

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CARNEGIE MELLON UNIVERSITY,)	
)	
Plaintiff,)	
v.)	
)	Civil Action No. 2:09-cv-00290-NBF
MARVELL TECHNOLOGY GROUP, LTD.,)	
and MARVELL SEMICONDUCTOR, INC.,)	
)	
Defendants.)	

**MARVELL’S (1) RESPONSE TO PLAINTIFF’S MOTION FOR PARTIAL SUMMARY
JUDGMENT RE: INEQUITABLE CONDUCT AND
(2) WITHDRAWAL OF ITS AFFIRMATIVE DEFENSES AND COUNTERCLAIMS RE:
INEQUITABLE CONDUCT**

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 Marvell Semiconductor, Inc.*

Defendants Marvell Technology Group, Ltd. and Marvell Semiconductor, Inc.

(“Marvell”) hereby submit this Response to Plaintiff Carnegie Mellon University’s Motion for Partial Summary Judgment Re: Inequitable Conduct [Dkt No. 347] and Withdrawal of Marvell’s Affirmative Defenses and Counterclaims Re: Inequitable Conduct.

Given the number of dispositive and *Daubert* motions currently pending before the Court and in order to streamline the case in anticipation of trial, Marvell hereby requests the Court’s approval to withdraw its Sixth Affirmative Defense (Unenforceability/Fraud on the Patent Office) and Fifth and Sixth Counterclaim (Declaratory Judgments Re: Unenforceability/Fraud on the Patent Office). [Dkt. No. 116]. Marvell will be filing concurrently herewith a motion to amend its Amended Answer [Dkt. No. 116].

Dated: May 21, 2012

Respectfully submitted,

/s/ David C. Radulescu

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CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2012, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ David C. Radulescu

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