

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

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|--------------------------------|---|-------------------------|
| POWER INTEGRATIONS, INC., | : | |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | Civ. No. 08-309-JJF-LPS |
| | : | |
| FAIRCHILD SEMICONDUCTOR | : | |
| INTERNATIONAL, INC., FAIRCHILD | : | |
| SEMICONDUCTOR CORPORATION, and | : | |
| SYSTEM GENERAL CORPORATION | : | |
| Defendant. | : | |

ORDER

At Wilmington this 16th day of July, 2009:

Having reviewed the parties' joint status report (D.I. 108) and their Proposed Terms and Construction for the six patents-in-suit (D.I. 109), IT IS HEREBY ORDERED THAT:

1. The status teleconference scheduled for July 22, 2009 at 9:30 a.m. is CANCELLED.
2. At the hearing scheduled for August 24, 2009 at 10:00 a.m., each side will be allotted a half-hour to present its tutorial.
3. The parties' joint request to file opening claim construction briefs of sixty (60) pages and answering/responsive briefs of forty (40) pages is DENIED. Each party may file opening claim construction briefs not to exceed **thirty (30) pages** and answering claim construction briefs also not to exceed **thirty (30) pages**. No further briefing regarding claim construction shall be permitted without leave of the Court.
4. The Court will construe up to a total of **twelve (12) disputed claim terms** in

conjunction with the Markman hearing scheduled for September 23, 2009. **Each side may designate up to six (6) claims for the Court to construe.** It is the expectation of the Court that the parties will be able to agree as to **no more than twelve (12) disputed claim terms** for the Court to construe in conjunction with the Markman hearing. If the parties reach such agreement, they need not notify the Court, and may prepare and file their opening claim construction briefs on August 5, 2009, as currently scheduled. (D.I. 61)

If, after meeting and conferring, and using all best good faith efforts to reach agreement on no more than twelve (12) disputed claim terms for the Court to construe in conjunction with the Markman hearing, the parties are unable to agree, the parties shall within five (5) calendar days of the date of this Order submit to the Court a joint letter not to exceed five (5) pages describing their respective positions as to which disputed claim terms the Court should construe in conjunction with the Markman hearing. The Court will thereafter advise the parties as to the disputed claim terms it will construe in conjunction with the Markman hearing; in this circumstance, **the Court will limit the number of terms it will construe in conjunction with the Markman hearing to a maximum of ten (10).**

5. Discovery is not limited to the terms that will be construed by the Court in conjunction with the Markman hearing.

6. The Court will determine the number of claims to be presented at trial at a later date.

7. As set out in previous rulings in this matter, the Court has decided not to stay the portion of this case that involves patents that are pending reexamination before the U.S. Patent and Trademark Office. (D.I. 107) The Court has decided to stay the portion of the case that involves the 106 Accused Products that are at issue in another action pending in this Court

(Power Integrations v. Fairchild, C.A. No. 04-1371-JJF). (D.I. 107) This Order does not alter these prior rulings of this Court in any respect. To the extent either party is seeking that the Court stay more or less of the instant action, such requests are DENIED.

Delaware counsel are hereby reminded of their obligations to inform out-of-state counsel of this Order. To avoid the imposition of sanctions, counsel shall advise the Court immediately of any problems regarding compliance with this Order.


UNITED STATES MAGISTRATE JUDGE