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13	UNITED STATI	ES DISTRICT COURT		
14	NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION			
15	ACER, INC., ACER AMERICA) Case No. 5:08-cv-00877 PSG		
16	CORPORATION and GATEWAY, INC.,) MOTION UNDER CIVIL LOCAL		
17	Plaintiffs,) RULES 6-3 AND 7-11 TO EXTEND THE FACT DISCOVERY CUTOFF		
18	v.) Judge: Hon. Paul S. Grewal		
19 20	TECHNOLOGY PROPERTIES LIMITED,) PATRIOT SCIENTIFIC CORPORATION,) and ALLIACENSE LIMITED,))))		
21	Defendants.			
22	HTC CORPORATION and HTC) Case No. 5:08-cv-00882 PSG		
23	AMERICA, INC.,))		
24	Plaintiffs,))		
25	V.))		
26	TECHNOLOGY PROPERTIES LIMITED, PATRIOT SCIENTIFIC CORPORATION)		
27	and ALLIACENSE LIMITED,			
28	Defendants.))		
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Notice of Motion

PLEASE TAKE NOTICE that Defendants Technology Properties Ltd., Patriot Scientific Corporation, and Alliacense Ltd. (collectively, "TPL") move, pursuant to Civil Local Rules 6-3 and 7-11, to extend the discovery cutoff deadline set forth in the Court's February 12, 2013 Modified Case Management Order (the "Modified CMO," 877 Doc. 408; 882 Doc 430) to March 29, 2013. Plaintiffs HTC Corporation and HTC America, Inc. (collectively, "HTC") do not oppose this motion. Plaintiffs Acer, Inc., Acer America Corporation and Gateway, Inc. (collectively, "Acer") oppose this motion.

This Motion is based on the following Memorandum of Points and Authorities, the entire record in these matters, and such evidence as may be presented at any hearing of this Motion, on a date and at a time to be determined by the Court.

Memorandum of Points and Authorities

TPL requests that the Court extend the fact discovery cutoff—currently scheduled for today, March 1, 2013—to March 29, 2013 for these matters. The modest extension TPL requests is necessary to permit Acer to produce documents, to permit TPL to take additional discovery based on those documents, and for Acer and TPL to attempt to work out remaining disputes to the extent possible. All other dates under the current scheduling order *will remain unchanged*.

Specifically, TPL respectfully proposes adjusting the schedule in the Modified CMO, as follows:

EventFact Discovery Cutoff

Proposed Date March 29, 2013

All other dates remain the same.

TPL's requested extension is required to permit Acer to produce additional documents, to permit TPL to review those documents and to take any necessary discovery on those documents.

Although the Court ordered Acer to complete its production of certain documents, including

MOTION TO EXTEND

1 CASE NOS. 5:08-CV-00877
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AND 5:08-CV-00882

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schematics, by February 15, 2013 (see Minute Order, 877 Doc. 407 and 882 Doc. 429), Acer stil			
has not produced all of those documents. Discussions between TPL and Acer as recently as			
yesterday, February 28, 2013, have made it clear that Acer is still planning to produce additional			
documents in this case (including schematics), and as of the time of the filing of this motion,			
TPL still has not received those documents. Accordingly, TPL seeks the proposed extension to			
permit TPL additional time to receive and review Acer's documents, to conduct any necessary			
discovery based on those documents, and to try to work out any discovery-related disputes to the			
extent possible.			
Why Acer opposes the extension of the fact discovery cutoff is unclear. Acer did not			

Why Acer opposes the extension of the fact discovery cutoff is unclear. Acer did not provide TPL a reason. TPL respectfully submits, however, that the extension of the fact discovery cutoff *actually benefits Acer*, who has not been able to produce all of its documents notwithstanding the Court's February 8 Minute Order to produce documents by February 15, 2013, and notwithstanding today's currently scheduled fact discovery cutoff deadline.

As stated above, HTC does not oppose the extension TPL seeks. HTC and TPL have worked out discovery issues between them in a cooperative and amicable fashion, and continue to do so.

Conclusion

For the foregoing reasons, TPL respectfully asks the Court to grant its motion to extend the fact discovery cutoff to March 29, 2013.

¹ Although the Court also indicated in the Minute Order that it is open to entertain a sanctions motion, TPL is still working with Acer to determine what additional documents Acer will produce, to fully understand and assess the scope of the relevant issues, and to resolve any issues that the parties are able to resolve, before filing a sanctions motion.

MOTION TO EXTEND
THE FACT DISCOVERY CUTOFF

1	Dated: March 1, 13		Respectfully submitted,	
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MOTION TO EXTEND THE FACT DISCOVERY CUTOFF

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14	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA			
15	SAN JOS	SE DIVISION		
16	ACER, INC., ACER AMERICA CORPORATION and GATEWAY, INC.,	Case No. 5:08-cv-00877 PSG		
17	Plaintiffs,	[PROPOSED] ORDER MODIFYING THE FACT DISCOVERY CUTOFF		
18	v.) Judge: Hon. Paul S. Grewal		
19)		
20	TECHNOLOGY PROPERTIES LIMITED, PATRIOT SCIENTIFIC CORPORATION, and ALLIACENSE LIMITED,)))		
21	Defendants.))		
22	HTC CORPORATION and HTC) Case No. 5:08-cv-00882 PSG		
23	AMERICA, INC.,			
24	Plaintiffs,			
25	v.			
26	TECHNOLOGY PROPERTIES LIMITED, PATRIOT SCIENTIFIC CORPORATION and ALLIACENSE LIMITED,			
27				
28	Defendants.))		

1	Having considered the TPL's Motion Under Civil Local Rules 6-3 and 7-11 to Extend the				
2	Fact Discovery Cutoff, and all related facts and circumstances, the motion is GRANTED.				
3	IT IS HEREBY ORDERED that the following modifications to the schedule and				
4	deadlines shall apply to this case:				
5					
6	Event	Proposed Date			
7	Fact Discovery Cutoff	March 29, 2013			
8	All other dates remain the same.				
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10					
11	Dated: March, 2013				
12		Paul S. Grewal			
13		United States Magistrate Judge			
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[PROPOSED] ORDER EXTENDING THE FACT DISCOVERY CUTOFF

Case Nos. 5:08-cv-00877 AND 5:08-cv-00882