

1 Daniel J. O'Connor (Pro Hac Vice)
Edward K. Runyan (Pro Hac Vice)
2 **BAKER & MCKENZIE LLP**
One Prudential Plaza
3 130 East Randolph Drive
Chicago, IL 60601
4 Telephone: +1 312 861 8000
daniel.j.oconnor@bakernet.com
5 edward.k.runyan@bakernet.com

6 Tod L. Gamlen (SBN 83458)
BAKER & MCKENZIE LLP
7 660 Hansen Way
Palo Alto, CA 94303-1044
8 Telephone: +1 650 856 2400
tod.l.gamlen@bakernet.com

9 Attorneys for Plaintiff

10 BARCO N.V.

11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN JOSE DIVISION**

15 **BARCO N.V., a Belgian corporation,**

16 **Plaintiff,**

17 **v.**

18 **TECHNOLOGY PROPERTIES LTD.,**

19 **PATRIOT SCIENTIFIC CORP., and**

20 **ALLIACENSE LTD.,**

21
22 **Defendant.**
23

Case No. 3:08-cv-05398 JW

**DECLARATION OF EDWARD
RUNYAN PURSUANT TO GENERAL
ORDER 45**

**DECLARATION OF EDWARD K. RUNYAN PURSUANT TO
GENERAL ORDER 45**

1
2
3 I, Edward K. Runyan, declare as follows:

4 1. I am an attorney admitted to practice law in the State of Illinois. I am also admitted
5 pro hac vice representing Barco N.V. (Barco) in case 3:08-cv-05398 JW. I am making this
6 declaration in support of Barcos' delayed filing of its Reply Brief In Support of Its Motion to Strike
7 Portions of TPL's Infringement Contentions for U.S. Patent No. 5,809,336, U.S. Patent No.
8 5,440,749, and U.S. Patent No 5,530,890 (hereinafter referred to as "Barco's Reply Brief" or "Reply
9 Brief"). The matters set forth in this declaration are based on my personal knowledge, and if called
10 as a witness I could and would testify competently thereto.

11 2. I am making this declaration pursuant to General Order 45, Section IV, titled
12 "Electronic Filing," which provides that filings due on a particular day "which were not filed due
13 solely to such technical failures shall become due the next business day."

14 3. Barco's Reply Brief was due on February 17, 2012. On February 17, 2012, at
15 approximately 8:00 pm (PST) I was informed the Court's Electronic Case File (ECF) system could
16 not be accessed for filing purposes.

17 4. I checked the Court's ECF system several times between 8:00 pm (PST) and 10:00
18 pm (PST) on February 17, 2012 to determine whether the Court's ECF system could be accessed for
19 filing purposes.

20 5. I requested Omar Galaria, an attorney assigned to this case, who was at another
21 location, to check whether he could access the Court's ECF system to file Barco's Reply Brief. I was
22 informed that he was unable access the ECF system.

23 6. At about 9:45 pm (PST) (11:45 pm (CST)), Omar Galaria emailed Special Master
24 Thomas Denver and Counsel for Defendants Technology Properties Limited, Patriot Scientific
25 Corporation, and Alliacense Limited (collectively "TPL"). In his email, Omar Galaria attached
26 Barco's Reply Brief and informed the Special Master and TPL that the Court's ECF system
27 appeared to be down and that Barco's Reply Brief could not be filed electronically.

28 7. The Reply Brief that was submitted to TPL and Special Master Thomas Denver on

1 Friday, February 17, 2012 via email is the same Reply Brief that is being filed today with the Court.

2 8. Attached as Exhibit 1 is a true and correct copy of the email sent by Omar Galaria on
3 Friday, February 17, 2012 to Special Master Thomas Denver and Counsel for TPL.

4
5 I declare under penalty of perjury that the foregoing is true and correct. Executed on
6 February 21, 2012, in Chicago, Illinois.

7 

8
9 _____
10 Edward K. Runyan

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28