

EXHIBIT 4

1 Timothy P. Walker (SBN 105001)
timothy.walker@klgates.com
2 L. Howard Chen (SBN 257393)
howard.chen@klgates.com
3 Harold H. Davis Jr. (SBN 235552)
harold.davis@klgates.com
4 Jas Dhillon (SBN 252842)
jas.dhillon@klgates.com
5 K&L GATES LLP
Four Embarcadero Center, Suite 1200
6 San Francisco, CA 94111-5994
Telephone: (415) 882-8200
7 Facsimile: (415) 882-8220

8 Jeffrey M. Ratinoff (SBN 197241)
jeffrey.ratinoff@klgates.com
9 K&L GATES LLP
630 Hansen Way
10 Palo Alto, CA 94304
Telephone: (650) 798-6700
11 Facsimile: (650) 798-6701

12 Attorneys for Plaintiffs ACER INC., ACER
13 AMERICA CORPORATION and GATEWAY,
INC.

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

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

20 Plaintiff,

21 vs.

22 TECHNOLOGY PROPERTIES LIMITED,
23 PATRIOT SCIENTIFIC CORPORATION,
AND ALLIACENSE LIMITED,

24 Defendant.

25 AND RELATED CROSS ACTIONS.
26
27
28

Case No.: 5:08-CV-00877 JF

**PLAINTIFF'S AMENDED NOTICE OF
SUBPOENA TO CHARLES H. MOORE
FOR PRODUCTION OF DOCUMENTS**

Judge: Hon. Jeremy Fogel
Complaint filed: February 8, 2008

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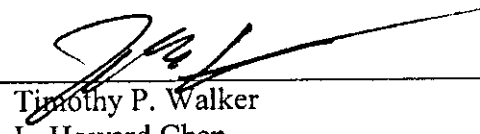
TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT that Charles H. Moore is requested to produce the originals of the categories of documents described in Schedule A to the attached subpoena by October 11, 2010 at 10:00 a.m., to Reno Carson Messenger Service c/o Jeff Ratinoff, 185 Martin Street, NV 89509.

Dated: September 29, 2010

K&L GATES LLP

By:



Timothy P. Walker
L. Howard Chen
Harold H. Davis, Jr.
Jeffrey M. Ratinoff
Jas Dhillon

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

UNITED STATES DISTRICT COURT

for the District of Nevada

Acer, Inc., Acer America Corp. and Gateway Inc.

Plaintiff

v.

Technology Properties Limited, Patriot Scientific Corp., and Alliacense Limited

Defendant

Civil Action No. 5:08-CV-00877 JF

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

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

Charles H. Moore
549 Lakeshore Blvd., Apt 28, Incline Village, NV 89451

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:

Please See Attached Schedule A.

Place: Reno Carson Messenger Service c/o Jeff Ratinoff
185 Martin Street, NV 89509 (or as agreed by counsel)
Date and Time: October 11, 2010 10:00 a.m.

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: 09-24-2010

CLERK OF COURT
Signature of Clerk or Deputy Clerk

OR
Jeffrey M. Ratinoff
Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Acer, Inc., Acer America Corp. and Gateway, Inc., who issues or requests this subpoena, are:
Jeffrey M. Ratinoff
K&L Gates LLP
630 Hansen Way, Palo Alto, CA 94304; Telephone: (650) 798-6700; Email: jeffrey.ratinoff@klgates.com

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).



SCHEDULE A

In accordance with Federal Rule of Civil Procedure 34(c) and 45(a)(1)(c), Plaintiffs ACER, INC., ACER AMERICA CORPORATION and GATEWAY, INC. request that Charles H. Moore ("Moore") provide responsive documents to the REQUESTS listed in the "SPECIFIC DOCUMENT REQUESTS." Specifically, Moore is hereby requested to produce and permit inspection and copying of all documents within its custody and control, as those terms are defined herein, at Reno Carson Messenger Service, 185 Martin Street, Reno, NV 89509 on September 30, 2010, as instructed on the Subpoena, or at a mutually agreeable address and time by arrangement with counsel.

In complying with this SUBPOENA, you are directed to the following DEFINITIONS and INSTRUCTIONS, which shall apply to the REQUESTS listed in the "SPECIFIC DOCUMENT REQUESTS."

DEFINITIONS

A. The terms "TPL" or "DEFENDANTS" when used herein refer to Technology Properties Limited, alone and/or together, any affiliated corporations, individuals or entities, including, but not limited to, Charles H. Moore, Daniel E. Leckrone, any parent and subsidiary corporations, predecessors, successors, officers, directors, stockholders, partners, employees, agents and representatives thereof.

B. The terms "PATRIOT SCIENTIFIC" or "DEFENDANTS" when used herein refer to Patriot Scientific Corporation, alone and/or together, any affiliated corporations, individuals or entities, including, but not limited to, any parent and subsidiary corporations, predecessors, successors, officers, directors, stockholders, partners, employees, agents and representatives thereof.

C. The terms "ALLIACENSE" or "DEFENDANTS" when used herein refer to Alliacense Limited, alone and/or together, any affiliated corporations, individuals or entities, including, but not limited to, any parent and subsidiary corporations, predecessors, successors,

officers, directors, stockholders, partners, employees, agents and representatives thereof.

D. The term "PLAINTIFFS" when used herein refers to Acer Inc., Acer America Corporation, and/or Gateway Incorporated, including, without limitation, predecessors, successors, officers, directors, stockholders, partners, employees, agents and representatives thereof.

E. The term "CHARLES MOORE," YOU or YOUR when used herein refers to Charles H. Moore.

F. The term "DOCUMENTS" is used in the broadest sense and means, without limitation, all correspondence, advertising materials, brochures, literature, signage, books, memoranda, computer disks, e-mail, any electronically stored information whatever the format, reports, certificates of registration, records, invoices, labels, writings, displays, photographs, videotapes, drawings, sketches, mockups, art work, specimens, illustrative materials, magnetic recording tapes, microfilms, computer data, and other materials, documents and things, whether printed, typewritten, handwritten, recorded, photocopied or otherwise reproduced, by any mechanical process, and all other matter and things as described and contemplated by Fed. R. Civ. P. 34.

G. "PERSON(S)" shall mean each and every individual, corporation, partnership, joint venture, social or political organization or any other entity, whether real or juridical, or incorporated or unincorporated.

H. The term "'336 patent" shall refer to United States 5,809,336 issued to Charles H. Moore et al., on September 15, 1998 for a "High Performance Microprocessor Having Variable Speed System Clock."

I. The term "'584 patent" shall refer to United States Patent No. 5,784,584 issued to Charles H. Moore et al., on July 21, 1998 for a "High Performance Microprocessor Using Instructions That Operate Within Instruction Groups."

J. The term "'749 patent" shall refer to United States Patent No. 5,440,749 issued to Charles H. Moore et al., on August 8, 1995 for "High Performance, Low Cost Microprocessor Architecture."

K. The term "'148 patent" shall refer to United States 6,598,148 issued to Charles H. Moore et al., on July 22, 2003 for a "High Performance Microprocessor Having Variable Speed System Clock."

L. The term "'890 patent" shall refer to United States Patent No. 5,530,890 issued to Charles H. Moore et al., on June 25, 1996 for "High Performance, Low Cost Microprocessor."

M. The term "PRIOR ART" shall encompass by way of example, and without limitation, the subject matter described in each and every subdivision of 35 U.S.C. § 102.

N. The terms "DEFENDANTS' PATENTS-IN-SUIT" and "PATENTS-IN-SUIT" refer to the '336 patent, the '749 patent, the '148 patent, the '890 patent, the applications for these patents, and any other patent that Defendants claim is infringed by Plaintiffs in this litigation.

O. The terms "RELATED PATENTS" and "RELATED PATENT APPLICATIONS" refer to any patent or patent application filed anywhere in the world which claims or claimed priority, either in whole or in part, to the patents-in-suit, or any related applications listed on the faces of the patents-in-suit.

P. The terms "CONCERNING", "RELATE", "REFER", "REFLECT" and any forms thereof shall be construed to mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating, pertaining to, being connected with, or relevant to a stated subject matter. As indicated, the terms necessarily include information which is in opposition to as well as in support of your position(s) and claim(s) in this action.

Q. In construing these document requests:

- (1) The singular shall include the plural and the plural shall include the singular;
- (2) A masculine, feminine or neuter pronoun shall not exclude the other genders; and
- (3) The terms "and" and "or" shall be construed interchangeably.

INSTRUCTIONS

1. In responding to the following requests, furnish all available DOCUMENTS AND things, including DOCUMENTS AND things in the possession, custody, OR control of ANY of YOUR attorneys, directors, officers, agents, employees, representatives, associates, investigators AND PERSONS under YOUR control, not merely DOCUMENTS AND things in YOUR direct possession. If YOU cannot fully respond to ANY request after exercising due diligence in good faith to secure the DOCUMENTS requested thereby, so state, AND specify the portion of each request that cannot be responded to fully AND completely. In the latter event, state what efforts were made to obtain the requested DOCUMENTS.

2. Electronic records AND computerized information must be produced in an intelligible format, together with a description of the system from which they were derived sufficient to permit rendering the records AND information intelligible.

3. Selection of DOCUMENTS from YOUR files AND other sources AND the numbering of such DOCUMENTS shall be performed in such a manner as to ensure that the source of each DOCUMENT may be determined, if necessary.

4. File folders with tabs OR labels OR directories of files identifying DOCUMENTS called for by these requests must be reproduced intact with such DOCUMENTS.

5. DOCUMENTS attached to each other shall not be separated, AND must be reproduced such that attachments are obvious.

6. If YOU object to the production of ANY DOCUMENTS on the grounds that it is protected from disclosure by the attorney-client privilege, work-product doctrine, OR ANY other privilege, YOU shall identify each DOCUMENT for which the privilege is claimed AND give all information required by applicable federal law, including but not limited to the following:

- a. The PERSON making AND receiving the alleged privileged OR protected COMMUNICATION;
- b. The steps taken to ensure the confidentiality of the COMMUNICATION including affirmation that no unauthorized PERSON has received the

COMMUNICATION;

- c. The date of the COMMUNICATION;
- d. The subject matter of the COMMUNICATION;
- e. A statement of the basis for the claim of privilege; AND
- f. A description of the DOCUMENT sufficient for the Court to rule on the applicability AND appropriateness of the claimed privilege. *See* Fed. R. Civ. P. 45(d)(2).

Failure to furnish this information at the time of the assertion will be deemed a waiver of the privilege OR protection. Furthermore, upon asserting such a privilege, you are hereby directed, within thirty (30) days, to provide WISTRON or its counsel or record, a privilege log as that term is define by the Federal Rules of Civil Procedure.

7. When an identified DOCUMENT is destroyed OR alleged to have been destroyed:

- a. State the date AND reasons for its destruction;
- b. Identify each PERSON having knowledge of its destruction; AND
- c. Identify each PERSON responsible for its destruction.

8. If YOU object to ANY request as vague OR ambiguous AND refuse to respond on those grounds, YOU shall state the objection AND indicate YOUR reasonable interpretation of the request AND respond to the request based on YOUR interpretation.

9. YOUR obligation to respond to the following request is continuing AND YOUR responses are to be supplemented to include subsequently identified or acquired DOCUMENTS, as that terms is defined herein, in accordance with the requirements of Rule 26(e) of the Federal Rules of Civil Procedure.

10. YOU shall produce all responsive DOCUMENTS as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the "SPECIFIC DOCUMENT REQUESTS" section.

SPECIFIC DOCUMENT REQUESTS

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 1:

Please produce all DOCUMENTS related to YOUR or any other PERSON's conception, design, promotion, development, reduction to practice, or diligence in the reduction to practice of any alleged invention described in any specification or any claim of the DEFENDANTS' PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 2:

Please produce all DOCUMENTS relating to any testing, development, experimental, or research activity conducted in connection with any alleged invention described in the DEFENDANTS' PATENTS-IN-SUIT, including, but not limited to, the design, construction and operation of the first device or prototype embodying or intended to embody any of the alleged inventions, by either YOU, or any other PERSON.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 3:

Please produce DOCUMENTS sufficient to show all names, model numbers and any other commercial and/or developmental designation for any products or devices beta tested, offered for sale, or sold, that embody the inventions disclosed in the DEFENDANTS' PATENTS-IN-SUIT, for any time prior to the filing of the application in the United States, and for two years after the filing date.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 4:

Please produce all DOCUMENTS consisting of or referring to the first disclosure, display or demonstration of any alleged invention described in the DEFENDANTS' PATENTS-IN-SUIT, to any person not employed by DEFENDANTS.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 5:

Please produce all DOCUMENTS constituting, referring or relating to the first public use, first offer for sale, first lease or offer to lease, or other first commercialization of any product or device embodying any of the alleged inventions described in the DEFENDANTS' PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 6:

Please produce all DOCUMENTS relating to licensing, selling, or offering to license or sell the DEFENDANTS' PATENTS-IN-SUIT to any third party, including but not limited to communication with the third party, any valuation analysis performed by DEFENDANTS, or on DEFENDANTS' behalf, and any effort to sell or license groups of DEFENDANTS' patents, including the DEFENDANTS' PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 7:

Please produce all DOCUMENTS related to any payment, consideration, compensation, or benefit YOU received in exchange for any work YOU performed for any third party related to the DEFENDANTS' PATENTS-IN-SUIT, for example, if YOU were paid to develop all or part of the technology disclosed in the DEFENDANTS' PATENTS-IN-SUIT by another company.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 8:

Please produce all communications between YOU and DEFENDANTS concerning DEFENDANTS' PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 9:

Please produce all communications between YOU and Dan Leckone and/or Mac Leckrone concerning DEFENDANTS' PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 10:

Please produce all versions of the website <www.colorforth.com>, including, without limitation, all backups, hard copies, electronic versions, html code, and all versions of the website that were created and/or displayed from February 2008 to the present.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 11:

Please produce all DOCUMENTS referred to at the website <<http://www.colorforth.com/vTPL.htm>>.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 12:

Please produce all DOCUMENTS consisting of, relating to, or referring to any agreement YOU have "not to interfere with [TPL's] licensing program" as stated at the website

<<http://www.colorforth.com/vTPL.htm>>.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 13:

Please produce all documents consisting of, relating to, or referring to any disputes, disagreements, legal actions, mediations, arbitrations, lawsuits and/or any other communications whatsoever regarding the ownership, licensing, royalties, and/or commercialization of DEFENDANTS' PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 14:

Please produce all DOCUMENTS supporting YOUR claim that "TPL has falsely claimed ownership of MMP."

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 15:

Please produce all supporting YOUR claim that YOU "never assigned any patents to TPL."

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 16:

Please produce all deposition transcripts, declarations, and any other written and/or transcribed testimony in which you discuss, mention, and/or refer to DEFENDANTS' PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 17:

Please produce all DOCUMENTS relating to the first offer for sale of the "Sh-boom" microprocessor.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 18:

Please produce all written works, whether published or unpublished, which discuss or relate to the first "Sh-boom" microprocessor.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 19:

Please produce all DOCUMENTS relating to the "demand for arbitration" referenced at the website <<http://www.colorforth.com/blog.htm>>.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 20:

Please produce all DOCUMENTS relating to the agreement to remove the "Moore v.

TPL” webpage referenced at the website <<http://www.colorforth.com/blog.htm>>.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 21:

Please produce all communications with Roger Cook, Dan Leckrone, and any other third party relating to the agreement to remove the “Moore v. TPL” webpage as referenced at the website <<http://www.colorforth.com/blog.htm>>.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 22:

Please produce all DOCUMENTS that refer and/or relate to any “Accounting” you have received from TPL as referenced at the website <<http://www.colorforth.com/blog.htm>>.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 23:

Please produce all DOCUMENTS relating to your employment with Intellasys and all documents that relate to the sale, offer for sale, and/or commercialization of any kind of any microprocessor from Intellasys or any other TPL entity.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 24:

Please produce all documents referring and/or relating to any and all revenue, income, profit, and/or royalties from the licensing and/or commercialization of DEFENDANTS’ PATENTS-IN-SUIT.

1 Timothy P. Walker (SBN 105001)
timothy.walker@klgates.com

2 L. Howard Chen (SBN 257393)
howard.chen@klgates.com

3 Harold H. Davis Jr. (SBN 235552)
harold.davis@klgates.com

4 Jas Dhillon (SBN 252842)
jas.dhillon@klgates.com

5 K&L GATES LLP
Four Embarcadero Center, Suite 1200
6 San Francisco, CA 94111-5994
Telephone: (415) 882-8200
7 Facsimile: (415) 882-8220

8 Jeffrey M. Ratinoff (SBN 197241)
jeffrey.ratinoff@klgates.com

9 K&L GATES LLP
630 Hansen Way
10 Palo Alto, CA 94304
Telephone: (650) 798-6700
11 Facsimile: (650) 798-6701

12 Attorneys for Plaintiffs ACER INC., ACER
13 AMERICA CORPORATION and GATEWAY,
INC.

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

18 ACER INC., ACER AMERICA
CORPORATION AND GATEWAY, INC.

19 Plaintiffs,

20 vs.

21 TECHNOLOGY PROPERTIES LIMITED,
22 PATRIOT SCIENTIFIC CORPORATION,
AND ALLIACENSE LIMITED,

23 Defendants.

24 AND RELATED CROSS ACTIONS.
25

Case No.: 5:08-CV-00877 JF

CERTIFICATE OF SERVICE

1 I am employed in the county of Santa Clara, State of California. I am over the age of 18 and
2 not a party to the within action; my business address is **K&L Gates LLP, 630 Hansen Way, Palo
Alto, CA 94304.**

3 On **September 29, 2010**, I served the foregoing document(s):

4 **PLAINTIFF'S AMENDED NOTICE OF SUBPOENA TO CHARLES H. MOORE
5 FOR PRODUCTION OF DOCUMENTS**

6 together with an unsigned copy of this declaration, on all interested parties in this action as follows:

7 John L. Cooper
Stephanie Skaff
Eugene Mar
8 Farella Braun & Martel LLP
Russ Building
9 235 Montgomery Street, 18th Floor
San Francisco, CA 94104
10 Tel: (415) 954-4400
Fax: (415) 954-4480
11 jcooper@fbm.com
sskaff@fbm.com
12 emar@fbm.com
13 *Attorney for Technology Properties Limited and
Alliacense Limited*

Charles T. Hoge
Kirby Noonan Lance & Hoge
350 Tenth Avenue, Suite 1300
San Diego, CA 92101
Tel: (619) 231-8666
Fax: (619) 231-9593
choge@knlh.com
Attorney for Patriot Scientific Corporation

14 **BY MAIL (By Following Office Business Practice):** I am readily familiar with this firm's
15 practice of collection and processing correspondence for mailing. It is deposited with the
U.S. Postal Service on that same day in the ordinary course of business. I placed such
16 envelope(s) for collection and mailing on that date following ordinary business practice.

17 **BY FACSIMILE:** I transmitted the documents listed above by facsimile transmission from
a facsimile machine, whose telephone number is (650) 798-6701 to the facsimile number of
18 the offices of the addressee(s) as indicated above. The above-described transmission was
reported as complete without error by a transmission report issued by the facsimile
19 transmission machine upon which the said transmission was made immediately following
the transmission.

20 **BY ELECTRONIC MAIL:** I am personally and readily familiar with the business practice
of the firm for the preparation and processing of documents in portable document format
21 (PDF) for e-mailing. I prepared said document(s) in PDF and then caused such documents
to be served by electronic mail to the above addressees.

22 **BY FEDERAL EXPRESS:** I deposited such envelope in a box or other facility regularly
23 maintained by Federal Express, an express service carrier, or delivered to a courier or driver
authorized by said express service carrier to receive documents in an envelope designated by
24 the said express service carrier, addressed as above, with delivery fees paid or provided for,
to be transmitted by Federal Express.

25 **BY PERSONAL SERVICE:** I caused such envelope to be hand-delivered to the offices of
26 the addressee(s) as indicated above. A proof of service will be executed by process server
upon completion.
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1 I declare under penalty of perjury under the laws of the State of California that the above is
2 true and correct.

3 Executed on September 29, 2010, at Palo Alto, California.

4 _____
5 Jennifer Smith
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