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14 Attorneys for Plaintiffs ACER INC., ACER
15 AMERICA CORPORATION and
16 GATEWAY, INC.

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION
19

20 ACER, INC., ACER AMERICA
21 CORPORATION and GATEWAY, INC.,

22 Plaintiffs,

23 v.

24 TECHNOLOGY PROPERTIES
25 LIMITED, PATRIOT SCIENTIFIC
26 CORPORATION, and ALLIACENSE
27 LIMITED,

28 Defendants.

Case No. 5:08-cv-00877 PSG

**MOTION FOR ORDER SHORTENING TIME
ON PLAINTIFFS' MOTION TO COMPEL**

Date: February 12, 2013
Time: 10:00 a.m.
Dept: Courtroom 4, 5th Floor
Before: Hon. Paul S. Grewal

(Requesting February 12, 2013 Hearing Date)

1 Pursuant to Civil L.R. 6-3 and Judge Grewal's December 2010 Standing Order, Plaintiffs
2 Acer Inc., Acer America Corporation and Gateway, Inc. (collectively "Plaintiffs") move for an
3 order shortening time to hear Plaintiffs' Motion to Compel Defendants to Produce a 30(b)(6)
4 Witness for Certain Topics. Acer requests that an expedited hearing on February 12, 2013 at
5 10:00 a.m., or earlier at the Court's convenience. Acer further requests that Defendants file any
6 response to the motion by Monday, February 11.

7 **A. Factual Background**

8 Plaintiffs served Defendants with a 30(b)(6) Deposition Notice nearly one month ago.
9 Fact discovery closes on February 8. Defendants have refused to produce a witness to four
10 topics that Plaintiffs believe relate to Defendants' damages claims, yet has agreed to produce
11 witnesses for other deposition topics within the discovery period. Acer sought to meet and
12 confer with TPL, but TPL never responded to its request.

13 **B. Good Cause Exists**

14 With fact discovery scheduled to close on February 8, 2013, and expert reports set to be
15 exchanged on February 15 and March 15, 2013, good cause exists for hearing Plaintiffs' Motion
16 on shortened time. The disputed deposition topics are relevant to the parties' damages reports,
17 and the Parties therefore cannot wait the regular thirty-five days, until after fact discovery is
18 closed, to have the dispute resolved by regularly noticed motion. Plaintiffs would be prejudiced
19 if they are not allowed to pursue the discovery requested and include it in their expert reports.

20 Dated: February 4, 2013

K&L GATES LLP

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22 By: /s/ Harold H. Davis /s/
23 Harold H. Davis

24 Attorneys for Plaintiffs ACER, INC., ACER
25 AMERICA CORPORATION and
26 GATEWAY, INC.
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26 CORPORATION, and ALLIACENSE
27 LIMITED,

27 Defendants.

Case No. 5:08-cv-00877 PSG

**[PROPOSED] ORDER GRANTING
MOTION FOR ORDER SHORTENING
TIME ON PLAINTIFFS' MOTION TO
COMPEL DEFENDANTS TO PRODUCE
A 30(B)(6) WITNESS FOR CERTAIN
TOPICS**

Date: February 12, 2013
Time: 10:00 a.m.
Dept: Courtroom 4, 5th Floor
Before: Hon. Paul S. Grewal

(Requesting February 12, 2013 Hearing Date)

1 The Court having considered the Plaintiffs' Motion for an Order Shortening Time to Hear
2 Plaintiffs' Motion to Compel Defendants to Produce a 30(b)(6) Witness for Certain Topics ("Motion
3 for Order Shortening Time") and good cause appearing, the Court hereby grants the motion.

4 IT IS HEREBY ORDERED THAT the Parties' Motion for Order Shortening Time is
5 GRANTED.

6 IT IS HEREBY FURTHER ORDERED THAT Plaintiffs' Plaintiffs' Motion to Compel
7 Defendants to Produce a 30(b)(6) Witness for Certain Topics will be heard on February 12, 2013 at
8 10:00 am, and Defendants must file its response to Plaintiffs' Motion to Compel by February 11,
9 2013.

10 **IT IS SO ORDERED.**

11
12
13 Dated: _____

Honorable Judge Paul S. Grewal