

MAR 10 2009

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

CARRAMERICA REALTY  
CORPORATION; et al.,

Plaintiffs - Appellants,

and

CARLYLE FORTRAN TRUST,

Plaintiff,

v.

NVIDIA CORPORATION; et al.,

Defendants - Appellees,

3DFX INTERACTIVE, Inc.,

Debtor-in-Possession -  
Appellee,

WILLIAM A. BRANDT, Jr.,

Trustee - Appellee.

CARLYLE FORTRAN TRUST,

Plaintiff - Appellant,

Nos. 06-17109

D.C. No. CV-05-00428-JW

ORDER RECALLING  
MANDATE AND AMENDING  
MEMORANDUM

No. 07-15077

v.

D.C. No. CV-05-00427-JW

NVIDIA CORPORATION; NVIDIA US INVESTMENT COMPANY; JEN-HSUAN HUANG; JAMES C. GAITHER; A. BROOKE SEAWELL; WILLIAM J. MILLER; TENCH COXE; MARK A. STEVENS; HARVEY C. JONES CHRISTINE HOBERG; STEPHEN PETTIGREW; JAMES HOPKINS; JAMES WHIMS; GORDON A. CAMPBELL; RICHARD A. HEDDLESON; ALEX LEUPP SCOTT D. SELLERS,

Defendants - Appellees.

Before: FARRIS, SILER,\* and BEA, Circuit Judges.

The mandate issued in these consolidated appeals on February 11, 2009.

The panel recalls the mandate to further amend the memorandum disposition, filed on November 25, 2008, and first amended on January 22, 2009, to include the following:

Order Amending Memorandum, page 3, lines 13–14: replace “costs in appeal no. 07-15077 to be paid by Plaintiff-Appellant Carlyle Fortran Trust.” with “each party will bear its own costs in appeal no. 07-15077.”

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\* The Honorable Eugene E. Siler, Jr., Senior United States Circuit Judge for the Sixth Circuit, sitting by designation.

Because nVidia is not the prevailing party in these consolidated appeals, we refer its motion for attorneys' fees against Carlyle Fortran Trust to the district court for consideration alongside nVidia's attorneys' fee motion currently pending before that court. Cal. Civ. Code § 1717.

Service of this order upon the district court shall constitute the issuance of mandate, and no future petitions for rehearing shall be entertained.