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Attorneys for Plaintiffs  
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

**PLAINTIFF 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**

Pursuant to Civil L.R. 16-2(d) and 6-1(b), Plaintiffs Technology Properties Limited LLC and Phoenix Digital Solutions LLC (collectively "Plaintiffs") hereby move for relief from the Court's Order Setting Initial Case Management Conference and ADR Deadlines ("Order") on the grounds that defendants have not been served and have not made an initial appearance in this case.

This case was filed on July 24, 2012; the time limit for service absent good cause is November 21, 2012. Fed. R. Civ. P. 4(m). Contemporaneously with the filing of this case, Plaintiffs filed a Complaint with the U.S. International Trade Commission ("ITC") naming ZTE Corporation and ZTE (USA) Inc. (collectively "ZTE") as potential Respondents. The ITC

1 instituted an investigation (No. 337-TA-853) on August 21, 2012. To avoid the time and  
 2 expense of service under Fed. R. Civ. P. 4, which may require service abroad, Plaintiffs have  
 3 requested that ZTE's counsel in the ITC investigation accept service on behalf of ZTE in this  
 4 case. ZTE has not agreed. Plaintiffs believe that this week ZTE will be filing a motion to stay  
 5 this entire district court litigation pending completion of the ITC investigation pursuant to 28  
 6 U.S.C. § 1659. Plaintiffs are agreeable to the stay.

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

12 There being good cause, Plaintiffs respectfully request that the Court issue an Order  
 13 resetting the deadlines as follows:

14 **October 18, 2012:**

Last day to:

- 15 • meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan;
- 16 • file ADR Certification signed by Parties and Counsel; and
- 17 • file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference.

18 **November 1, 2012:**

Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement.

19 **November 8, 2012:**

20 Initial Case Management Conference (CMC) in Courtroom 5, 4<sup>th</sup> Floor, San Jose at 2:00 pm.

21 Dated: September 18, 2012

22 Respectfully submitted,

23 AGILITY IP LAW, LLP

24 /s/ James C. Otteson

25 James C. Otteson

26 Attorneys for Plaintiffs  
 27 TECHNOLOGY PROPERTIES LIMITED LLC  
 and PHOENIX DIGITAL SOLUTIONS LLC