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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TECHNOLOGY PROPERTIES LIMITED
LLC, et al.,

Plaintiffs

v.

ZTE CORPORATION, et al.,

Defendants.

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

**JOINT MOTION TO STAY ALL
PROCEEDINGS AND DEADLINES
PENDING RESOLUTION OF
OBJECTIONS TO CLAIM
CONSTRUCTION REPORT AND
RECOMMENDATION**

TECHNOLOGY PROPERTIES LIMITED
LLC, et al.,

Plaintiffs

v.

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

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

1 TECHNOLOGY PROPERTIES LIMITED
 2 LLC, et al.,
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 4 Plaintiffs
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 6 v.
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 8 LG ELECTRONICS, INC., et al.,
 9
 10 Defendants.
 11

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

12 TECHNOLOGY PROPERTIES LIMITED
 13 LLC, et al.,
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 15 Plaintiffs
 16
 17 v.
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 19 NINTENDO CO., LTD, et al.
 20
 21 Defendants.
 22

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

23 Plaintiffs Technology Properties Limited LLC, Phoenix Digital Solutions LLC, and
 24 Patriot Scientific Corporation’s (collectively, “Plaintiffs”) and Defendants ZTE Corporation, ZTE
 25 (USA) Inc., Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., LG Electronics,
 26 Inc., LG Electronics U.S.A., Inc., Nintendo Co., Ltd., and Nintendo of America Inc.

27 (“Defendants”) (collectively, the “Parties”) in the above-titled and numbered civil cases
 28 (collectively, “this Action”), respectfully move the Court to stay all deadlines and proceedings in
 this Action, except for the deadline for Plaintiffs to file their objections to the recently issued
 Claim Construction Report and Recommendation (or otherwise seek to alter the findings in Claim
 Construction Report and Recommendation). In support of the requested stay, the parties would
 show the Court:

1. Magistrate Grewal’s Claim Construction Report and Recommendation (Dkt. Nos.
 (109) in case 3:12-cv-03876-VC, (104) in case 3:12-cv-03877-VC, (117) in case 3:12-cv-03880-
 VC, (106) in case 3:12-cv-03881-VC) issued September 22, 2015 (the “Claim Construction
 Report”).

2. The Claim Construction Report construed the term “an entire oscillator disposed

1 upon said integrated circuit substrate” as “an [oscillator] located entirely on the same
2 semiconductor substrate as the [central processing unit] that does not require a control signal and
3 whose frequency is not fixed by any external crystal” (the “Entire Oscillator Construction”).

4 3. Any objections to the Claim Construction Report are due October 6, 2015.

5 4. The parties hereby stipulate that all accused products of all Defendants in this
6 Action do not infringe the asserted claims of U.S. Patent 5,809,336 under the Entire Oscillator
7 Construction.

8 5. If Plaintiffs do not file an objection to the Claim Construction Report on or before
9 October 6, 2015, or, if Plaintiffs timely file an objection to the Claim Construction Report and the
10 Court does not reject or materially modify the construction of the term “an entire oscillator
11 disposed upon said integrated circuit substrate”, and thereby accepts the Entire Oscillator
12 Construction, the Parties will within, three (3) business days of (a) Plaintiffs’ failure to timely file
13 an objection (*i.e.*, October 9, 2015) or (b) the Court’s acceptance of the Entire Oscillator
14 Construction, request the Court to enter final judgment of non-infringement in favor of
15 Defendants in the form attached hereto as Exhibit A.

16 6. Close of fact discovery is currently set for October 8, 2015. Parties with the
17 burden of proof are currently set to serve initial expert reports on November 6, 2015.

18 7. The parties have agreed to stay all proceedings and deadlines in this Action
19 pending the Court’s ruling on any objections to the Claim Construction Report.

20 8. A stay will prevent the time and resources of both the Court and the parties from
21 being wasted should the Court overrule Plaintiffs’ objections to the Claim Construction Report.

22 9. If the Court sustains Plaintiffs’ objections and reconsiders the construction of the
23 term “an entire oscillator disposed upon said integrated circuit substrate,” the parties will jointly
24 propose a revised scheduling order for the Court’s consideration.

25 10. To be clear, this stipulation does not prevent any Defendant from filing objections
26 to the Claim Construction Report, and no Defendant is required to file objections to the Claim
27 Construction Report in order to preserve its appellate rights.
28

1 Therefore, the parties request that the Court grant this Motion, and enter an Order staying
2 further proceedings and upcoming deadlines in this Action, except for the deadline for Plaintiffs
3 to file their objections to the Claim Construction Report, until further order of the Court.

4 **IT IS SO STIPULATED.**

5
6 Dated: September 25, 2015

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ATTESTATION

I, Wasif Qureshi, am the ECF User whose ID and password are being used to file this
JOINT MOTION TO STAY ALL PROCEEDINGS AND DEADLINES PENDING
RESOLUTION OF OBJECTIONS TO CLAIM CONSTRUCTION REPORT AND
RECOMMENDATION. 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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Attorneys for Defendants
LG ELECTRONICS, INC. and
LG ELECTRONICS USA. INC.

Exhibit A

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TECHNOLOGY PROPERTIES LIMITED
LLC, et al.,

Plaintiffs

v.

ZTE CORPORATION, et al.,

Defendants.

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

FINAL JUDGMENT

TECHNOLOGY PROPERTIES LIMITED
LLC, et al.,

Plaintiffs

v.

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

Defendants.

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

1 TECHNOLOGY PROPERTIES LIMITED
2 LLC, et al.,

3 Plaintiffs

4 v.

5 LG ELECTRONICS, INC., et al.,

6 Defendants.

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

7 TECHNOLOGY PROPERTIES LIMITED
8 LLC, et al.,

9 Plaintiffs

10 v.

11 NINTENDO CO., LTD, et al.

12 Defendants.

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

13
14 Based upon this Court’s construction of the term “an entire oscillator disposed upon said
15 integrated circuit substrate” as “an [oscillator] located entirely on the same semiconductor
16 substrate as the [central processing unit] that does not require a control signal and whose
17 frequency is not fixed by any external crystal” in U.S. Patent No. 5,809,336 (the “’336 patent”)
18 pursuant to the Claim Construction Report and Recommendation dated September 22, 2015, and
19 this Court’s Order adopting same, Plaintiffs Technology Properties Limited LLC, Phoenix Digital
20 Solutions LLC, and Patriot Scientific Corporation (collectively, “Plaintiffs”) and Defendants ZTE
21 Corporation, ZTE (USA) Inc., Samsung Electronics Co., Ltd., Samsung Electronics America,
22 Inc., LG Electronics, Inc., LG Electronics U.S.A., Inc., Nintendo Co., Ltd., and Nintendo of
23 America, Inc. (collectively, “Defendants”) (together, the “Parties”) have stipulated that all
24 Defendants are entitled to a judgment of non-infringement as a matter of law as to all of
25 Plaintiffs’ asserted claims of the ‘336 patent in the above-titled and numbered civil cases
26 (collectively, “this Action”).

27 Accordingly, the Court enters Judgment as follows:

28 Judgment is entered against Plaintiffs and for Defendants as to Plaintiffs’ claims for

1 patent infringement, subject to the parties' right to appeal.

2 Subject to the parties' right to appeal, the Court further enters judgment for Defendants
3 and against Plaintiffs on Defendants' respective counterclaims seeking declaratory judgment of
4 non- infringement and Defendants' respective affirmative defenses of non-infringement, and
5 declares the '336 patent not infringed by Defendants. Plaintiffs shall take nothing from
6 Defendants with respect to the asserted claims of the '336 patent.

7 All other claims, counterclaims, defenses, or other matters which have been asserted,
8 including Defendants' counterclaims of patent invalidity, are dismissed without prejudice.

9 Each party shall bear its own costs and attorneys' fees.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TECHNOLOGY PROPERTIES LIMITED
LLC, et al.,

Plaintiffs

v.

ZTE CORPORATION, et al.,

Defendants.

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

**[PROPOSED] ORDER GRANTING
JOINT MOTION TO STAY ALL
PROCEEDINGS AND DEADLINES
PENDING RESOLUTION OF
OBJECTIONS TO CLAIM
CONSTRUCTION REPORT AND
RECOMMENDATION**

TECHNOLOGY PROPERTIES LIMITED
LLC, et al.,

Plaintiffs

v.

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

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

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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)

IT IS HEREBY ORDERED that:

All further proceedings and upcoming deadlines in this Action, except for the deadline for Plaintiffs to file their objections to the recently issued Claim Construction Report and Recommendation (or otherwise seek to alter the findings in Claim Construction Report and Recommendation), are stayed until further order of the Court.

DATED: _____

HONORABLE PAUL S. GREWAL
UNITED STATES MAGISTRATE JUDGE