page 36 following the Court's descriptions of the state classes and before the class representatives are
22 identified beginning on lines 22-23 and which is done for purposes of the litigation of these matters:

23 "Products containing SRAM" as used in each of the foregoing state
24 plaintiff class definitions shall be limited for litigation purposes to
25 handheld computer devices (also known as personal digital assistants
26 ("PDAs") and smart phones), desktop computers (with separate level 2
27 cache memory), servers, mainframes, Voice-Over Internet Protocol
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Systems, routers, switches, modems, storage area networks and
firewalls.

Dated: April 1, 2010 By: /s/ Christopher T. Micheletti
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*Lead and Liaison Counsel for Indirect-
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Dated: April 1, 2010 By: /s/ Michael W. Scarborough
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Dated: April 1, 2010 By: /s/ Gary A. Winters
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