

1 JAMES C. OTTESON, State Bar No. 157781
jim@agilityiplaw.com
2 MICHELLE BREIT, State Bar No. 133143
mbreit@agilityiplaw.com
3 AGILITY IP LAW, LLP
149 Commonwealth Drive
4 Menlo Park, CA 94025
Telephone: (650) 227-4800
5 Facsimile: (650) 318-3483

6 Attorneys for Defendants
TECHNOLOGY PROPERTIES LIMITED and
7 ALLIACENSE LIMITED

8 CHARLES T. HOGE, State Bar No. 110696
choge@knlh.com
9 KIRBY NOONAN LANCE & HOGE
35 Tenth Avenue
10 San Diego, CA 92101
Telephone: (619) 231-8666
11 Facsimile: (619) 231-9593

12 Attorneys for Defendant
PATRIOT SCIENTIFIC CORPORATION

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

16 ACER, INC., ACER AMERICA)
CORPORATION and GATEWAY, INC.,)
17 Plaintiffs,)
18 v.)
19 TECHNOLOGY PROPERTIES LIMITED,)
PATRIOT SCIENTIFIC CORPORATION,)
20 and ALLIACENSE LIMITED,)
21 Defendants.)

Case No. 5:08-cv-00877 PSG
**MOTION UNDER CIVIL LOCAL
RULES 6-3 AND 7-11 TO EXTEND THE
FACT DISCOVERY CUTOFF**
Judge: Hon. Paul S. Grewal

22 HTC CORPORATION and HTC)
AMERICA, INC.,)
23 Plaintiffs,)
24 v.)
25 TECHNOLOGY PROPERTIES LIMITED,)
26 PATRIOT SCIENTIFIC CORPORATION)
and ALLIACENSE LIMITED,)
27 Defendants.)
28

Case No. 5:08-cv-00882 PSG

1 **Notice of Motion**

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

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

12 **Memorandum of Points and Authorities**

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

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

<u>Event</u>	<u>Proposed Date</u>
Fact Discovery Cutoff	March 29, 2013

21 All other dates remain the same.

22
23 TPL’s requested extension is required to permit Acer to produce additional documents, to
24 permit TPL to review those documents and to take any necessary discovery on those documents.
25 Although the Court ordered Acer to complete its production of certain documents, including
26
27
28

1 Dated: March 1, 13

Respectfully submitted,
AGILITY IP LAW, LLP

2

By: /s/ James C. Otteson
James C. Otteson
149 Commonwealth Drive
Menlo Park, CA 94025
Telephone: (650) 227-4800
Facsimile: (650) 318-3483

3

4

5

6

Attorneys for Defendants
TECHNOLOGY PROPERTIES LIMITED
and ALLIACENSE LIMITED

7

8

KIRBY NOONAN LANCE & HOGE

9

By: /s/ Charles T. Hoge
Charles T. Hoge
35 Tenth Avenue
San Diego, CA 92101
Telephone: (619) 231-8666
Facsimile: (619) 231-9593

10

11

12

13

Attorneys for Defendant
PATRIOT SCIENTIFIC CORPORATION

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 JAMES C. OTTESON, State Bar No. 157781
jim@agilityiplaw.com
2 MICHELLE BREIT, State Bar No. 133143
mbreit@agilityiplaw.com
3 AGILITY IP LAW, LLP
149 Commonwealth Drive
4 Menlo Park, CA 94025
Telephone: (650) 227-4800
5 Facsimile: (650) 318-3483

6 Attorneys for Defendants
TECHNOLOGY PROPERTIES LIMITED and
7 ALLIACENSE LIMITED

8 CHARLES T. HOGE, State Bar No. 110696
choge@knlh.com
9 KIRBY NOONAN LANCE & HOGE
35 Tenth Avenue
10 San Diego, CA 92101
Telephone: (619) 231-8666
11 Facsimile: (619) 231-9593

12 Attorneys for Defendant
PATRIOT SCIENTIFIC CORPORATION

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

16 ACER, INC., ACER AMERICA)
CORPORATION and GATEWAY, INC.,)
17 Plaintiffs,)
18 v.)
19 TECHNOLOGY PROPERTIES LIMITED,)
PATRIOT SCIENTIFIC CORPORATION,)
20 and ALLIACENSE LIMITED,)
21 Defendants.)

Case No. 5:08-cv-00877 PSG

**[PROPOSED] ORDER MODIFYING
THE FACT DISCOVERY CUTOFF**

Judge: Hon. Paul S. Grewal

22 HTC CORPORATION and HTC)
AMERICA, INC.,)
23 Plaintiffs,)
24 v.)
25 TECHNOLOGY PROPERTIES LIMITED,)
26 PATRIOT SCIENTIFIC CORPORATION)
and ALLIACENSE LIMITED,)
27 Defendants.)
28

Case No. 5:08-cv-00882 PSG

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

<u>Event</u>	<u>Proposed Date</u>
Fact Discovery Cutoff	March 29, 2013

7

8 All other dates remain the same.

9

10

11 Dated: March __, 2013

12

Paul S. Grewal
United States Magistrate Judge

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28