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 11 HTC CORPORATION and  
 HTC AMERICA, INC.  
 12

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN JOSE DIVISION

16 HTC CORPORATION and HTC  
 17 AMERICA, INC.,

18 Plaintiffs,

19 v.

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

22 Defendants.  
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Case No. 5:08-cv-00882 PSG

[Related to Case No. 5:08-cv-00877 PSG]

**EMERGENCY MOTION FOR  
 CLARIFICATION OF ORDER ON  
 ADDENDUM TO JURY INSTRUCTIONS**

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

Date: September 23, 2013  
 Time: 9:00 a.m.  
 Place: Courtroom 5, 4th Floor  
 Judge: Hon. Paul S. Grewal



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HTC’s first argument on summary judgment asks the Court reconsider Judge Ware’s construction of the “entire” phrases for each of the independent claims of the ’336 patent. **These phrases relate to the “system clock” or “CPU clock” that is used to clock the CPU.**

(Dkt. No. 470 at 5; emphasis added.) In TPL's Opposition to HTC's MIL No. 3, TPL stated:

Because **the ring oscillator is fabricated on the same silicon die as the CPU that it clocks**, both the ring oscillator and the CPU will be similarly affected by variations due to changes in process, voltage and temperature parameters—the so-called “PVT parameters.”

(Dkt. No. 529 at 2; emphasis added.)

For these reasons, Plaintiffs ask the Court to change “a” to “the” and add the phrase “used to clock the CPU” to the end of the additional jury instruction provided in the Court's Order at Docket No. 607.

Dated: September 21, 2013

Respectfully submitted,

COOLEY LLP  
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MARK R. WEINSTEIN  
RONALD S. LEMIEUX  
STEPHEN R. SMITH  
KYLE D. CHEN

By: /s/ Kyle D. Chen

Attorneys for HTC CORPORATION and  
HTC AMERICA, INC.

398110 v3/CO

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LIMITED, PATRIOT SCIENTIFIC  
22 CORPORATION, and ALLIACENSE  
LIMITED,

23 Defendants.

Case No. 5:08-cv-00882 PSG

**DECLARATION OF KYLE D. CHEN IN  
SUPPORT OF EMERGENCY MOTION  
FOR CLARIFICATION OF ORDER RE  
ADDENDUM TO JURY INSTRUCTIONS**

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

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26 I, Kyle D. Chen, declare:

27 1. I am an attorney at the law firm of Cooley LLP, counsel in this action for Plaintiffs  
28 HTC Corporation and HTC America, Inc. (collectively "HTC"). I make this declaration in

1 support of Plaintiffs' Emergency Motion for Addendum to Jury Instructions ("Motion"). I have  
2 personal knowledge based on information provided to me of the facts contained within this  
3 declaration, and if called as a witness, could testify competently to the matters contained herein.

4 2. Prior to submitting its Motion, on September 21, 2013, Plaintiffs sent an email to  
5 Defendants' counsel, including the proposed Motion and asking Defendants to respond by 6:00  
6 pm on whether they opposed the Motion. The Defendants did not respond by that time.  
7 Accordingly, the parties were unable to reach a stipulation pursuant to Local Rule 7-11.

8

9 I declare under penalty of perjury that to the best of my knowledge the foregoing is true  
10 and correct. Executed on September 21, 2013 in Palo Alto, California.

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*/s/ Kyle D. Chen*

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Kyle D. Chen

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16 397923 v2/CO

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 22 Defendants.

Case No. 5:08-cv-00882 PSG  
 [Related to Case No. 5:08-cv-00877 PSG]  
**[PROPOSED] ORDER GRANTING  
 EMERGENCY MOTION FOR  
 CLARIFICATION OF ORDER ON  
 ADDENDUM TO JURY INSTRUCTIONS**  
 Complaint Filed: February 8, 2008  
 Trial Date: September 23, 2013  
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Having considered Defendants’ Emergency Motion for Clarification of the Order on Addendum to the Joint Proposed Jury Instructions, the record in this case and all related facts and circumstances, and good cause appearing therefor, IT IS HEREBY ORDERED THAT:

The court’s final jury instructions will instruct the jury that the terms “entire ring oscillator variable speed system clock” (in claims 1 and 11), “entire oscillator” (in claims 6 and 13), and “entire variable speed clock” (in claims 10 and 16) are properly understood to exclude any external clock used to generate the signal used to clock the CPU.

IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2013

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Hon. Paul S. Grewal  
United States Magistrate Judge

398111 v2/CO