

2014-1076, -1317

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

HTC CORPORATION and HTC AMERICA, INC.,

Plaintiffs-Cross-Appellants,

v.

TECHNOLOGY PROPERTIES LIMITED, PATRIOT SCIENTIFIC
CORPORATION and ALLIACENSE LIMITED,

Defendants-Appellants,

Appeals from the United States District Court for the Northern District of
California in Case No. 5:08-cv-00882-PSG, Judge Paul S. Grewal

**DEFENDANTS-APPELLANTS' UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE RESPONSE AND REPLY BRIEF**

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*Attorneys for Defendants-Appellants
Technology Properties Limited, Patriot
Scientific Corporation and Alliacense
Limited*

July 25, 2014

Pursuant to Federal Rule of Appellate Procedure 26(b) and Federal Circuit Rule 26(b), Defendants-Appellants Technology Properties Limited, Patriot Scientific Corporation, and Alliacense Limited (collectively, “TPL”) respectfully move this Court for a twenty-one (21)-day extension for TPL to file their Response and Reply Brief (“TPL’s Brief”).

Plaintiffs-Cross-Appellants HTC Corporation and HTC America, Inc. (collectively “HTC”) had been granted a fourteen (14)-day extension to file their Principal and Response Brief. Docket No. 30. In HTC’s motion for that extension, which TPL did not oppose, HTC stated that it would consent to the same fourteen (14)-day extension for TPL to file TPL’s Brief. Docket No. 29. Recently, when TPL was about to move for the fourteen (14)-day extension, HTC suggested that TPL add one more week to its extension, making it a three-week extension, so that HTC, in return, could also have a one-week extension to file its Reply Brief. As shown in the attached declaration, good cause exists for the requested extension because the birth of HTC counsel’s child is due on August 18, 2014. HTC will not oppose this motion.

TPL’s Brief is currently due on August 11, 2014. With the requested three (3)-week extension for TPL’s Brief, the brief would be due on September 2, 2014.¹

¹ September 1, 2014 is Labor Day.

TPL has not sought—and the Court has not granted TPL—any previous extensions of time in the instant appeal and cross-appeal.

TPL’s request for an extension of time is motivated solely by its desire to properly prepare TPL’s Brief and to afford HTC counsel time for the upcoming birth of his child. This request for an extension of time is made in good faith by counsel and not for purposes of delay or procedural advantage.

For the foregoing reasons, TPL respectfully requests that this Court grant an unopposed extension of twenty-one (21) days, until September 2, 2014, for TPL to file TPL’s Brief. TPL will not oppose a seven (7)–day extension for HTC to file its Reply Brief.

Respectfully Submitted,

July 25, 2014

/s/ James C. Otteson

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**DECLARATION OF VINH H. PHAM IN SUPPORT OF DEFENDANTS-
APPELLANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO
FILE RESPONSE AND REPLY BRIEF**

I, Vinh H. Pham, declare as follows:

1. I am an attorney licensed to practice law in the Federal Circuit. I am an associate of Agility IP Law, LLP, counsel of record for Defendants-Appellants in this matter. I make this declaration in support of Defendants-Appellants' Unopposed Motion for Extension of Time to File Response and Reply Brief. I have personal knowledge of the facts stated herein and if called to testify could and would competently testify thereto.

2. On July 22, 2014, when I informed HTC counsel Kyle Chen that TPL would like to move for the fourteen (14)-day extension to file TPL's Response and Reply Brief, which was the same length as the extension that HTC had to file its Principal and Response Brief, Mr. Chen suggested that TPL add one more week to its proposed extension, making it a three-week extension, so that HTC, in return, could also have a one-week extension to file its Reply Brief. Mr. Chen told me that he needed the extension because the birth of his child is due on August 18, 2014.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 25, 2014

Respectfully submitted,

/s/ Vinh H. Pham
Vinh H. Pham

SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing declaration. In compliance with the Court's Administrative Order Regarding Electronic Case Filing at ECF-3(B), I hereby attest that the other signatories to the filing have concurred in the filing.

Respectfully submitted,

July 25, 2014

/s/ James C. Otteson
James C. Otteson

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

HTC CORPORATION and HTC AMERICA, INC. v. TECHNOLOGY
PROPERTIES LIMITED, et al. Nos. 2014-1076, -1317

CERTIFICATE OF INTEREST

Counsel for the Appellants, Technology Properties Limited, Patriot Scientific Corporation and Alliacense Limited, certifies the following (use “None” if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:

Technology Properties Limited
Patriot Scientific Corporation
Alliacense Limited

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

Technology Properties Limited
Patriot Scientific Corporation
Alliacense Limited

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

None

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

Agility IP Law, LLP:
James C. Otteson
Thomas T. Carmack
Philip W. Marsh
Brandon Baum
Michelle Breit

David Lansky
Irvin E. Tyan
Jedidiah Phillips
James R. Farmer
Vinh Pham

Kirby Noonan Lance & Hoge:
Charles T. Hoge

Farella Braun Martel LLP:*
Deepak Gupta
Eugene Mar
John Cooper
Jeffrey Fisher
Nan Joesten
Stephanie Powers Skaff

McDermott Will & Emery LLP:*
Sushila Chanana

Nixon Peabody LLP:*
Christopher Ogden
Ronald Lopez

* These firms were prior counsel for defendants that are now terminated out of the district court action and will not be appearing in the Federal Circuit.

July 25, 2014

/s/ James C. Otteson
James C. Otteson
Attorney for Defendants-Appellants

PROOF OF SERVICE

I hereby certify that, pursuant to Fed. R. App. P. 25, Fed. Cir. R. 25, and the Court's Administrative Order Regarding Electronic Case Filing, the foregoing was filed electronically using the Court's CM/ECF filing system on July 25, 2014, which will provide service to all counsel of record, who are registered with the CM/ECF system.

July 25, 2014

/s/ James C. Otteson

James C. Otteson