

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

SAMSUNG ELECTRONICS CO., LTD.
and SAMSUNG ELECTRONICS
AMERICA, INC.,

Defendants.

CASE NO. 3:12-CV-03877-VC (PSG)

**STIPULATION AND [PROPOSED]
ORDER CHANGING TIME OF THE
HEARING ON SAMSUNG'S MOTION TO
STRIKE (CIVIL L.R. 6-2)**

DATE: August 11, 2015
TIME: 10:00 AM
PLACE: Courtroom 5
JUDGE: Hon. Paul S. Grewal

Pursuant to Civil Local Rule 6-2 Plaintiffs Technology Properties Limited LLC, Phoenix Digital Solutions LLC, and Patriot Scientific Corporation (collectively, “PDS” or “Plaintiffs”) and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung”) respectfully submit this Stipulation to change the hearing date on Samsung’s Motion to Strike Infringement Contentions Or Alternatively To Compel Supplemental Infringement Contentions (“Motion to Strike”).

WHEREAS, Samsung’s Motion to Strike was filed on June 9, 2015, and currently is scheduled for hearing on August 11, 2015;¹

WHEREAS, PDS filed a related Motion to Compel Discovery on June 11, 2015, which was also noticed for hearing on August 11, 2015 (“Motion to Compel”);

WHEREAS, PDS filed a Request to Shorten Time to have its Motion to Compel heard on June 30, 2015, and requested “that the hearing and briefing for Samsung’s Motion to Strike be placed on the same expedited schedule that PDS is seeking for its Motion to Compel”;

WHEREAS, on June 22, 2015, the Court issued an Order on PDS’s Motion to Shorten Time on the Motion to Compel, and reset the hearing on the Motion to Compel to June 30, 2015;

WHEREAS, on June 22, 2015, the Court also issued an Order on a motion to shorten time filed by PDS in the related case 12-cv-3880-VC-PSG, resetting a similar motion to compel filed by PDS, and a related motion to strike infringement contentions filed by Defendant LG, to June 30, 2015;

WHEREAS, PDS and Samsung agree that the Motion to Strike and the Motion to Compel should be set for hearing together on June 30, 2015;

NOW, THEREFORE, the parties, pursuant to Local Rule 6-2, hereby agree and stipulate as follows:

1. The hearing on Samsung’s Motion to Strike, currently scheduled for August 11, 2015, should be reset to June 30, 2015 at 10:00 a.m. in Courtroom 5, 4th Floor, United States District Court for the Northern District of California, 280 South 1st Street, San Jose, CA 95113,

¹ Samsung’s Motion to Strike originally was noticed for hearing on July 21, 2015, and was reset to August 11, 2015, pursuant to the Clerk’s Notice Resetting July 21, 2015 Motion Hearing, which issued on June 10, 2015.

1 before the Honorable Paul S. Grewal.

2
3 IT IS SO STIPULATED.

4 Dated: June 23, 2015

5
6 NELSON BUMGARDNER, P.C.

DLA PIPER LLP (US)

7 By: /s/ Brent N. Bumgardner

By: /s/ Aaron Wainscoat

8 Edward R. Nelson, III (*Pro Hac Vice*)
ed@nelbum.com

Aaron Wainscoat
aaron.wainscoat@dlapiper.com

9 Brent Nelson Bumgardner (*Pro Hac Vice*)
brent@nelbum.com

DLA PIPER LLP (US)

10 Barry J. Bumgardner (*Pro Hac Vice*)
barry@nelbum.com

2000 University Avenue
East Palo Alto, CA 94303

11 Thomas Christopher Cecil (*Pro Hac Vice*)
tom@nelbum.com

Tel: (650) 833-2442
Fax: (650) 687-1135

12 **NELSON BUMGARDNER, P.C.**

Attorneys for Defendants

13 3131 West 7th Street, Suite 300
14 Fort Worth, Texas 76107
[Tel.] (817) 377-9111
15 [Fax] (817) 377-3485

Samsung Electronics Co., Ltd. and
Samsung Electronics America, Inc.

16 Christopher D. Banys (SBN 230038)
cdb@banyspc.com

17 Jennifer Lu Gilbert (SBN 255820)
jlg@banyspc.com

18 **BANYS, P.C.**

19 1032 Elwell Court, Suite 100
20 Palo Alto, California 94303
[Tel.] (650) 308-8505
21 [Fax] (650) 353-2202

22 Attorneys for Plaintiff
23 Phoenix Digital Solutions LLC

24 ///

25 ///

26 ///

27 ///

28 ///

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The hearing on Samsung's Motion to Strike currently scheduled for August 11, 2015, is hereby continued to June 30, 2015 at 10:00 a.m. in Courtroom 5, 4th Floor, United States District Court for the Northern District of California, 280 South 1st Street, San Jose, CA 95113, before the Honorable Paul S. Grewal.

Dated this ____ day of June, 2015.

HON. PAUL S. GREWAL

ATTESTATION

I, Aaron Wainscoat, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with Civi Local Rule 5-1(i)(3), I hereby attest that Brent Bumgardner has read and approved the filing of this Stipulation.

Dated: June 23, 2015

DLA PIPER LLP (US)

By: /s/ Aaron Wainscoat

Aaron Wainscoat
aaron.wainscoat@dlapiper.com

DLA PIPER LLP (US)
2000 University Avenue
East Palo Alto, CA 94303
Tel: (650) 833-2442
Fax: (650) 687-1135

Attorneys for Defendants
Samsung Electronics Co., Ltd. and
Samsung Electronics America, Inc.

MARK D. FOWLER, Bar No. 124235
mark.fowler@dlapiper.com
AARON WAINSCOAT, Bar No. 218337
aaron.wainscoat@dlapiper.com
ERIK R. FUEHRER, Bar No. 252578
erik.fuehrer@dlapiper.com
DLA PIPER LLP (US)
2000 University Avenue
East Palo Alto, CA 94303
Telephone: 650.833.2000
Facsimile: 650.833.2001

Attorneys for Defendants,
SAMSUNG ELECTRONICS CO., LTD.
and SAMSUNG ELECTRONICS AMERICA, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

SAMSUNG ELECTRONICS CO., LTD.
and SAMSUNG ELECTRONICS
AMERICA, INC.,

Defendants.

CASE NO. 3:12-CV-03877-VC (PSG)

**WAINSCOAT DECLARATION IN
SUPPORT OF STIPULATION CHANGING
TIME OF THE HEARING ON
SAMSUNG'S MOTION TO STRIKE
(CIVIL L.R. 6-2)**

DATE: August 11, 2015
TIME: 10:00 AM
PLACE: Courtroom 5
JUDGE: Hon. Paul S. Grewal

I, Aaron Wainscoat, submit this declaration in support of the Stipulation Changing Time of Hearing on Samsung's Motion to Strike, filed by Plaintiffs Technology Properties Limited LLC, Phoenix Digital Solutions LLC, and Patriot Scientific Corporation (collectively, "PDS" or "Plaintiffs") and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Samsung"), pursuant to Civil Local Rule 6-2.

1. I am a partner at the law firm of DLA Piper LLP (US), attorneys of record for Samsung. If called as a witness, I could and would testify competently to the information set forth in this declaration.

2. Disclosures required by Civil Local Rule 6-2(a)(1). The reasons for the requested shortening of time are as follow: (a) on June 22, 2015, the Court shortened time, and reset the noticed hearing dates from August 11, 2015 to June 30, 2015, on the following motions: (a) PDS' Motion to Compel Discovery from Samsung (Case No. 12-3877); (b) PDS' Motion to Compel Discovery from LG (Case No. 12-3880); and (c) LG's Motion to Strike Plaintiffs' Infringement Contentions (Case No. 12-3880); (b) the issues raised in these three motions (now set for hearing on June 30, 2015) are very similar to the issues raised in Samsung's Motion to Strike Plaintiffs' Infringement Contentions, which was the first of these motions to be filed, on June 9, 2015; (c) PDS' motion to shorten time on its Motion to Compel requested "that the hearing and briefing for Samsung's Motion to Strike be placed on the same expedited schedule that PDS is seeking for its Motion to Compel"; and (d) resetting the hearing date on Samsung's Motion to Strike to June 30, 2015, will conserve judicial and party resources, as the relief requested in Samsung's Motion to Strike has a direct bearing on the relief requested in PDS' Motion to Compel.

3. Disclosures required by Civil Local Rule 6-2(a)(2). As set forth in the accompanying Stipulation, and paragraph 2, above, the Court previously shortened time on the related Motion to Strike and Motions to Compel from August 11, 2015 to June 30, 2015. In addition, on February 11, 2015, the Court granted Defendants' Unopposed Motion to Modify Case Schedule, extending the deadline for defendants to file Invalidity Contentions and related events by approximately 45 days to mirror the previous extension for Infringement Contentions, and continuing the claim construction and summary judgment hearing to February 26, 2016.

1 4. Disclosures required by Civil Local Rule 6-2(a)(3). Changing the hearing date on
2 Samsung's Motion to Strike to June 30, 2015, from August 11, 2015, will not affect the schedule
3 for the case.

4
5 /s/ Aaron Wainscoat
6 Aaron Wainscoat
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28