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9 ACER, INC., ACER AMERICA
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10 UNITED STATES DISTRICT COURT
11
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

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

15 Plaintiffs,

16 v.

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

19 Defendants.

Case No. 5:08-cv-00877 PSG

**PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO
SHORTEN TIME TO HEAR
DEFENDANTS' CONFIDENTIAL
MOTION TO MODIFY CASE
SCHEDULE DUE TO ACER'S
DISCOVERY ABUSES**

1 This Court should deny Defendants Technology Properties Limited's, Patriot Scientific
2 Corporation's, and Alliacense Limited's (collectively "Defendants'") motion for an order
3 shortening time on Defendants' Emergency Motion to Modify Case Schedule ("Motion to
4 Shorten Time").

5 Defendants' Motion to Shorten Time violates L.R. 6-3 because it implicitly seeks to limit
6 the three-day response period that L.R. 6-3 provides to oppose a motion to shorten time. This
7 prejudices Acer because Defendants' Motion to Shorten Time was not served Tuesday
8 contemporaneously with Defendants' Emergency Motion to Modify Case Schedule, thus
9 misleading Acer to plan on opposing Monday, then unfairly asking Acer on Thursday to prepare
10 its opposition by noon Friday. This acceleration in proposed briefing schedule is particularly
11 prejudicial because Acer is based in Asia, and it is currently the Lunar New Year (analogous to
12 Christmas) there.

13 Defendants' Motion to Shorten Time is unnecessary because it seeks to further limit the
14 already abbreviated four-day response period provided to parties opposing an administrative
15 motion pursuant to L.R. 7-11, *e.g.*, Defendants' Emergency Motion to Modify Case Schedule.
16 Four days is short enough notice on the Emergency Motion, which is far from the kind of
17 administrative motion L.R. 7-11 contemplates. Through numerous declarations, the underlying
18 Emergency Motion recklessly distorts the discovery proceedings in this action—even though
19 there are no pending motions to compel against Acer—and seeks to alter the entire case schedule
20 based on these distortions.

21 Acer asks that its already short time to respond to the Emergency Motion to Modify Case
22 Schedule not be further shortened. Given the seriousness of the allegations and the impact a
23 change in trial date would have on this case, Acer should be given adequate time to prepare a
24 substantive response to the claims and accusations made in Defendants' Emergency Motion to
25 Modify Case Schedule. Accordingly, this Court should deny Defendants' Motion to Shorten
26 Time.

1 Dated: February 7, 2013

K&L GATES LLP

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3 By: /s/ Timothy Walker

4 Timothy Walker (SBN 105001)

5 Attorneys for Plaintiffs
6 ACER, INC., ACER AMERICA
CORPORATION and GATEWAY, INC.
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