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TECHNOLOGY PROPERTIES LIMITED LLC  
and PHOENIX DIGITAL SOLUTIONS LLC

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

TECHNOLOGY PROPERTIES LIMITED  
LLC, PHOENIX DIGITAL SOLUTIONS  
LLC, and PATRIOT SCIENTIFIC  
CORPORATION,

Plaintiffs,

vs.

ZTE CORPORATION and ZTE (USA)  
INC.,

Defendants.

Case No. CV 12-03876 PSG

**DECLARATION OF JAMES C.  
OTTESON IN SUPORT OF  
PLAINTIFFS TECHNOLOGY  
PROPERTIES LIMITED LLC AND  
PHOENIX DIGITAL SOLUTIONS  
LLC'S ADMINISTRATIVE MOTION  
FOR RELIEF OF THE ORDER  
SETTING INITIAL CASE  
MANAGEMENT CONFERENCE AND  
FOR CONTINUANCE OF CASE  
MANAGEMENT CONFERENCE AND  
RELATED DEADLINES**

**DEMAND FOR JURY TRIAL**

I, James C. Otteson, declare as follows:

1. I am over 18 years of age and make this declaration based upon personal knowledge of the facts set forth below except as to those matters stated on information and belief, and, as to those matters, I believe them to be true. If called upon to testify, I could and would testify competently as to the matters set forth herein.

2. I am an attorney licensed to practice law under the laws of the State of California and am a partner with the law firm of Agility IP Law, LLP, which is counsel for Technology

1 Properties Limited LLC and Phoenix Solutions Digital LLC in the above-captioned matter. This  
 2 declaration is filed in support of Plaintiffs' Administrative Motion for Relief from the Order  
 3 Setting Initial Case Management Conference and for Continuance of Initial Case Manage  
 4 Conference and Related Dates.

5 3. On July 24, 2012, Plaintiffs initiated this action by filing suit against ZTE  
 6 Corporation and ZTE (USA) Inc. (collectively "ZTE"). Contemporaneously with the filing of  
 7 this case, Plaintiffs filed a Complaint with the U.S. International Trade Commission ("ITC")  
 8 naming ZTE as potential Respondents. The ITC instituted an investigation (No. 337-TA-853) on  
 9 August 21, 2012. To avoid the time and expense of service under Fed. R. Civ. P. 4, which may  
 10 require service abroad, Plaintiffs have requested that ZTE's counsel in the ITC investigation  
 11 accept service on behalf of ZTE in this case. ZTE has not agreed.

12 4. Plaintiffs believe that this week ZTE will be filing a motion to stay this entire  
 13 district court litigation pending completion of the ITC investigation pursuant to 28 U.S.C. §  
 14 1659. Plaintiffs are agreeable to the stay.

15 5. As ZTE has not yet made an appearance in this case, Plaintiffs can neither  
 16 stipulate to an extension of the deadlines nor meet and confer with ZTE as is required by the  
 17 deadlines as currently set in the Order. No previous time modifications have been requested or  
 18 ordered. The extension requested herein, if granted, will not have any adverse impact on the  
 19 schedule for the case as this matter was just recently filed, and ZTE has not yet appeared in the  
 20 case.

21 I declare under penalty of perjury under the laws of the United States that the foregoing is  
 22 true and correct. Executed this 18th day of September, 2012 in Menlo Park, California.

23  
 24 /s/ James C. Otteson  
 25 James C. Otteson  
 26  
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