

1 TECHNOLOGY PROPERTIES LIMITED
2 LLC, et al.,

3 Plaintiffs

4 v.

5 SAMSUNG ELECTRONICS CO., LTD., et al.,
6 Defendants.

Case No. 3:12-cv-03877-VC (PSG)

7 TECHNOLOGY PROPERTIES LIMITED
8 LLC, et al.,

9 Plaintiffs

10 v.

11 LG ELECTRONICS, INC., et al.,
12 Defendants.

Case No. 3:12-cv-03880-VC (PSG)

13 TECHNOLOGY PROPERTIES LIMITED
14 LLC, et al.,

15 Plaintiffs

16 v.

17 NINTENDO CO., LTD, et al.
18 Defendants.

Case No. 3:12-cv-03881-VC (PSG)

19
20 WHEREAS, Plaintiffs Technology Properties Limited LLC, Phoenix Digital Solutions
21 LLC, and Patriot Scientific Corporation’s (collectively, “Plaintiffs”) asserted that Defendants
22 Huawei Technologies Co., Ltd., Huawei Device Co., Ltd., Huawei Device USA, Inc., Futurewei
23 Technologies, Inc., Huawei Technologies USA, Inc., ZTE Corporation, ZTE (USA) Inc.,
24 Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., LG Electronics, Inc., LG
25 Electronics U.S.A., Inc., Nintendo Co., Ltd., and Nintendo of America Inc. (collectively,
26 “Defendants”) in the above-titled and numbered civil cases (collectively, “this Action”) infringe
27 at least one claim of U.S. Patent No. 5,809,336 (the “’336 patent”); and

28 WHEREAS, this Court construed the term “an entire oscillator disposed upon said

1 integrated circuit substrate” used in the asserted claims of the ’336 patent in its Order Adopting
2 Magistrate Judge’s Report and Recommendation on claim construction, dated November 9, 2015
3 (the “Claim Construction Order”);

4 Plaintiffs and Defendants (together, the “Parties”), by and through their undersigned
5 counsel, hereby stipulate and agree as follows:

6 1. The term “an entire oscillator disposed upon said integrated circuit substrate”
7 appears in asserted independent claims 6 and 13 of the ’336 patent.

8 2. All asserted claims ultimately depend from either claim 6 or claim 13 and,
9 therefore, include the term “an entire oscillator disposed upon said integrated circuit substrate.”

10 3. In the Claim Construction Order, the Court construed the term “an entire oscillator
11 disposed upon said integrated circuit substrate” as “an [oscillator] located entirely on the same
12 semiconductor substrate as the [central processing unit] that does not require a control signal and
13 whose frequency is not fixed by any external crystal” (the “Entire Oscillator Construction”).

14 4. As a result of the Court’s Claim Construction Order, the Parties agree that all of
15 the accused products of all Defendants in this Action do not infringe the asserted claims of the
16 ’336 patent under the Entire Oscillator Construction.

17 5. Based on the above, the Parties request that the Court enter a final judgment of
18 non-infringement against Plaintiffs and for Defendants with respect to all accused products of all
19 Defendants on all asserted claims of the ’336 patent, subject to the Parties’ right to appeal.

20 6. The Parties also request that the Court enter a final judgment for Defendants and
21 against Plaintiffs on Defendants’ respective counterclaims seeking declaratory judgment of non-
22 infringement and Defendants’ respective affirmative defenses of non-infringement, and declare
23 the ’336 patent not infringed by Defendants.

24 7. The Parties agree that all other claims, counterclaims, defenses, or other matters
25 which have been asserted, including Defendants’ counterclaims of patent invalidity, are dismissed
26 without prejudice, and Plaintiffs will not oppose any attempt by Defendants to assert any such
27 defenses or counterclaims following any remand.
28

1 8. The parties intend to preserve the status quo on all other issues in the event an
2 appeal results in remand for further proceedings in this Court. Following any remand, the Parties
3 will request that the Court order a Case Management Conference to determine the schedule for
4 further proceedings.

5 9. The Parties respectfully request that the Court enter the Final Judgment attached
6 hereto.

7 10. Each party shall bear its own costs and attorneys' fees.
8

9 **IT IS SO STIPULATED.**

10 Dated: November 12, 2015

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ATTESTATION

I, Aaron Wainscoat, am the ECF User whose ID and password are being used to file this STIPULATION FOR ENTRY OF FINAL JUDGMENT BASED ON THE COURT’S CLAIM CONSTRUCTION. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that the signatories listed above have read and approved the filing of this brief.

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ATTACHMENT

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TECHNOLOGY PROPERTIES LIMITED
LLC, et al.,

Plaintiffs

v.

HUAWEI TECHNOLOGIES CO., LTD., et al.,

Defendants.

Case No. 3:12-cv-03865-VC (PSG)

FINAL JUDGMENT

TECHNOLOGY PROPERTIES LIMITED
LLC, et al.,

Plaintiffs

v.

ZTE CORPORATION, et al.,

Defendants.

Case No. 3:12-cv-03876-VC (PSG)

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TECHNOLOGY PROPERTIES LIMITED
LLC, et al.,

Plaintiffs

v.

SAMSUNG ELECTRONICS CO., LTD., et al.,
Defendants.

Case No. 3:12-cv-03877-VC (PSG)

TECHNOLOGY PROPERTIES LIMITED
LLC, et al.,

Plaintiffs

v.

LG ELECTRONICS, INC., et al.,
Defendants.

Case No. 3:12-cv-03880-VC (PSG)

TECHNOLOGY PROPERTIES LIMITED
LLC, et al.,

Plaintiffs

v.

NINTENDO CO., LTD, et al.
Defendants.

Case No. 3:12-cv-03881-VC (PSG)

Based upon this Court’s construction of the term “an entire oscillator disposed upon said integrated circuit substrate” as “an [oscillator] located entirely on the same semiconductor substrate as the [central processing unit] that does not require a control signal and whose frequency is not fixed by any external crystal” in U.S. Patent No. 5,809,336 (the “336 patent”) pursuant to the Claim Construction Report and Recommendation, dated September 22, 2015, and this Court’s Order Adopting Magistrate Judge’s Report and Recommendation, dated November 9, 2015, Plaintiffs Technology Properties Limited LLC, Phoenix Digital Solutions LLC, and Patriot Scientific Corporation (collectively, “Plaintiffs”) and Defendants Huawei Technologies Co., Ltd.,

1 Huawei Device Co., Ltd., Huawei Device USA, Inc., Futurewei Technologies, Inc., Huawei
2 Technologies USA, Inc., ZTE Corporation, ZTE (USA) Inc., Samsung Electronics Co., Ltd.,
3 Samsung Electronics America, Inc., LG Electronics, Inc., LG Electronics U.S.A., Inc., Nintendo
4 Co., Ltd., and Nintendo of America, Inc. (collectively, “Defendants”) (together, the “Parties”)
5 have stipulated that all Defendants are entitled to a judgment of non-infringement as a matter of
6 law as to all of Plaintiffs’ asserted claims of the ’336 patent in the above-titled and numbered civil
7 cases (collectively, “this Action”).

8 Accordingly, the Court enters Judgment as follows:

9 Judgment is entered against Plaintiffs and for Defendants as to Plaintiffs’ claims for
10 patent infringement with respect to the ’336 patent, subject to the parties’ right to appeal.

11 Subject to the parties’ right to appeal, the Court further enters judgment for Defendants
12 and against Plaintiffs on Defendants’ respective counterclaims seeking declaratory judgment of
13 non-infringement and Defendants’ respective affirmative defenses of non-infringement, and
14 declares the ’336 patent not infringed by Defendants. Plaintiffs shall take nothing from
15 Defendants with respect to the asserted claims of the ’336 patent.

16 All other claims, counterclaims, defenses, or other matters which have been asserted,
17 including Defendants’ counterclaims of patent invalidity, are dismissed without prejudice.

18 Each party shall bear its own costs and attorneys’ fees.

19
20 **IT IS SO ORDERED**

21 Dated: November __, 2015

22 _____
23 VINCE CHHABRIA
24 United States District Judge
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