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 13 AMERICA CORPORATION and  
 GATEWAY, INC.

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

18  
 19 ACER, INC., ACER AMERICA  
 CORPORATION and GATEWAY, INC.,

20 Plaintiffs,

21 v.

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 23 TECHNOLOGY PROPERTIES  
 LIMITED, PATRIOT SCIENTIFIC  
 CORPORATION, and ALLIACENSE  
 24 LIMITED,

25 Defendants.

Case No. 5:08-cv-00877 JF (HRL)

**JOINT MOTION FOR ORDER  
 SHORTENING TIME ON PLAINTIFFS’  
 EX PARTE MOTION FOR IMMEDIATE  
 RESOLUTION OF DISPUTE OVER TWO  
 ALLEGEDLY PRIVILEGED  
 DOCUMENTS**

Date: November 2, 2010  
 Time: 10:00 a.m.  
 Dept: Courtroom 2, 5th Floor  
 Before: Magistrate Judge Howard Lloyd

(Requesting November 2, 2010 Hearing Date)

Pursuant to Civil L.R. 6-3, F.R.Civ.P. 26(b)(5)(B) and 45(d)(2)(B), and the Court's Standing Order re: Initial Case Management and Discovery Disputes, Plaintiffs Acer Inc., Acer America Corporation and Gateway, Inc. (collectively "Plaintiffs") and Defendants Technologies Properties Limited and Alliacense Limited (collectively "Defendants" or "TPL") move for an order shortening time to hear Plaintiffs' *Ex Parte* Motion for Immediate Resolution of Dispute Over Two Allegedly Privileged Documents.

The Parties jointly request a hearing on Plaintiffs' *Ex Parte* Motion for Immediate Resolution of Dispute Over Two Allegedly Privileged Documents on November 2, 2010 at 10:00 a.m., or as soon thereafter at the Court's convenience. The Parties further jointly request the briefing schedule outlined below.

Event	Date
Motion filed	Friday, October 22, 2010
Defendants' Opposition	Thursday, October 28, 2010
Plaintiffs' Reply	None
Hearing	Tuesday, November 2, 2010, at 10:00 a.m.

Accordingly, the Parties move this Court for an Order granting the above briefing schedule and hearing date.

**A. Factual Background**

Plaintiffs have served third party Charles Moore with deposition and document subpoenas. Moore produced documents in response to Plaintiffs' subpoena on Friday, October 15, with additional documents arriving on Monday, October 18, 2010. TPL reviewed those documents and on October 19 notified Plaintiffs that the attorney-client privilege applied to two documents in the production (the "Disputed Documents"), requesting their return or destruction. Plaintiffs contended that TPL's objections were not timely raised and disagreed that the privilege applied. Plaintiff sequestered the Disputed Documents pending resolution of the dispute. The parties met and conferred by email and phone this week, but were unable to reach agreement.

1 To resolve these issues before Mr. Moore is deposed, the Parties agreed to delay Mr.  
2 Moore's deposition until November 3, 2010, the day after the requested hearing date.

3 **B. Good Cause Exists**

4 With Moore's deposition scheduled for November 3, 2010, and with claim construction  
5 discovery set to close on November 29, 2010, good cause exists for hearing Plaintiffs' Motion on  
6 shortened time. The Disputed Documents may be relevant to claim construction, and the Parties  
7 therefore cannot wait the regular thirty-five days, until after claim construction is closed, to have  
8 the dispute resolved by regularly noticed motion. Moreover, the Parties respectfully submit that  
9 it would be unduly burdensome to all involved were the deposition left open pending a ruling on  
10 the propriety of TPL's claims of privilege, thereby requiring the deposition to continue at a later  
11 date should this Court rule in Plaintiffs' favor.

12 Dated: October 22, 2010

K&L GATES LLP

14 By: /s/ Jas S. Dhillon  
15 Jas S. Dhillon

16 Attorneys for Plaintiffs ACER, INC., ACER  
17 AMERICA CORPORATION and  
GATEWAY, INC.

18 Dated: October 22, 2010

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22 TECHNOLOGY PROPERTIES LIMITED  
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