

1 ROBERT T. HASLAM (CA Bar No. 71134)
rhaslam@cov.com
2 ANUPAM SHARMA (CA Bar No. 229545)
asharma@cov.com
3 COVINGTON & BURLING LLP
333 Twin Dolphin Drive, Ste 700
4 Redwood Shores, CA 94065
Telephone: 650.632.4700
5 Facsimile: 650.632.4800

6 Attorneys for Non-Party
TEXAS INSTRUMENTS
7 INCORPORATED

8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12
13 HTC CORPORATION, HTC AMERICA,
INC.,

14 Plaintiffs,

15 v.

16 TECHNOLOGY PROPERTIES
17 LIMITED, PATRIOT SCIENTIFIC
CORPORATION, and ALLIACENSE
18 LIMITED,

19 Defendants.

Case No. 5:08-cv-00877 PSG
Case No. 5:08-cv-00882 PSG

**NON-PARTY TEXAS INSTRUMENTS
INCORPORATED'S MOTION TO
QUASH THE TRIAL SUBPOENA
SERVED BY DEFENDANTS**

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, Non-Party Texas Instruments Incorporated moves to quash the Subpoena To Appear And Testify At A Hearing Or Trial In A Civil Action (the "Trial Subpoena"), which was served on August 20, 2013 by Defendants Technology Properties Limited, Patriot Scientific Corp., and Alliacense Limited. As explained below, the Trial Subpoena must be quashed because (1) it would require a non-party witness located outside the state of California to travel more than 100 miles to appear at trial and (2) it would impose an undue burden. Furthermore, service of the Trial Subpoena was improper because no witness fee or mileage allowances were tendered at the time of service.

**MEMORANDUM IN SUPPORT OF
NON-PARTY TEXAS INSTRUMENTS INCORPORATED'S
MOTION TO QUASH THE TRIAL SUBPOENA SERVED BY DEFENDANTS**

I. FACTUAL BACKGROUND

Texas Instruments Incorporated ("TI") is not a party in either of the related cases, Case No. 5:08-cv-00877 or Case No. 5:08-cv-00882. Rather, TI made certain processors, including OMAP 730 and OMAP 850, which Plaintiffs HTC Corporation and/or HTC America, Inc. used in their accused products.

Defendants Technology Properties Limited, Patriot Scientific Corp., and Alliacense Limited (collectively, "Defendants") served the Trial Subpoena on August 20, 2013. Declaration of Sarah Vollbrecht ("Vollbrecht Decl.") ¶ 3 & Ex. 1 thereto. The Trial Subpoena was served on TI's registered agent in Los Angeles, California. *Id.* The Trial Subpoena did not identify a particular witness, but rather, listed broad topics for testimony by a TI corporate representative regarding TI's OMAP 730 and OMAP 850 processors. Defendants did not tender mileage fees or costs when the Trial Subpoena was served. *Id.* ¶ 4.

TI is a Delaware corporation, with its corporate headquarters in Dallas, Texas. *Id.* ¶ 5. TI's OMAP 730 and OMAP 850 processors, and various circuits internal to these

1 processors, were developed in Texas and France. Declaration of Ethan Davis (“Davis
2 Decl.”) ¶ 3. Both processors were developed around a decade ago; the OMAP 730
3 processor was released to the market in 2002 and the OMAP 850 processor was released
4 in 2005. *Id.* ¶ 4.

5 In early 2011, Defendants served a subpoena *duces tecum* on TI seeking a broad
6 range of technical documents regarding numerous products of TI, including the OMAP
7 730 and OMAP 850 processors. Vollbrecht Decl. ¶ 6 & Ex. 2 thereto. Over the course
8 of next few months, TI produced about 14,000 pages of documents. Vollbrecht Decl.
9 ¶ 7.

10 On November 14, 2012, TI announced that it was exiting the mobile OMAP
11 market and was eliminating approximately 1,700 jobs worldwide in its mobile OMAP
12 business. Davis Decl. ¶ 5. The reductions-in-force began soon after the announcement
13 was made. *Id.* At this point, TI’s mobile OMAP business has almost completely wound
14 down. *Id.* In addition, engineering groups involved in the design and development of the
15 OMAP 730 and OMAP 850 processors have been eliminated. *Id.*

16 Two years after the Defendants served their subpoena *duces tecum* on TI, in
17 January 2013, the Defendants served two subpoenas on TI seeking deposition testimony
18 on numerous products of TI, including the OMAP 730 processor but not the OMAP 850
19 processor. Vollbrecht Decl. ¶¶ 8 & 9, and Exs. 3 & 4 thereto. The January 2013
20 subpoenas also sought deposition testimony regarding documents “produced in response
21 to the subpoena served on TI on or about January 21, 2011.” Vollbrecht Decl., Exs. 3 &
22 4. Subsequently, TI informed the Defendants that in light of recent significant reductions
23 in force in TI’s OMAP business group, TI was unable to identify a witness in response to
24 the deposition subpoenas. *Id.* ¶ 10 & Ex. 5 thereto.

25 Due to the passage of time and the recent layoffs, there are few if any individuals
26 left at TI with in-depth technical knowledge regarding the OMAP 730 and OMAP 850
27 processors. Davis Decl. ¶ 6. To the extent there are any knowledgeable individuals still
28 at TI, they would probably be located in Dallas, Texas. *Id.* ¶ 7. However, at this time, TI

1 has searched for knowledgeable individuals with in-depth technical knowledge regarding
 2 the OMAP 730 and OMAP 850 and has been unable to locate anyone in Dallas or
 3 elsewhere. *Id.* ¶ 8.

4 TI has offices in the Northern District of California by virtue of its acquisition of
 5 National Semiconductor. TI acquired National Semiconductor only in September 2011.
 6 Vollbrecht Decl. ¶ 11. Because the OMAP 730 and OMAP 850 were developed around a
 7 decade ago in Texas and in France, National Semiconductor was not involved in the
 8 design, development or manufacture of these two processors. Davis Decl. ¶¶ 3, 4 and 9.

9 II. ARGUMENT AND AUTHORITIES

10 a. Legal Standard

11 Federal Rule of Civil Procedure 45 contains the procedures for properly issuing
 12 and serving subpoenas to attend and testify at a deposition or at trial. Under Rule
 13 45(b)(1), “Serving a subpoena requires delivering a copy to the named person and, if the
 14 subpoena requires that person’s attendance, tendering the fees for 1 day’s attendance and
 15 the mileage allowed by law.” Rule 45 also sets forth the procedures for quashing
 16 improper subpoenas. Of relevance here, a subpoena *must* be quashed or modified if it:

17 requires a person who is neither a party nor a party’s officer to travel more than
 18 100 miles from where that person resides, is employed, or regularly transacts
 19 business in person—except that, subject to Rule 45(c)(3)(B)(iii), the person may
 20 be commanded to attend a trial by traveling from any such place within the state
 21 where the trial is held . . .

22 Fed. R. Civ. P. 45(c)(3)(A)(ii). Furthermore, a subpoena must be quashed or modified if
 23 it “subjects a person to undue burden.” Fed. R. Civ. P. 45(c)(3)(iv).

24 b. The Trial Subpoena Must Be Quashed Because It Would Require a Non- 25 Party Witness, Outside of California, to Travel More Than 100 Miles For Trial

26 TI has no employees within 100 miles of the Court, or within the State of
 27 California, who are able to testify regarding technical details of the OMAP 730 and
 28 OMAP 850 processors. *See* Davis Decl. ¶ 7. To the extent TI has any technical

witnesses (as yet unidentified and unknown) to present, they would be located in Dallas, Texas—over 1,500 miles from this Court. *Id.* Under Rule 45, however, a non-party witness located outside the State of California cannot be made to travel more than 100 miles for trial. *Cf. Zamani v. Carnes*, 2008 U.S. Dist. LEXIS 117829, at *2 (N.D. Cal. May 19, 2008) (noting that the Federal Rules of Civil Procedure “require that a non-party travel no more than 100 miles from his residence or place of business in responding to a discovery subpoena”). TI has a presence in the Northern District of California by virtue of its acquisition of National Semiconductor, which was completed only in September 2011. Vollbrecht Decl. ¶ 11. However, National Semiconductor was not involved in the design, development or manufacture of the OMAP 730 and OMAP 850 processors. Davis Decl. ¶¶ 3, 4 and 9. *See In re Application for Order Quashing Deposition Subpoenas*, dated July 16, 2002, M8-85, 2002 WL 1870084 (S.D.N.Y. Aug. 14, 2002) (quashing a Rule 45 subpoena which required the individual identified in the subpoena to travel more than 100 miles even though the individual’s employer had an office within the 100-mile radius). Consequently, under Rule 45, the Trial Subpoena must be quashed.

c. The Trial Subpoena Must Be Quashed Because It Imposes an Undue Burden on TI

The OMAP chips at issue were developed about a decade ago. Davis Decl. ¶ 4. In early 2011, the Defendants issued a subpoena *duces tecum* seeking a wide range of technical documents regarding numerous products of TI, including the OMAP 730 and OMAP 850 processors. Vollbrecht Decl. ¶ 6 & Ex. 2 thereto. In response to that subpoena, TI produced about 14,000 pages worth of documents over the course of next few months. *Id.* ¶ 7. About two years later, in January of 2013, the Defendants served two subpoenas on TI, seeking deposition testimony on a wide variety of technical topics for various products, including testimony regarding documents produced in response to the 2011 subpoena. Vollbrecht Decl. ¶¶ 8 & 9, and Exs. 3 & 4 thereto. However, in the intervening two years, TI had decided to exit the mobile OMAP business and eliminated 1,700 jobs. Davis Decl. ¶ 5. The designers of OMAP 730 and OMAP 850 are simply no

1 longer with the company. TI informed the Defendants in January 2013 that in view of
 2 the large number of reductions in force in the OMAP business that occurred in November
 3 2012, TI was unable to identify a witness in response to the two deposition subpoenas.
 4 Vollbrecht Decl. ¶ 10 & Ex. 5 thereto. As a result, no deposition was scheduled.

5 Nonetheless, the Defendants served the Trial Subpoena on TI on August 20, 2013
 6 requiring attendance on September 23, 2013. The Trial Subpoena would require TI,
 7 within the next month before trial, to find and educate a witness—or, more likely,
 8 witnesses—regarding such broad and general topics as the “structure and function of
 9 each TI PRODUCT.” Vollbrecht Decl. ¶ 3 & Ex. 1 thereto. And, at this time, TI has
 10 been unable to identify and locate any person having in-depth technical knowledge
 11 regarding the OMAP 730 and OMAP 850 that were developed about a decade ago.
 12 Davis Decl. ¶ 8. This is clearly an undue burden on TI and is an additional reason the
 13 Court must quash the Trial Subpoena. *See, e.g., Bicek v. C&S Wholesale Grocers, Inc.*,
 14 2013 U.S. Dist. LEXIS 108917, at *4 (N.D. Cal. Aug. 1, 2013); *Groce v. Claudat*, 2012
 15 U.S. Dist. LEXIS 69870 (S.D. Cal. May 18, 2012) (quashing subpoenas that were overly
 16 broad and unduly burdensome).

17 **d. Defendants’ Subpoena Should Be Quashed Because Defendants Failed To**
 18 **Properly Tender Witness Fees or Mileage Allowances**

19 Defendants failed to tender either witness fees or mileage allowances when they
 20 served the Trial Subpoena on TI’s registered agent. Vollbrecht Decl. ¶ 4. “Where a
 21 subpoena requires the appearance of a witness, it must include a tender of fees for one
 22 day’s attendance and mileage.” *Mirana v. Battery TaiShing Corp.*, 2009 U.S. Dist.
 23 LEXIS 12212, at *3-4 (N.D. Cal. Feb. 5, 2009). If the witness fees or mileage
 24 allowances are not tendered *at the time the subpoenas are served*, the subpoena is
 25 invalid. *See CF & I Steel Corp. v. Mitsui & Co. (U.S.A.), Inc.*, 713 F.2d 494, 496 (9th
 26 Cir. 1983) (“we hold the plain meaning of Rule 45(c) requires simultaneous tendering of
 27 witness fees and the reasonably estimated mileage allowed by law with service of a
 28 subpoena”); *Wallis v. Centennial Ins. Co.*, 2013 U.S. Dist. LEXIS 14181, at *9-10 (E.D.

1 Cal. Jan. 31, 2013). Due to Defendants' failure to serve required fees and costs, the Trial
2 Subpoena is invalid and should be quashed.

3 **III. CONCLUSION**

4 For these reasons, Non-Party Texas Instruments Incorporated respectfully
5 requests that the Court quash the Subpoena To Appear And Testify At A Hearing Or
6 Trial In A Civil Action, which was served on August 20, 2013 by Defendants
7 Technology Properties Limited, Patriot Scientific Corp., and Alliacense Limited.

8
9 Dated: September 6, 2013

Respectfully submitted,

10
11 */s/ Anupam Sharma*

12 **ROBERT T. HASLAM**
13 **rhaslam@cov.com**
14 **ANUPAM SHARMA**
15 **asharma@cov.com**
16 **COVINGTON & BURLING LLP**
17 **333 Twin Dolphin Drive, Ste 700**
18 **Redwood Shores, CA 94065**
19 **Telephone: 650.632.4700**
20 **Facsimile: 650.632.4800**

21 *Attorneys for Non-Party TEXAS*
22 *INSTRUMENTS INCORPORATED*
23
24
25
26
27
28

ROBERT T. HASLAM (CA Bar No. 71134)
rhaslam@cov.com
ANUPAM SHARMA (CA Bar No. 229545)
asharma@cov.com
COVINGTON & BURLING LLP
333 Twin Dolphin Drive, Ste 700
Redwood Shores, CA 94065
Telephone: 650.632.4700
Facsimile: 650.632.4800

Attorneys for Non-Party
TEXAS INSTRUMENTS
INCORPORATED

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-00877 PSG
Case No. 5:08-cv-00882 PSG

**DECLARATION OF ETHAN DAVIS IN
SUPPORT OF TI'S MOTION TO QUASH
THE TRIAL SUBPOENA SERVED BY
DEFENDANTS**

I, Ethan Davis, declare:

1. I have worked for Texas Instruments Incorporated ("TI") since 1989. Currently, my position with TI is Director, Application Processor Program Management.

2. I provide this declaration in support of Non-Party Texas Instruments Incorporated's Motion to Quash the Trial Subpoena Served by Defendants Technology Properties Limited, Patriot Scientific Corp., and Alliacense Limited. Unless otherwise indicated below, the

1 statements in this declaration are based upon my personal knowledge or corporate records
2 maintained by TI in the ordinary course of business.

3 3. TI's OMAP 730 and OMAP 850 processors, and various circuits internal to these
4 processors, were developed in Dallas, Texas and Nice, France.

5 4. The OMAP 730 processor was released to the market in 2002 and the OMAP 850
6 processor was released in 2005.

7 5. On November 14, 2012, TI announced that it was exiting the mobile OMAP
8 market and eliminating approximately 1,700 jobs worldwide in its mobile OMAP business. The
9 reductions-in-force began soon after the announcement was made. At this point, TI's mobile
10 OMAP business has almost completely wound down. As a result, engineering teams involved in
11 design and development of the OMAP 730 and OMAP 850 processors have been completely
12 disbanded.

13 6. Due to the passage of time and the recent layoffs, there are few if any individuals
14 left at TI with in-depth technical knowledge regarding the OMAP 730 and OMAP 850
15 processors.

16 7. To the extent there are any knowledgeable individuals still at TI, they would
17 probably be located in Dallas, Texas.

18 8. TI has searched for knowledgeable individuals with in-depth technical knowledge
19 regarding the OMAP 730 and OMP 850 and has been unable to locate anyone in Dallas or
20 elsewhere.

21 9. National Semiconductor was not involved in the design and development of
22 OMAP 730 and OMAP 850 processors. National Semiconductor did not manufacturer either of
23 these two processors.

24 I declare under penalty of perjury that to the best of my knowledge the foregoing is true
25 and correct. Executed on September 6, 2013 in Dallas, Texas.

26 /s/ *Ethan Davis*

27 Ethan Davis

ATTESTATION

I hereby attest that I will have on file all holographic signatures corresponding to the signature indicated by a conformed signature (/S/) within this e-filed document.

/s/ Anupam Sharma

ANUPAM SHARMA
asharma@cov.com
COVINGTON & BURLING LLP
333 Twin Dolphin Drive, Ste 700
Redwood Shores, CA 94065
Telephone: 650.632.4700
Facsimile: 650.632.4800

ROBERT T. HASLAM (CA Bar No. 71134)
rhaslam@cov.com
ANUPAM SHARMA (CA Bar No. 229545)
asharma@cov.com
COVINGTON & BURLING LLP
333 Twin Dolphin Drive, Ste 700
Redwood Shores, CA 94065
Telephone: 650.632.4700
Facsimile: 650.632.4800

Attorneys for Non-Party
TEXAS INSTRUMENTS
INCORPORATED

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-00877 PSG
Case No. 5:08-cv-00882 PSG

**DECLARATION OF SARAH
VOLLBRECHT IN SUPPORT OF TI'S
MOTION TO QUASH THE TRIAL
SUBPOENA SERVED BY DEFENDANTS**

I, Sarah Vollbrecht, declare:

1. I am Retained Legal Counsel for Texas Instruments Incorporated ("TI").

2. I provide this declaration in support of Non-Party Texas Instruments

Incorporated's Motion to Quash the Trial Subpoena Served by Defendants Technology Properties Limited, Patriot Scientific Corp., and Alliacense Limited (collectively, "Defendants"). Unless otherwise indicated below, the statements in this declaration are based upon my personal knowledge or corporate records maintained by TI in the ordinary course of business.

3. Attached hereto as **Exhibit 1** is a true and correct copy of the trial subpoena served by Defendants on TI's registered agent in Los Angeles, California on August 20, 2013.

4. Defendants did not tender mileage fees or costs at the time of service.

5. TI is a Delaware corporation, with its corporate headquarters in Dallas, Texas.

6. Attached hereto as **Exhibit 2** is a true and correct copy of the subpoena *duces tecum* (dated Feb. 22, 2011) to TI issued on behalf of Technology Properties Limited and Alliacense Limited in the following Civil Actions pending in the Northern District of California: 5:08-cv-00877 JR/HRL; 5:08-cv-00882 JR/HRL and 5:08-cv-5398 JR/HRL.

7. Over the course of few month in 2011, TI produced 14,000 pages worth of documents in response to subpoena in Exhibit 2.

8. Attached hereto as **Exhibit 3** is a true and correct copy of subpoena to testify at a deposition (dated January 4, 2013) to TI issued on behalf of Technology Properties Limited and Alliacense Limited in the following Civil Action pending in Northern District of California: CV08-00877-PSG.

9. Attached hereto as **Exhibit 4** is a true and correct copy of subpoena to testify at a deposition (dated January 4, 2013) to TI issued on behalf of Technology Properties Limited and Alliacense Limited in the following Civil Action pending in Northern District of California: CV08-00882-PSG.

10. Attached hereto as **Exhibit 5** is a true and correct copy of my email to Mr. James Farmer at Agility IP Law, LLP informing him of TI's inability to identify a witness in response to deposition subpoenas in Exhibits 3 and 4 due to significant reductions in force in TI's OMAP business.

11. TI acquired National Semiconductor in Sept. 2011.

I declare under penalty of perjury that to the best of my knowledge the foregoing is true and correct. Executed on September 6, 2013 in Dallas, Texas.

/s/ Sarah Vollbrecht

Sarah Vollbrecht

ATTESTATION

I hereby attest that I will have on file all holographic signatures corresponding to the signature indicated by a conformed signature (/S/) within this e-filed document.

/s/ Anupam Sharma

ANUPAM SHARMA
asharma@cov.com
COVINGTON & BURLING LLP
333 Twin Dolphin Drive, Ste 700
Redwood Shores, CA 94065
Telephone: 650.632.4700
Facsimile: 650.632.4800

Exhibit 1


**Service of Process
Transmittal**

08/20/2013

CT Log Number 523347516

TO: Mark Patrick, VP & Asst. Gen. Csl.
Texas Instruments Incorporated
13588 N. Central Expressway, MS 3999
Dallas, TX 75243

RE: **Process Served in California**

FOR: Texas Instruments Incorporated (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: ACER, Inc., et al., Pltfs. vs. Technology Properties Limited, et al., Dfts. // To: Texas Instruments Incorporated

DOCUMENT(S) SERVED: Subpoena, Proof of Service, Attachment(s)

COURT/AGENCY: United States District Court, Northern District of California, San Jose Division, CA Case # 508CV00877

NATURE OF ACTION: Subpoena - Business records - Pertaining to any or all of the following chips bearing the model numbers: OMAP850 and OMAP730 for TI Products

ON WHOM PROCESS WAS SERVED: C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE: By Process Server on 08/20/2013 at 12:45

JURISDICTION SERVED : California

APPEARANCE OR ANSWER DUE: 09/23/2013 at 9:00 a.m.

ATTORNEY(S) / SENDER(S): Irvin E. Tyan
Agility IP Law, LLP
149 Commonwealth Drive
Mento Park, CA 94025

REMARKS: *Please note documents contain additional case numbers: 308CV00882.

ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex 2 Day , 796510425759
Image SOP
Email Notification, Susie Collins s-collins@ti.com
Email Notification, Phea Kennedy pkennedy@ti.com

SIGNED: C T Corporation System
PER: Nancy Flores
ADDRESS: 818 West Seventh Street
Los Angeles, CA 90017
TELEPHONE: 213-337-4615

1245
pr

8/20/13

AO 88 (Rev. 07/10) Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

ACER, INC., ACER AMERICA CORPORATION and GATEWAY, INC., /

HTC CORPORATION and HTC AMERICA, INC.,

PlaintiffTECHNOLOGY PROPERTIES LIMITED, PATRIOT SCIENTIFIC
CORPORATION, and ALLIACENSE LIMITED,Defendant

Civil Action No. 5:08-cv-00877

3:08-cv-00882

SUBPOENA TO APPEAR AND TESTIFY
AT A HEARING OR TRIAL IN A CIVIL ACTIONTo: Texas Instruments Incorporated

c/o CT Corporation 818 W. 7th St., Los Angeles, CA 90017-3401

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place set forth below to testify at a hearing or trial in this civil action. When you arrive, you must remain at the court until the judge or a court officer allows you to leave. See Attachment A

Place: United States District Court, Northern District of California, San Jose Division 280 South 1st Street, San Jose, CA 95113	Courtroom No.: 5, 4th Floor Date and Time: 09/23/2013 9:00 am
---	--

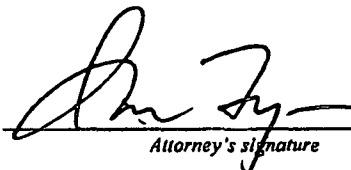
You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Fed. R. Civ. P. 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 8-19-13

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk


Attorney's signature
The name, address, e-mail, and telephone number of the attorney representing (*name of party*) Irvin E. Tyan, Agility IP Law, LLP149 Commonwealth Drive, Menlo Park, CA 94025, who issues or requests this subpoena, are:

on behalf of Technology Properties Limited, Patriot Scientific Corp., and Alliacense Limited

AO 88 (Rev.07/10) Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action (page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.**(1) Producing Documents or Electronically Stored Information.**

These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

ATTACHMENT A

DEFINITIONS

1. "TI," "YOU," "YOUR," or "YOURS" mean Texas Instruments Incorporated, its predecessors and successors, past and present parents, divisions, subsidiaries, affiliates, and related companies, and all past and present directors, officers, employees, agents, consultants, attorneys and others purporting to act on its behalf.

2. "RELATE," "RELATING TO," "RELATED TO," or "REGARDING" mean concerning, referring to, summarizing, reflecting, constituting, containing, embodying, pertaining to, involved with, mentioning, discussing, consisting of, comprising, showing, commenting on, evidencing, describing or otherwise relating to the subject matter.

3. "TI PRODUCTS" means any or all of the following chips bearing the following model numbers: OMAP850 and OMAP730, and any sub-assembly on which any of the aforementioned chips can be found.

4. The use of the singular form shall include the plural, and the past tense shall include the present tense, and vice versa; the words "and" and "or" shall be both conjunctive and disjunctive; the word "all" shall mean "any and all;" the word "including" shall mean "including without limitation," so as to be most inclusive.

TOPICS ON WHICH TESTIMONY IS REQUESTED

1. For each TI PRODUCT, the block specifications, and the internal design for each block.

2. The clock tree, and clock circuitry in each TI PRODUCT.

3. The I/O protocol specifications, I/O interfaces, data transfer and chip packaging in each TI PRODUCT.

4. The oscillators in each TI PRODUCT, including but not limited to, any ring oscillators, voltage controlled oscillators, and current controlled oscillators.
5. The variability of any ring oscillator, voltage controlled oscillator, or current controlled oscillator in each TI Product related to manufacturing variations, operating voltage or operating temperature.
6. The phase-locked loops in each TI PRODUCT.
7. The simulation and testing procedures and the corresponding results for the clocking circuitry and the phase-locked loops in each TI PRODUCT.
8. The structure and function of each TI PRODUCT.
9. The functions of the ARM9 and GSM-MPU/DSP of each TI PRODUCT.
10. The arithmetic logic units, push down stacks, registers, and pointers of each TI PRODUCT.
11. The connections between any arithmetic logic units and push down stacks in each TI PRODUCT.
12. The internal data bus of each TI PRODUCT, including any components connected to it.
13. The direct memory access or memory controller(s) of each TI PRODUCT.
14. The memory devices used in each TI PRODUCT.
15. Any circuitry or devices used for fetching and supplying instructions to the processors in each TI PRODUCT.
16. The program counter and decrementer used in each TI PRODUCT.

Exhibit 2



FARELLA BRAUN + MARTEL LLP

Attorneys At Law

Russ Building / 235 Montgomery Street
San Francisco / CA 94104

T 415.954.4400 / F 415.954.4480
www.fbm.com

2011
DELIVERED THIS 22 DAY OF 22
BY Matthew Zepa
PROFESSIONAL CIVIL PROCESS
STEPHANIE P. SKAFF
sskaff@fbm.com
D 415.954.4495

February 22, 2011

Via Hand Delivery

Larry C. Schroeder
Counsel for Texas Instruments Incorporated
7839 Churchill Way, M/S 3999
Dallas, TX 75251

Re: *Acer, Inc., Acer America Corporation and Gateway, Inc. v. Technology Properties Limited, Patriot Scientific Corporation and Alliacense Limited*
(N.D. Cal. Case No. 5:08-cv-00877 JF/HRL)

HTC Corporation, Inc. and HTC America, Inc. v. Technology Properties Limited, Patriot Scientific Corporation and Alliacense Limited
(N.D. Cal. Case No. 5:08-cv-00882 JF/HRL)

Barco N.V. v. Technology Properties Limited, Patriot Scientific Corporation and Alliacense Limited
(N.D. Cal. Case No. 5:08-cv-05398 JF/HRL)

Dear Mr. Schroeder:

By cover of this letter, Technology Properties Limited and Alliacense Limited (collectively "TPL") hereby serve the enclosed Amended Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises on Texas Instruments Incorporated in the above-referenced matters. Attachment A to the Amended Subpoena is identical to the subpoenas that were served on your registered agent in California on January 21, 2011, except that one product has been added to the definition of "Texas Instruments Products" – the DDP22431. We have also combined the three cases on a single subpoena form and reissued the subpoena out of the Northern District of Texas.

TPL requests that Texas Instruments Incorporated produce responsive documents for inspection by March 4, 2011. While we have requested production or inspection of documents at 12500 TI Boulevard, Dallas, Texas, please feel free to mail the documents directly to our offices at 235 Montgomery Street, 17th Floor, San Francisco, CA 94104.



Texas Instruments Incorporated
February 22, 2011
Page 2

Protective orders entered by the court in these actions cover the production of documents by non-parties, and we are happy to provide copies of these orders at your request. Should you have any questions, please give me a call. Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to be 'SP Skaff', written over the word 'Sincerely,'.

Stephanie P. Skaff

Enclosure

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Texas

1) ACER, INC., et al.; 2) HTC CORP., et al.; 3) BARCO, N.V.)	1) 5:08-cv-00877 JR/HRL;
<i>Plaintiff</i>)	2) 5:08-cv-00882 JR/HRL;
v.)	Civil Action Nos. 3) 5:08-cv-05398 JR/HRL
TECHNOLOGY PROPERTIES LIMITED, PATRIOT)	
SCIENTIFIC CORP., and ALLIACENSE LIMITED)	(If the action is pending in another district, state where:
<i>Defendant</i>)	Northern District of California)

AMENDED SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: TEXAS INSTRUMENTS INCORPORATED, c/o Larry C. Schroeder, 7839 Churchill Way, M/S 3999, Dallas,
Texas 75251☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: SEE ATTACHMENT A

Place: Offices of Texas Instruments Incorporated 12500 TI Boulevard Dallas, TX 75243-0592	Date and Time: 03/04/2011 9:00 am
---	--

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 02/22/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk_____
Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) _____

Technology Properties Limited and Alliacense Limited _____, who issues or requests this subpoena, are:

Stephanie P. Skaff, Farella Braun + Martel LLP, 235 Montgomery Street, 17th Floor, San Francisco, CA 94104
Tel: (415) 954-4400; Fax: (415) 954-4480; email: sskaff@fbm.com

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1) 5:08-cv-00877 JR/HRL; 2) 5:08-cv-00882 JR/HRL; 3) 5:08-cv-05398 JR/HRL

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) *Contempt.* The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

ATTACHMENT A

DEFINITIONS

1. "TEXAS INSTRUMENTS," "YOU," "YOUR," or "YOURS" means Texas Instruments Incorporated, its predecessors and successors, past and present parents, divisions, subsidiaries, affiliates, and related companies, and all past and present directors, officers, employees, agents, consultants, attorneys and others purporting to act on its behalf.

2. The term "DOCUMENT" is used in the broadest possible sense as interpreted under the Federal Rules of Civil Procedure and includes, without limitation, all originals and copies, duplicates, drafts, and recordings of any written, printed, graphic or otherwise recorded matter, however produced or reproduced, and all "writings," as defined in Federal Rule of Evidence 1001, of any nature, whether on paper, magnetic tape, electronically recorded or any other information storage means, including film and computer memory devices; and where any such items contain any marking not appearing on the original or are altered from the original, then such items shall be considered to be separate original documents.

3. The term "RELATE," "RELATES" or "RELATING TO" means concerning, referring to, summarizing, reflecting, constituting, containing, embodying, pertaining to, involved with, mentioning, discussing, consisting of, comprising, showing, commenting on, evidencing, describing or otherwise relating to the subject matter.

4. "TEXAS INSTRUMENTS PRODUCTS" shall mean any or all of the following chips bearing the following model numbers: BRF6101, BRF6150, BRF6300, DDP1011, DDP2431, DDP3020, OMAP730, OMAP850, TBB2010, and any sub-assembly on which any of the aforementioned chips can be found.

INSTRUCTIONS

1. As used in these Requests for Production, the singular shall include the plural, and the past tense shall include the present tense, and vice versa; the words "and" and "or" shall be

both conjunctive and disjunctive; the word "all" shall mean "any and all;" the word "including" shall mean "including without limitation," so as to be most inclusive.

2. DOCUMENTS produced in response to these requests should be produced as they are kept in the usual course of business or should be organized and labeled to correspond with the categories in the request.

3. If TEXAS INSTRUMENTS contends that a portion of a DOCUMENT is subject to being withheld under a claim of privilege or immunity from production or that a portion of a DOCUMENT is non-responsive to the requests below, produce the entire document with any necessary redactions.

4. If any DOCUMENT is withheld under a claim of privilege or immunity from production, identify that document as required by Federal Rule of Civil Procedure 26(b)(5) .

5. These requests are continuing, so that if after responding and producing DOCUMENTS for inspection and copying, TEXAS INSTRUMENTS acquires or locates any additional DOCUMENTS falling within the scope of any of the requests herein, TEXAS INSTRUMENTS is to produce such additional DOCUMENTS promptly for inspection and copying.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS concerning block specifications, internal design documents for each block, datasheets, floor plans, user manuals, programming manuals, clock tree, I/O protocol specifications, service manuals, CORE manuals, die images, chip packaging information, clock circuitry diagrams, and timing diagrams for any TEXAS INSTRUMENTS PRODUCT.

REQUEST FOR PRODUCTION NO. 2:

All system and transistor level schematics for the clocking circuitry and phase-locked loops, including, but not limited to, schematics contained in service manuals for each TEXAS

INSTRUMENTS PRODUCT.

REQUEST FOR PRODUCTION NO. 3:

All schematic diagrams of all oscillators used in each TEXAS INSTRUMENTS PRODUCT.

REQUEST FOR PRODUCTION NO. 4:

All block diagrams of the phase-locked loops in the TEXAS INSTRUMENTS PRODUCTS, including the circuit schematics for each block of the phase-locked loop.

REQUEST FOR PRODUCTION NO. 5:

One copy of all manuals, user guides, white papers, technical papers, training guides, brochures, instructions for use, and specifications created by TEXAS INSTRUMENTS regarding CPU, clocking, PLL, oscillator variability, manufacturing and operation variations, microprocessor process technology, data transfer, I/O Interfaces, the use of the Thumb state or Thumb instruction set as described in any ARM specification, and the use of 16-bit instructions.

REQUEST FOR PRODUCTION NO. 6:

All source code and related programming information for each TEXAS INSTRUMENTS PRODUCT.

REQUEST FOR PRODUCTION NO. 7:

For the TEXAS INSTRUMENTS PRODUCT identified as the TBB2010, all micrographs and high-resolution photographs of the die, including but not limited to the layer(s) related to memory.

REQUEST FOR PRODUCTION NO. 8:

For each TEXAS INSTRUMENTS PRODUCT, all DOCUMENTS concerning the implementation, use, functionality, and/or operation of the Thumb state or Thumb instruction set in the TEXAS INSTRUMENTS PRODUCT, as specified in any specifications published by

ARM Ltd, including, but not limited to, ARM7TDMI specifications, ARM9E-S Technical Reference Manual, and ARM9E-S Technical Reference Manual.

REQUEST FOR PRODUCTION NO. 9:

For each TEXAS INSTRUMENTS PRODUCT, all DOCUMENTS concerning the implementation, use, functionality, and/or operation of the ARM Jazelle technology in the TEXAS INSTRUMENTS PRODUCT, as described in the ARM Architecture Reference Manual.

REQUEST FOR PRODUCTION NO. 10:

For each TEXAS INSTRUMENTS PRODUCT, all specifications, user guides or user manuals, simulation methods and results, testing methods and results, block diagrams, and the circuit schematics for each block, of the I/O interfaces, including, but not limited to, XDR DRAM I/O interfaces, I/O interfaces with DRAM, Bluetooth interfaces and transreceivers, and USB interfaces.

REQUEST FOR PRODUCTION NO. 11:

For each TEXAS INSTRUMENTS PRODUCT, all DOCUMENTS concerning the simulation procedures and results for the clocking circuitry and the phase-locked loop.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS concerning any results from testing the clocking circuitry or phase-locked loops in the TEXAS INSTRUMENT PRODUCTS.

REQUEST FOR PRODUCTION NO. 13:

All DOCUMENTS sufficient to show the structure and function of each TEXAS INSTRUMENTS PRODUCT.

Exhibit 3

1:56 P.M.

AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Texas

Acer, Inc., et al.

Plaintiff

v.

Technology Properties Limited, et al.

Defendant

Civil Action No. CV08-00877-PSG

(If the action is pending in another district, state where:
Northern District of California)

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Texas Instruments Incorporated, 12500 TI Boulevard, Dallas, Texas 75243

c/o Joseph F. Hubach, Registered Agent, 13588 N. Central Expressway Research East Bldg., Dallas, TX 75243

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

See Attachment A hereto which is incorporated herein by reference.

Place: Regus, Prather Room, 100 Highland Park Village, Suite
200, Dallas, Texas 75205

Date and Time:

01/23/2013 9:00 am

The deposition will be recorded by this method: stenographically; may be videotaped; may involve real-time.

☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 01/04/2013

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Technology Properties Limited and Alliacense Limited, who issues or requests this subpoena, are:

James C. Otteson (jim@agilityiplaw.com)

Michelle G. Breit (mbreit@agilityiplaw.com)

AGILITY IP LAW, LLP, 149 Commonwealth Drive, Menlo Park, California; 650-227-4800

AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. CV08-00877-PSG

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ 50.00.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

ATTACHMENT A

DEFINITIONS

1. "TI," "YOU," "YOUR," or "YOURS" mean Texas Instruments Incorporated, its predecessors and successors, past and present parents, divisions, subsidiaries, affiliates, and related companies, and all past and present directors, officers, employees, agents, consultants, attorneys and others purporting to act on its behalf.

2. The term "DOCUMENT" is used in the broadest possible sense as interpreted under the Federal Rules of Civil Procedure and includes, without limitation, all originals and copies, duplicates, drafts, and recordings of any written, printed, graphic or otherwise recorded matter, however produced or reproduced, and all "writings," as defined in Federal Rule of Evidence 1001, of any nature, whether on paper, magnetic tape, electronically recorded or any other information storage means, including film and computer memory devices; and where any such items contain any marking not appearing on the original or are altered from the original, then such items shall be considered to be separate original documents.

3. "RELATE," "RELATING TO," "RELATED TO," or "REGARDING" mean concerning, referring to, summarizing, reflecting, constituting, containing, embodying, pertaining to, involved with, mentioning, discussing, consisting of, comprising, showing, commenting on, evidencing, describing or otherwise relating to the subject matter.

4. "TI PRODUCTS" means any or all of the following chips bearing the following model numbers: BRF6101, BRF6150, BRF6300, DDP1011, DDP2431, DDP3020, OMAP730, OMAP3530, TBB2010, and any sub-assembly on which any of the aforementioned chips can be found.

5. The use of the singular form shall include the plural, and the past tense shall include the present tense, and vice versa; the words “and” and “or” shall be both conjunctive and disjunctive; the word “all” shall mean “any and all;” the word “including” shall mean “including without limitation,” so as to be most inclusive.

TOPICS ON WHICH EXAMINATION IS REQUESTED

1. The diagrams, specifications or schematics appearing in the TI Product Manuals showing the design or operation of each TI PRODUCT, and the internal design or circuitry for such diagrams, specification or schematics.
2. The location, structure and operation of the clock tree(s) and clock circuitry used in each TI PRODUCT.
3. The location, structure and operation of any I/O interfaces used in each TI PRODUCT, including any I/O specifications or standards and any clocking circuitry used with such interfaces.
4. The location, structure and operation of the oscillators used in each TI PRODUCT, including any oscillator variability in frequency due to manufacturing process, voltage or temperature variations.
5. The location, structure and operation of the phase-locked loops used in each TI PRODUCT, including any variability in output frequency due to manufacturing process, voltage or temperature variations.
6. Information concerning any simulation or testing procedures that have been conducted involving the clocking circuitry or phase-lock loops in regard to variability in output frequency due to manufacturing process, voltage or temperature variations and the corresponding results for each TI PRODUCT.

7. The location, structure and operation of any memory devices used in each TI PRODUCT.

8. The location, structure and operation of any data or address buses used in each TI PRODUCT.

9. The location, structure and operation of any direct memory access or memory controller(s) used in each TI PRODUCT.

10. The location, structure and operation of any push down stacks and associated registers and pointers used in each TI PRODUCT.

11. The location, structure and operation of any arithmetic logic units used in each TI PRODUCT.

12. The location, structure and operation of any connections between any arithmetic logic units and push down stacks used in each TI PRODUCT.

13. The location, structure and operation of any circuitry or devices used for fetching and supplying instructions to the processors in each TI PRODUCT.

14. The location, structure and operation of any instruction register(s) used in each TI PRODUCT.

15. The structure and operation of each TI PRODUCT.

16. Source code and related programming information for each TI PRODUCT.

17. Documents produced in response to the subpoena served on TI on or about January 21, 2011.

Exhibit 4

UNITED STATES DISTRICT COURT

for the

Northern District of Texas

HTC Corporation, et al.

Plaintiff

v.

Technology Properties Limited, et al.

Defendant

Civil Action No. CV08-00882-PSG

(If the action is pending in another district, state where:
Northern District of California)

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Texas Instruments Incorporated, 12500 TI Boulevard, Dallas, Texas 75243
c/o Joseph F. Hubach, Registered Agent, 13588 N. Central Expressway Research East Bldg., Dallas, TX 75243

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

See Attachment A hereto which is incorporated herein by reference.

Place: Regus, Prather Room, 100 Highland Park Village, Suite
200, Dallas, Texas 75205

Date and Time:

01/23/2013 9:00 am

The deposition will be recorded by this method: stenographically; may be videotaped; may involve real-time.

- ☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 01/04/2013

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Technology Properties Limited and Alliacense Limited, who issues or requests this subpoena, are:

James C. Otteson (jim@agilityiplaw.com)

Michelle G. Breit (mbreit@agilityiplaw.com)

AGILITY IP LAW, LLP, 149 Commonwealth Drive, Menlo Park, California; 650-227-4800

AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. CV08-00882-PSG

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named individual as follows: _____
_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ 50.00.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

ATTACHMENT A

DEFINITIONS

1. "TI," "YOU," "YOUR," or "YOURS" mean Texas Instruments Incorporated, its predecessors and successors, past and present parents, divisions, subsidiaries, affiliates, and related companies, and all past and present directors, officers, employees, agents, consultants, attorneys and others purporting to act on its behalf.

2. The term "DOCUMENT" is used in the broadest possible sense as interpreted under the Federal Rules of Civil Procedure and includes, without limitation, all originals and copies, duplicates, drafts, and recordings of any written, printed, graphic or otherwise recorded matter, however produced or reproduced, and all "writings," as defined in Federal Rule of Evidence 1001, of any nature, whether on paper, magnetic tape, electronically recorded or any other information storage means, including film and computer memory devices; and where any such items contain any marking not appearing on the original or are altered from the original, then such items shall be considered to be separate original documents.

3. "RELATE," "RELATING TO," "RELATED TO," or "REGARDING" mean concerning, referring to, summarizing, reflecting, constituting, containing, embodying, pertaining to, involved with, mentioning, discussing, consisting of, comprising, showing, commenting on, evidencing, describing or otherwise relating to the subject matter.

4. "TI PRODUCTS" means any or all of the following chips bearing the following model numbers: BRF6101, BRF6150, BRF6300, DDP1011, DDP2431, DDP3020, OMAP730, OMAP3530, TBB2010, and any sub-assembly on which any of the aforementioned chips can be found.

5. The use of the singular form shall include the plural, and the past tense shall include the present tense, and vice versa; the words “and” and “or” shall be both conjunctive and disjunctive; the word “all” shall mean “any and all;” the word “including” shall mean “including without limitation,” so as to be most inclusive.

TOPICS ON WHICH EXAMINATION IS REQUESTED

1. The diagrams, specifications or schematics appearing in the TI Product Manuals showing the design or operation of each TI PRODUCT, and the internal design or circuitry for such diagrams, specification or schematics.

2. The location, structure and operation of the clock tree(s) and clock circuitry used in each TI PRODUCT.

3. The location, structure and operation of any I/O interfaces used in each TI PRODUCT, including any I/O specifications or standards and any clocking circuitry used with such interfaces.

4. The location, structure and operation of the oscillators used in each TI PRODUCT, including any oscillator variability in frequency due to manufacturing process, voltage or temperature variations.

5. The location, structure and operation of the phase-locked loops used in each TI PRODUCT, including any variability in output frequency due to manufacturing process, voltage or temperature variations.

6. Information concerning any simulation or testing procedures that have been conducted involving the clocking circuitry or phase-lock loops in regard to variability in output frequency due to manufacturing process, voltage or temperature variations and the corresponding results for each TI PRODUCT.

7. The location, structure and operation of any memory devices used in each TI PRODUCT.
8. The location, structure and operation of any data or address buses used in each TI PRODUCT.
9. The location, structure and operation of any direct memory access or memory controller(s) used in each TI PRODUCT.
10. The location, structure and operation of any push down stacks and associated registers and pointers used in each TI PRODUCT.
11. The location, structure and operation of any arithmetic logic units used in each TI PRODUCT.
12. The location, structure and operation of any connections between any arithmetic logic units and push down stacks used in each TI PRODUCT.
13. The location, structure and operation of any circuitry or devices used for fetching and supplying instructions to the processors in each TI PRODUCT.
14. The location, structure and operation of any instruction register(s) used in each TI PRODUCT.
15. The structure and operation of each TI PRODUCT.
16. Source code and related programming information for each TI PRODUCT.
17. Documents produced in response to the subpoena served on TI on or about January 21, 2011.

Exhibit 5

From: Vollbrecht, Sarah <s-vollbrecht@ti.com>
Sent: Tuesday, January 15, 2013 1:32 PM
To: 'James Farmer'
Cc: 'Sarah Hawkes'; 'Michelle Breit'; Patti, John
Subject: RE: Technology Properties Limited and Alliacense Limited subpoenas

Jim,

We are indeed looking into the availability of a witness or witnesses. Unfortunately, this is more difficult than it otherwise would be because of TI's recent reduction in force in our OMAP business. We are trying to locate individuals who are still with TI who are knowledgeable about the topics listed in your deposition subpoenas. We cannot give you dates/locations until such individuals, if any, have been identified. We do understand your upcoming discovery deadlines and are being diligent in our search.

Please note that I will be out of the office next week and John Patti (copied on this email) will be your contact in my absence.

Regards,
Sarah

From: James Farmer [<mailto:jfarmer@agilityiplaw.com>]
Sent: Monday, January 14, 2013 5:35 PM
To: Vollbrecht, Sarah
Cc: Sarah Hawkes; Michelle Breit
Subject: RE: Technology Properties Limited and Alliacense Limited subpoenas

Hello Sarah.

Per the below, I understand you are looking into the availability of a witness for the ND California and ITC subpoenas to TI. Are you available tomorrow (Tuesday) or Wednesday to discuss possible dates and locations for the deposition? I may also be able to clarify/narrow somewhat the topics/requests noticed in the subpoenas to better streamline the process. At this point in time, the week of January 28 or the first few days of February are best, though we can certainly accommodate the deposition sooner; there is currently scheduled a fact discovery cutoff on February 8. In any event, I look forward to speaking with you re this matter.

Thank you and regards,

Jim

James R. Farmer, Esq.

Otteson Law Group

Agility IP Law, LLP

14350 N. 87th Street

Scottsdale, AZ 85259

Tel: 480-646-3442

Cell: 801-550-5293

www.AgilityIPLaw.com

This email and any attachments thereto may contain private, confidential, and privileged material for the sole use of

the intended recipient. Any review, copying, or distribution of this email (or any attachments thereto) by others is strictly prohibited. If you are not the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this email and any attachments thereto.

From: Michelle Breit
Sent: Friday, January 11, 2013 10:03 AM
To: Vollbrecht, Sarah
Cc: James Farmer; Sarah Hawkes
Subject: RE: Technology Properties Limited and Alliacense Limited subpoenas

Sarah,

Thank you for the call. I understand that you are looking into the availability of a witness for the depositions. As I mentioned, we have discovery cut-offs of February 8, 2013 in the district court case and February 22, 2013 in the ITC investigation

I have included Jim Farmer, Esq. in this communication. Please treat Jim as your primary contact regarding the subpoenas in the district court litigation and ITC Investigation. Of course, feel free to contact me if I can assist in any way.

Michelle

From: Vollbrecht, Sarah [<mailto:s-vollbrecht@ti.com>]
Sent: Friday, January 11, 2013 9:53 AM
To: Michelle Breit
Subject: Technology Properties Limited and Alliacense Limited subpoenas

Michelle,

Thank you for speaking to me this morning about the TPL subpoenas to TI. My contact information is below.

Regards,
Sarah Vollbrecht
Retained Legal Counsel
Texas Instruments Incorporated
13588 N Central Expressway, MS3999
Dallas, TX 75243
s-vollbrecht@ti.com
214.479.1290

ROBERT T. HASLAM (CA Bar No. 71134)
rhaslam@cov.com
ANUPAM SHARMA (CA Bar No. 229545)
asharma@cov.com
COVINGTON & BURLING LLP
333 Twin Dolphin Drive, Ste 700
Redwood Shores, CA 94065
Telephone: 650.632.4700
Facsimile: 650.632.4800

Attorneys for Non-Party
TEXAS INSTRUMENTS
INCORPORATED

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-00877 PSG
Case No. 5:08-cv-00882 PSG

**[PROPOSED] ORDER IN SUPPORT OF
TI'S MOTION TO QUASH THE TRIAL
SUBPOENA SERVED BY DEFENDANTS**

1 For the reasons discussed in Non Party Texas Instruments (“TI”) Motion to Quash and the
2 memorandum submitted in support of the Motion, and on the basis of the entire record herein,
3 TI’s Motion to Quash is hereby GRANTED.

4
5 **IT IS SO ORDERED.**
6

7 Dated: _____

8 _____
9 HON. PAUL SINGH GREWAL
10 United States Magistrate Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28