

CASE NO. 2016-1306, -1307, -1309, -1310, -1311

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

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

*Plaintiffs-Appellants,*

v.

HUAWEI TECHNOLOGIES CO., LTD., FUTUREWEI TECHNOLOGIES,  
INC., HUAWEI DEVICE CO., LTD., HUAWEI DEVICE USA INC., HUAWEI  
TECHNOLOGIES USA INC., ZTE CORPORATION, ZTE USA, INC.,  
SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS  
AMERICA, INC., LG ELECTRONICS, INC., LG ELECTRONICS U.S.A.,  
INC., NINTENDO CO., LTD., NINTENDO OF AMERICA INC.,

*Defendants-Appellees*

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Appeal from the United States District Court for the Northern District of  
California in Case Nos. 3:12-cv-03865-VC, 3:12-cv-03876-VC, 3:12-cv-03877-  
VC, 3:12-cv-03880-VC, and 3:12-cv-03881-VC, Judge Vince Chhabria.

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**PLAINTIFF-APPELLANT PHOENIX DIGITAL SOLUTIONS LLC'S  
UNOPPOSED FIRST MOTION FOR EXTENSION OF TIME TO FILE  
APPELLANTS' PRINCIPAL BRIEF**

DATED: February 2, 2016

Barry J. Bumgardner  
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*Attorneys for Plaintiff-Appellant  
Phoenix Digital Solutions LLC*

**PHOENIX DIGITAL SOLUTIONS LLC'S  
CERTIFICATE OF INTEREST**

Counsel for Plaintiff-Appellant Phoenix Digital Solutions LLC, certifies the following:

1. The full name of every party represented by me is Phoenix Digital Solutions LLC and Technology Properties Limited LLC.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is: N/A.

3. The names of all parent corporations and publicly held companies that own 10 percent or more of the stock in Phoenix Digital Solutions LLC are Technology Properties Limited LLC and Patriot Scientific Corporation.

4. The names of all law firms and the partners or associates that appeared for Phoenix Digital Solutions LLC in the trial court, or are expected to appear in this Court, are:

Nelson Bumgardner, P.C.

Barry J. Bumgardner  
Edward R. Nelson, III  
Brent Nelson Bumgardner  
Thomas C. Cecil  
Stacie Greskowiak McNulty (withdrawn)  
John Murphy

Banys, P.C.

Christopher D. Banys  
Jennifer Lu Gilbert  
Christopher J. Judge  
Richard Cheng-hong Lin

Albritton Law Firm

Eric M. Albritton

**MOTION FOR 30-DAY EXTENSION OF TIME TO FILE  
PRINCIPAL BRIEF**

Pursuant to Federal Circuit Rule (26)(b), Plaintiff-Appellant Phoenix Digital Solutions LLC (“PDS”) files this First Unopposed Motion for 30-Day Extension of Time to File Principal Brief, and in support thereof, shows as follows:

1. Plaintiffs-Appellants filed their Notices of Appeal on December 7, 2015. The appeals were docketed on December 11, 2015, and consolidated on December 16, 2015. (ECF No. 2). Plaintiffs-Appellants’ principal brief is currently due on February 9, 2016.

2. PDS respectfully requests a 30-day extension to file the principal brief on behalf of all Plaintiffs-Appellants, up to and including March 10, 2016. As set forth in the declaration attached hereto, Plaintiffs-Appellants have good cause for requesting an extension, due to several conflicts with other matters being handled by principal counsel and by co-counsel.

3. As between the three Plaintiffs-Appellants, PDS (and its counsel) have primary responsibility for filing the principal brief (which will be submitted on behalf of all three of Plaintiffs-Appellants).

4. Counsel for PDS conferred with counsel for Defendants-Appellees regarding this motion, and said counsel indicated that they do not oppose the relief requested in this motion and will not be filing a response in opposition. Plaintiffs-Appellants Technology Properties Limited LLC and Patriot Scientific Corp.

consent to the filing of this motion and agree with the relief being sought. Additionally, Plaintiffs-Appellants agree not to oppose a comparable extension should Defendants-Appellees request one.

### **Conclusion**

For the foregoing reasons, Plaintiff-Appellant PDS respectfully requests that the Court grant its First Unopposed Motion for Extension of Time to File Principal Brief and extend the deadline for filing the principal brief by 30 days from February 9, 2016 to March 10, 2016.

Respectfully submitted,

/s/ Barry J. Bumgardner

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Technology Properties Limited LLC*

/s/ Charles T. Hoge

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*Attorneys for Plaintiff-Appellant  
Patriot Scientific Corporation*

**CERTIFICATE OF SERVICE**

I certify that on February 2, 2016, I electronically filed the foregoing using the Court's CM/ECF filing system. Counsel was served via CM/ECF which constitutes service, pursuant to Fed. R. App. P. 25(c)(2), Fed. Cir. R. 25(a), and the Court's Administrative Order Regarding Electronic Case Filing 6(A) (May 17, 2012).

/s/Barry J. Bumgardner

Barry J. Bumgardner

Counsel for Phoenix Digital Solutions  
LLC, Plaintiff-Appellant

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**DECLARATION OF BARRY J. BUMGARDNER**

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In accordance with 28 U.S.C. § 1746, I Barry J. Bumgardner, declare as follows:

1. My name is Barry J. Bumgardner. I am over eighteen years of age, have never been convicted of a felony or crime of moral turpitude, and am fully competent to make this declaration.

2. I am principal appellate counsel for Plaintiff-Appellant Phoenix Digital Solutions in the above-captioned appeal.

3. Good cause exists for granting Plaintiffs-Appellants a 30-day extension of time from February 9, 2016 to March 10, 2016 to file their opening brief in the above-captioned appeal.

4. Among other matters, I am lead counsel in a case pending in Delaware which has a claim construction hearing scheduled for February 11, 2016. I am also responsible for responding to a potentially dispositive motion whereby defendants are arguing that collateral estoppel will prevent my client from asserting a particular patent on February 8, 2016. Furthermore, I have certain post-trial motions due on the same day.

5. I have also consulted with my co-counsel, Edward Nelson, Brent Bumgardner and Thomas Cecil, who are working with me on the brief. Among other matters, Mr. Brent Bumgardner is working on the same matters I am, as described in paragraph 4. Messrs. Nelson and Cecil have several depositions

scheduled between now and the time Appellants' brief is due that would be difficult to move due to an upcoming discovery cutoff.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 2, 2016.

/s/ Barry J. Bumgardner  
Barry J. Bumgardner