

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

POWER INTEGRATIONS, INC.,

Plaintiff,

v.

FAIRCHILD SEMICONDUCTOR  
INTERNATIONAL, INC.; FAIRCHILD  
SEMICONDUCTOR CORPORATION;  
and SYSTEM GENERAL CORPORATION,

Defendants.

C.A. No. 08-309-LPS

Public Version  
Released December 7, 2011

**ORDER**

At Wilmington this 29th day of November 2011, for the reasons set forth below, **IT IS**

**HEREBY ORDERED** that:

1. Following a discovery teleconference on November 22, 2011, Plaintiff submitted, for *in camera* review, a one-page email, as directed by the Court.
2. The Court has reviewed the email, as well as the excerpts of the deposition testimony of Cliff Walker, Plaintiff's Vice President for Corporate Development. (D.I. 471 Ex. 1)
3. "Generally, disclosure of the substance of a privileged communication will result in waiver, whereas disclosure of the mere fact that such communication took place will not." *Brigham & Women's Hosp., Inc. v. Teva Pharms. USA, Inc.*, 707 F. Supp. 2d 463, 470 (D. Del. 2010). The Court concludes that Mr. Walker's deposition testimony disclosed not only the existence of Plaintiff's continuation policy, to the extent one exists, but also the substance and specific details of the policy.

4. Accordingly, the Court finds that any privilege that otherwise attached to the substance of the email has been waived. Plaintiff shall produce the email to Fairchild within two (2) days of the date of this Order.
5. Because this Order may contain confidential information, it has been released under seal, pending review by the parties to allow them to submit a single jointly proposed redacted version of the Order. Such redacted version shall be submitted no later than December 6, 2011 for review by the Court. The Court will subsequently file a publicly-available version of its Order.



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UNITED STATES DISTRICT JUDGE