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Re: ProMOS Technologies, Inc. v. Freescale Semiconductor, Inc., C.A. No. 06-788 (JJF) - Designation of Chan Patent Claims and Representative Products (DM 6)

Dear Counsel,

I'm writing to follow up on your respective letters of June 11 and 12 regarding the designation of (1) the number of claims of the Chan patents that will be asserted by ProMOS; and (2) the representative products by Freescale.

In view of the apparent, albeit reluctant, agreement between the parties regarding the number of claims that will be asserted by ProMOS, the parties shall prepare a form of order for Judge Farnan's signature memorializing that agreement. That is, the form of order should designate claims 2, 8, 12, 14, 22 and 25 for the '709 patent and claims 1, 16, and 26 for the '241 patent for presentation at trial.

As of the June 11 and 12 letters, the parties could not agree as to the representative products. The parties shall provide an update on where they stand, with respect to an agreement, on Freescale's proposed representative products (which products are agreed to and which products are at issue) by July 11, 2008. Also with this submission, for those products which the parties do not agree upon, the parties shall set forth, in one page or less, the reasons for any disagreement.

Respectfully yours,

Vincent J. Poppiti
Special ~~Master (DE~~ # 100614)