

1 JAMES C. OTTESON, State Bar No. 157781
jim@agilityiplaw.com
 2 THOMAS T. CARMACK, State Bar No. 229324
tom@agilityiplaw.com
 3 PHILIP W. MARSH, State Bar No. 276383
phil@agilityiplaw.com
 4 AGILITY IP LAW, LLP
 149 Commonwealth Drive
 5 Menlo Park, CA 94025
 Telephone: (650) 227-4800
 6 Facsimile: (650) 318-3483

7 Attorneys for Defendants
 TECHNOLOGY PROPERTIES LIMITED and
 8 ALLIACENSE LIMITED

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

13 Attorneys for Defendant
 PATRIOT SCIENTIFIC CORPORATION

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

17 HTC CORPORATION and HTC)
 AMERICA, INC.,)
 18)
 Plaintiffs,)
 19)
 v.)
 20)
 TECHNOLOGY PROPERTIES LIMITED,)
 21 PATRIOT SCIENTIFIC CORPORATION)
 and ALLIACENSE LIMITED,)
 22)
 Defendants.)
 23)

Case No. 5:08-cv-00882 PSG

**DEFENDANTS' NOTICE OF
 NONOPPOSITION TO PLAINTIFFS'
 EMERGENCY MOTION FOR
 CLARIFICATION OF ORDER ON
 ADDENDUM TO JURY
 INSTRUCTIONS**

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

24
 25
 26
 27
 28

Nonopposition

Pursuant to Civil Local Rule 7-3(b), Defendants file this statement of nonopposition to Plaintiffs' Emergency Motion for Clarification of Order on Addendum to Jury Instructions (Dkt. # 609). Although Defendants do not agree with the statements and arguments in Plaintiffs' motion, they do not oppose clarification of the Court's September 20, 2013 Order (Dkt. # 607) as requested by Plaintiffs, with one change. Since the Court's order, Defendants have given notice to Plaintiffs that they do not intend to pursue claims 1, 11, 10 and 16 at trial. *See* Notice of Defendants' Requested Changes to Preliminary Jury Instructions, filed herewith. Accordingly, reference to those claims and their unique limitations have been removed from Plaintiffs' request below:

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

See HTC Mot. at 2 (citing Dkt.#607 at 1). The additional language Plaintiffs proposed is in bold, underlined text. The language Defendants propose deleting is strikethrough text and the word Defendants propose adding is in bold, italic, underlined text. For the Court's convenience, a proposed order is included, herewith.

Dated: September 22, 2013

Respectfully submitted,

AGILITY IP LAW, LLP

By: /s/ James C. Otteson
James C. Otteson

Attorneys for Defendants
TECHNOLOGY PROPERTIES LIMITED
and ALLIACENSE LIMITED

KIRBY NOONAN LANCE & HOGE

By: /s/ Charles T. Hoge
Charles T. Hoge

Attorneys for Defendant
PATRIOT SCIENTIFIC CORPORATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

