

[See signature page for counsel]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HTC CORPORATION, HTC AMERICA,
INC.,

Plaintiffs,

v.

TECHNOLOGY PROPERTIES
LIMITED, PATRIOT SCIENTIFIC
CORPORATION, and ALLIACENSE
LIMITED,

Defendants.

Case No. 5:08-cv-00882 PSG

**JOINT EMERGENCY MOTION FOR
ADDENDUM TO JURY INSTRUCTIONS
RE QUALCOMM STIPULATION**

Complaint Filed: February 8, 2008
Trial Date: September 23, 2013

Date: September 24, 2013
Time: 9:00 a.m.

Place: Courtroom 5, 4th Floor
Judge: Hon. Paul S. Grewal

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that Plaintiffs HTC Corp. and HTC America, Inc. and Defendants Technology Properties Ltd., Patriot Scientific Corp. and Alliacense Ltd. (collectively the “parties”) jointly move, on an emergency basis, pursuant to Civil Local Rules 6-3 and 7-11, this Court for an Order amending the Joint Proposed Jury Instructions to include an instruction relating to a stipulation between the parties and third party Qualcomm, Inc. (“Qualcomm”).

This Motion is based on the Memorandum of Points and Authorities set forth below, and such other matters as may be presented at the hearing on this Joint Motion and allowed by the Court. The parties met and conferred regarding the content of this motion on September 23, 2013 and jointly seek the relief requested herein.

MEMORANDUM OF POINTS AND AUTHORITIES

On September 23, 2013, the parties entered into a stipulation with Qualcomm. Docket No. 618. Among other things, the parties stipulated that the jury should receive the following jury instruction and agreed to file this joint emergency motion for an addendum to the jury

1 instructions requesting the Court to add the following jury instruction to the Joint Proposed Jury
2 Instructions:

3 **Jury Instruction Addendum**

4 A number of the HTC products accused of infringement in this case contain Qualcomm
5 chips. The parties have agreed and HTC has verified that the HTC Phones listed in the table in
6 Exhibit A contain the Qualcomm chips next to them. The parties have also agreed, and
7 Qualcomm has verified, the following facts about the Qualcomm chips listed in Exhibit A:

- 8 1. The Qualcomm chips shown in Exhibit A contain the application processors shown in
9 Exhibit A;
- 10 2. Each of the Qualcomm chips listed in Exhibit A includes phase locked loops (PLLs) at
11 least one of which is associated with clocking the corresponding application processor;
- 12 3. Each of the PLLs in paragraph 2 contains a voltage controlled oscillator or a current
13 controlled oscillator that has a multiple, odd number of inversions arranged in a loop.
- 14 4. The terms “application processor,” “clocking,” “voltage controlled oscillator” and
15 “current controlled oscillator” used above come from Qualcomm technical documents
16 produced in this case.

17 **EXHIBIT A**

18 **HTC Phones with Qualcomm Chips**

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20 HTC Phone(s)	Qualcomm Chip	Application Processor
21 Mobile Phone Tilt / TyTN II [Kaiser]	MSM7200	ARM 11
22 HTC Touch Dual [Neon]	MSM7200	ARM 11
23 Touch Phone P3650 [Polaris]	MSM7200	ARM 11
24 Mobile Phone S730	MSM7200	ARM 11
25 HTC Touch Diamond [Diamond]	MSM7201	ARM 11
26 HTC T-Mobile G1 [Dream]	MSM7201	ARM 11
27 HTC Touch Phone Fuze [Raphael]	MSM7201	ARM 11
28 HTC Smartphone Wildfire [Bee]	MSM7625	ARM 11
HTC Shift X9000 [Atlantis]	MSM7500	ARM 11
HTC Smartphone S640 [Iris]	MSM7500	ARM 11
HTC S720 / SMT5800 [Libra]	MSM7500	ARM 11

HTC Phone(s)	Qualcomm Chip	Application Processor
Mobile Phone XV6800 / HTC PDA Phone P4000 / PPC-6800 [Mogul, Titan]	MSM7500	ARM 11
Touch Phone P3450	MSM7500	ARM 11
HTC Smartphone EVO Shift 4G [Speedy]	MSM7x30	Scorpion
HTC Smartphone G2 [Vision]	MSM7x30	Scorpion
HTC Smartphone Inspire 4G [Ace]	MSM7x30 / MSM8255	Scorpion
HTC Smartphone myTouch 4G [Glacier]	MSM7x30 / MSM8255	Scorpion
HTC Smartphone ThunderBolt	MSM7x30 / MSM8655	Scorpion
HTC Smartphone Desire [Bravo]	QSD8x50	Scorpion
HTC Smartphone Surround [Mondrian]	QSD8x50	Scorpion
HTC Smartphone HD7 [Schubert]	QSD8x50	Scorpion
HTC Smartphone EVO 4G [Supersonic]	QSD8x50	Scorpion

Accordingly, the parties hereby move the Court to add the above jury instruction and Exhibit A to the Joint Proposed Jury Instructions. For the convenience of the Court, the parties have also provided both the jury instruction and Exhibit A on separate sheets appended to the end of this motion.

Dated: September 23, 2013

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Attorneys for Defendant
PATRIOT SCIENTIFIC CORPORATION

Jury Instruction Addendum

A number of the HTC products accused of infringement in this case contain Qualcomm chips. The parties have agreed and HTC has verified that the HTC Phones listed in the table in Exhibit A contain the Qualcomm chips next to them. The parties have also agreed, and Qualcomm has verified, the following facts about the Qualcomm chips listed in Exhibit A:

1. The Qualcomm chips shown in Exhibit A contain the application processors shown in Exhibit A;
2. Each of the Qualcomm chips listed in Exhibit A includes phase locked loops (PLLs) at least one of which is associated with clocking the corresponding application processor;
3. Each of the PLLs in paragraph 2 contains a voltage controlled oscillator or a current controlled oscillator that has a multiple, odd number of inversions arranged in a loop.
4. The terms “application processor,” “clocking,” “voltage controlled oscillator” and “current controlled oscillator” used above come from Qualcomm technical documents produced in this case.

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EXHIBIT A**HTC Phones with Qualcomm Chips**

HTC Phone(s)	Qualcomm Chip	Application Processor
Mobile Phone Tilt / TyTN II [Kaiser]	MSM7200	ARM 11
HTC Touch Dual [Neon]	MSM7200	ARM 11
Touch Phone P3650 [Polaris]	MSM7200	ARM 11
Mobile Phone S730	MSM7200	ARM 11
HTC Touch Diamond [Diamond]	MSM7201	ARM 11
HTC T-Mobile G1 [Dream]	MSM7201	ARM 11
HTC Touch Phone Fuze [Raphael]	MSM7201	ARM 11
HTC Smartphone Wildfire [Bee]	MSM7625	ARM 11
HTC Shift X9000 [Atlantis]	MSM7500	ARM 11
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

17 HTC CORPORATION and HTC)
AMERICA, INC.,)
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Plaintiffs,)
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v.)
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TECHNOLOGY PROPERTIES LIMITED,)
21 PATRIOT SCIENTIFIC CORPORATION)
and ALLIACENSE LIMITED,)
22)
Defendants.)
23)

Case No. 5:08-cv-00882 PSG

**[PROPOSED] ORDER GRANTING
JOINT EMERGENCY MOTION FOR
ADDENDUM TO JURY
INSTRUCTIONS RE QUALCOMM
STIPULATION**

Date: September 24, 2013
Time: 9:00 a.m.
Place: Courtroom 5, 4th Floor
Judge: Hon. Paul S. Grewal

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1 Having considered the parties Joint Emergency Motion re Qualcomm Stipulation, the
2 record in this case and all related facts and circumstances, and good cause appearing therefor, IT
3 IS HEREBY ORDERED THAT:

4 The jury should receive the following jury instruction as an addendum to the jury
5 instructions and the Court shall add the following jury instruction to the Joint Proposed Jury
6 Instructions:

7 **Jury Instruction Addendum**

8 A number of the HTC products accused of infringement in this case contain Qualcomm
9 chips. The parties have agreed and HTC has verified that the HTC Phones listed in the table in
10 Exhibit A contain the Qualcomm chips next to them. The parties have also agreed, and
11 Qualcomm has verified, the following facts about the Qualcomm chips listed in Exhibit A:

- 12 1. The Qualcomm chips shown in Exhibit A contain the application processors shown in
13 Exhibit A;
- 14 2. Each of the Qualcomm chips listed in Exhibit A includes phase locked loops (PLLs) at
15 least one of which is associated with clocking the corresponding application processor;
- 16 3. Each of the PLLs in paragraph 2 contains a voltage controlled oscillator or a current
17 controlled oscillator that has a multiple, odd number of inversions arranged in a loop.
- 18 4. The terms “application processor,” “clocking,” “voltage controlled oscillator” and “current
19 controlled oscillator” used above come from Qualcomm technical documents produced in
20 this case.

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IT IS SO ORDERED.

Dated: _____, 2013

Hon. Paul S. Grewal
United States Magistrate Judge