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Charles T. Hoge (110696) 1 choge@knlh.com 2 Julianne Hull (246719) jhull@knlh.com KIRBY NOONAN LANCE & HOGE LLP 350 Tenth Avenue, Suite 1300 San Diego, California 92101-8700 Telephone: (619) 231-8666 5 Facsimile: (619) 231-9593 6 Gregory J. Charles (208583) gcharles@campeaulaw.com 7 Campeau Goodsell Smith 440 North First Street, Suite 100 San Jose, CA 95112 Telephone: (408) 295-9555 Facsimile: (408) 852-0233 Attorneys for Patriot Scientific Corporation 10 11 12

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF SANTA CLARA

PATRIOT SCIENTIFIC CORPORATION, a Delaware corporation,

Plaintiff,

VS.

TECHNOLOGY PROPERTIES LIMITED LLC, a California limited liability company, ALLIACENSE LLC, a Delaware limited liability company, and DOES 1 to 100, inclusive,

Defendants.

Case No. 1-10-CV-169836

DECLARATION OF CHARLES T. HOGE IN OPPOSITION TO MOTION TO SEAL RECORD

Date: August 12, 2010

Time: 9:00 a.m.

Dept: 9

Judge: Hon. Mark Pierce

I, Charles T. Hoge, declare as follows:

1. I am an attorney at law duly authorized to practice before all the Courts of the State of California, and am a member of the firm Kirby Noonan Lance & Hoge LLP, attorneys of record for Plaintiff Patriot Scientific Corporation in the above matter. I am competent to and would testify to all matters set forth in this Declaration if called upon to do so as a witness.

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2.

2	me by counsel for Technology Properties Limited ("TPL") pursuant to the parties'
3	Stipulated Protective Order dated June 25, 2010 governing confidential documents.
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6	Patriot agrees that a public disclosure of the names
7	of the licensees discussed in the exhibits and the amounts of the licensing if
8	discovered may impact TPL/Alliance's negotiation leverage with other prospective
9	licensees in the market segments of those companies.
10	3. The Court issued its Temporary Restraining Order in this matter on
11	April 23, 2010. In connection with that process, the Defendants agreed to produce to
12	me their files related to the negotiations with "Company A" resulting in the "mixed
13	license" agreement that was the primary basis for filing this action. This was done so
14	we could evaluate our immediate discovery needs. As a result, I approximately 8,000
15	pages of documents related to the course of negotiation of the mixed license with
16	"Company A." Attached hereto as Exhibit "A" is document number 0000159
17	produced by TPL. The document is part of a PowerPoint presentation to Company A
18	reflecting the licensing proposals to "Company A" at the point to license the MMP,
19	Fast Logic, Chip Scale and Core Flash technologies at \$18.49 million, \$4 million,
20	\$2.95 million and \$1.18 million, respectively, for a total license demanded of
21	"Company A" of \$26.62 million. The total consideration allocated to the MMP by TPL
22	at this point (as discussed below) was 69.45%. The document does not contain the
23	notion of "patent peace" as being valued.
24	4. Attached hereto as Exhibit "B" is document 0000883, also produced to
25	me in connection with the "Company A" negotiation. This document reflects
26	allocation of consideration to "patent peace" but it does not reflect a change in the
	A CONTRACT OF THE CONTRACT OF

nded of he MMP by TPL not contain the so produced to eflects hange in the relative mix of the consideration between the four portfolios being licensed by TPL. "Patent peace" refers to the concept of TPL agreeing not to seek future licenses from KNLH\755146.1 DECLARATION OF CHARLES T. HOGE IN OPPOSITION TO MOTION TO SEAL RECORD

The matters discussed in this Declaration concern materials produced to

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"Company A" with respect to future patent rights it may own or license that are currently unknown.

Attached hereto as Exhibit "C" is a page from a draft License Agreement 5. to Company A generated in April 2010, document 0000971 also produced to me by TPL. This page from the License Agreement reflects that late in the negotiations (the License was executed by April 8, 2010) the amount of allocation among the four portfolios (the "Group 1" license patents) was still blank, indicating that TPL must have filled the relative allocation of consideration paid by "Company A" to the four portfolios itself just before the license was executed. I have reviewed the final "Company A" agreement. It includes the license of MMP, as well as those other three technologies, but the allocation to MMP among the four was reduced from 69.45% to

ess than 20%.

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DECLARATION OF CHARLES T. HOGE IN OPPOSITION TO MOTION TO SEAL RECORD

Kirby Noonan Lance & Hoge LLP 350 Tenth Avenue, Suite 1300 San Diego, California 92101-8700

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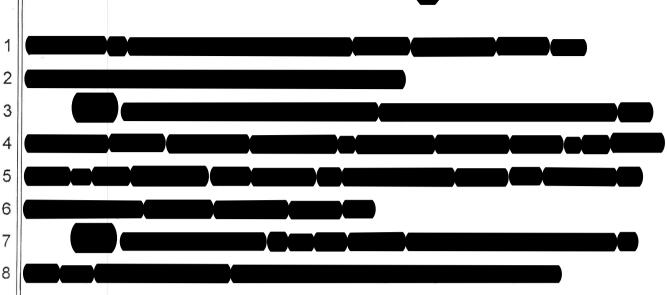
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Patriot does agree that the Court file contents may be selectively 14. redacted pursuant to the parties' Stipulated Protective Order already in place in this matter. The redactions that are appropriate would be licensing company names and license dollar amounts. The point is to not compromise license negotiations with industry segment competitors of these companies who may also be approached for licenses.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated:

Charles T. Hoge