

DAVIS WRIGHT TREMAINE LLP

James C. Otteson (CA State Bar No. 157781)
 Michelle Breit (CA State Bar No. 133143)
 AGILITY IP LAW, LLP
 149 Commonwealth Drive
 Menlo Park, California 94025
 Telephone: (650) 227-4800
 Attorneys for Plaintiffs
 TECHNOLOGY PROPERTIES LIMITED, LLC and
 PHOENIX DIGITAL SOLUTIONS LLC

Charles T. Hoge (CA State Bar No. 110696)
 KIRBY NOONAN LANCE & HOGE LLP
 350 Tenth Avenue, Suite 1300
 San Diego, California 92101
 Telephone: (619) 731-8668

Attorneys for Plaintiff
 PATRIOT SCIENTIFIC CORPORATION

Martin L. Fineman (CA State Bar No. 104413)
 DAVIS WRIGHT TREMAINE LLP
 505 Montgomery Street, Suite 800
 San Francisco, California 94111
 Telephone: (415) 276-6500

William H. Frankel (Pro hac vice application forthcoming)
 Jay Reiziss (Pro hac vice application forthcoming)
 Charlie M. McMahon (Pro hac vice application forthcoming)
 Jeffrey J. Catalano (Pro hac vice application forthcoming)
 Yuezhong Feng (Pro hac vice application forthcoming)
 BRINKS HOFER GILSON & LIONE
 NBC Tower – Suite 3600, 455 N. Cityfront Plaza Drive
 Chicago, IL 60611
 Telephone: (312) 321-4200

Attorneys for Defendant
 ZTE (USA) Inc.

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

TECHNOLOGY PROPERTIES LIMITED,
 LLC, et al.,

Plaintiff,

v.

ZTE CORPORATION, et al.,

Defendant.

Case No. C 12-03876-PSG

**STIPULATION AND ~~PROPOSED~~
 ORDER**

DAVIS WRIGHT TREMAINE LLP

WHEREAS, on July 24, 2012, Plaintiffs Technology Properties Limited LLC, Phoenix Digital Solutions LLC, and Patriot Scientific Corporation ("Plaintiffs") filed a Complaint in this action against ZTE Corporation and ZTE (USA) Inc. ("Defendants"), alleging infringement by Defendants of U.S. Patent Nos. 5,440,749 ("the '749 patent"), 5,530,890 ("the '890 patent"), and 5,809,336 ("the '336 patent"); and

WHEREAS, on the same day, Plaintiffs filed a Complaint with the U.S. International Trade Commission ("ITC") under Section 337 of the Tariff Act of 1930 ("Section 337"), 19 U.S.C. § 1337, in which Plaintiffs allege infringement by Defendants of the '336 patent (one of the three patents at issue in the present action); and

WHEREAS, on August 21, 2012, the ITC instituted an investigation in response to Plaintiffs' Complaint, naming the Defendants herein as Respondents in the investigation and placing in issue in that proceeding the '336 patent; and

WHEREAS, upon ZTE (USA) Inc.'s request, this case will be subject to a statutory mandatory stay as to the patent infringement claim of the '336 patent until the ITC concludes its investigation pursuant to 28 U.S.C. § 1659(a); and

WHEREAS, the parties agree that extending the aforementioned stay, in the Court's discretion, to the patent infringement claims of the '749 and '890 patents is justified by the close relationship between the claims before the ITC and this Court, and principles of judicial efficiency and economy; and

WHEREAS, the parties agree that Defendants reserve all rights to challenge the sufficiency of service (except as to ZTE (USA) Inc.), venue and jurisdiction in the above-captioned action, and do not waive any objections in this regard by entering into the present Stipulation.

IT IS HEREBY STIPULATED by and between Plaintiffs Technology Properties Limited LLC, Phoenix Digital Solutions LLC, and Patriot Scientific Corporation, and defendant ZTE (USA) Inc., subject to the approval of the Court, that this entire action (including the completion of service on Defendants and the Defendants' response to the Complaint) shall be stayed until the date of ITC's determination becomes final in the ITC Investigation. The parties further stipulate

1 that ZTE (USA) Inc. will answer or otherwise respond to the Complaint in this action within thirty
2 (30) days of the lifting of the stay.

3 SO STIPULATED.

4 Dated: September 20, 2012

5 AGILITY IP LAW, LLP

BRINKS HOFER GILSON & LIONE
DAVIS WRIGHT TREMAINE LLP

7 By: /s/ Michelle Breit
Michelle Breit

By: /s/ Martin L. Fineman
Martin L. Fineman

8
9 Attorney for Plaintiffs
10 TECHNOLOGY PROPERTIES LIMITED,
11 LLC and PHOENIX DIGITAL
12 SOLUTIONS LLC

Attorneys for Defendant
ZTE (USA) Inc.

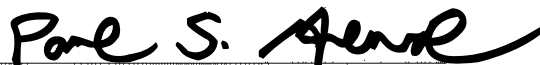
13 KIRBY NOONAN LANCE & HOGE LLP

14 By: /s/ Charles T. Hoge
Charles T. Hoge

15 Attorneys for Plaintiff

16 PATRIOT SCIENTIFIC CORPORATION

17 SO ORDERED this 2nd day of ~~September~~ ^{October}, 2012.



United States District Judge
Magistrate Judge

DAVIS WRIGHT TREMAINE LLP