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10 Attorneys for Debtor and Debtor In
11 Possession Technology Properties Limited, LLC

12
13 **UNITED STATES BANKRUPTCY COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA, DIVISION 5**

15 In re

16 TECHNOLOGY PROPERTIES LIMITED,
17 LLC,

18 Debtor.

Case No: 13-51589 SLJ

Chapter 11

NO HEARING REQUIRED

19 **EX PARTE APPLICATION TO EXPAND SCOPE OF EMPLOYMENT OF THE SIMON**
20 **LAW FIRM, P.C., AS SPECIAL COUNSEL ON CONTINGENCY FEE BASIS**
21 **PURSUANT TO 11 U.S.C. §327(e) AND 11 U.S.C. §328(a)**

22 TO THE HONORABLE STEPHEN L. JOHNSON, UNITED STATES BANKRUPTCY
23 JUDGE:

24 The Ex Parte Application of TECHNOLOGY PROPERTIES LIMITED, LLC, a
25 Delaware Limited Liability Company, the above-captioned Debtor ("TPL") to expand the scope
26 of The Simon Law Firm, P.C. (hereinafter "Special Counsel") employment, respectfully
27 represents as follows:

28 1. On March 20, 2013 (the "Petition Date"), TPL filed a Voluntary Petition under
Chapter 11 with the Clerk of the above-entitled Court. No trustee has been appointed and TPL is
a debtor-in-possession pursuant to 11 U.S.C. §§1107 and 1108.

EX PARTE APPLICATION TO EXPAND SCOPE OF EMPLOYMENT OF THE SIMON LAW FIRM, P.C. AS SPECIAL COUNSEL ON
CONTINGENCY FEE BASIS PURSUANT TO 11 U.S.C. §327(e) AND 11 U.S.C. §328(a)

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2. An Ex Parte Application for Employment of The Simon Law Firm, P.C. (“Application”) was filed on April 23, 2013. The Order approving the Application was entered on or about May 2, 2013.

3. TPL’s Application sought to approve professional services to be rendered by Special Counsel including, but not limited to, the following:

(a) To continue to provide advice and representation to TPL regarding pending litigation matters (collectively the “CORE Flash 2 Matters”), including:

Case Style	Jurisdiction	Case No.
In the Matter of Certain Computer and Computer Peripheral Devices and Components Thereof and Products Containing the Same	ITC	337-TA-841
TPL v. Acer Inc, et al.	E.D. Tex.	6:12-cv-00200-MHS
TPL v. Brother Industries Ltd, et al.	E.D. Tex.	6:12-cv-00201-MHS
TPL v. Canon, Inc., et al.	E.D. Tex.	6:12-cv-00202-MHS
TPL v. Dell, Inc.	E.D. Tex.	6:12-cv-00204-MHS
TPL v. Falcon Northwest Computer Sys., Inc.	E.D. Tex.	6:12-cv-00205-MHS
TPL v. HiTi Digital, Inc., et al.	E.D. Tex.	6:12-cv-00207-MHS
TPL v. Hewlett-Packard Company	E.D. Tex.	6:12-cv-00208-MHS
TPL v. Kingston Technology Co., Inc.	E.D. Tex.	6:12-cv-00210-MHS
TPL v. Microdia Limited	E.D. Tex.	6:12-cv-00212-MHS
TPL v. Newegg Inc, et al.	E.D. Tex.	6:12-cv-00213-MHS
TPL v. Seiko Epson Corporation	E.D. Tex.	6:12-cv-00216-MHS
TPL v. Shuttle, Inc., et al.	E.D. Tex.	6:12-cv-00217-MHS

(i) United States International Trade Commission (“ITC”) Investigation No. 337-TA-841, in which TPL is asserting patent infringement of United States Patent Numbers 6,438,638, 7,162,549, 6,976,623, 7,295,443, 7,522,424, and 7,719,847 (“the CORE Flash patents”) against sellers, manufacturers and importers of computers and computer peripheral devices and products containing the same. The CORE Flash patents are part of the CORE Flash portfolio.;

1 (ii) Case Nos. 6:12-cv-00200, 6:12-cv-00201, 6:12-cv-00202, 6:12-cv-
2 00204, 6:12-cv-00205, 6:12-cv-00207, 6:12-cv-00208, 6:12-cv-00210, 6:12-cv-00212,
3 6:12-cv-00213, 6:12-cv-00216, and 6:12-cv-00217 (related cases) in the U.S. District
4 Court for the Eastern District of Texas, in which TPL is asserting claims for patent
5 infringement pursuant to 35 U.S.C. § 271, *et seq.* against Defendants that infringed by
6 importing, making, using, offering to sell, and/or selling products and devices that
7 embody and/or practice the patented inventions. These related cases involve the same
8 CORE Flash patents that were at issue in ITC Inv. 337-TA-841; and,
9

10 (b) To continue to investigate patent infringement claims and recover all
11 damages and compensation to which TPL may be entitled from the unlicensed use of the CORE
12 Flash Portfolio Patents as described in the Application, including but not limited to investigation
13 of potential infringers, employing consultants and expert witnesses, instituting legal proceedings,
14 and preparing for and proceeding to trial.

15 4. TPL wishes to expand the scope of Special Counsel's employment to include
16 certain CORE Flash cases pending in the District Court case entitled Technologies Properties
17 Limited, LLC v. Action Electronics Co., Ltd. et al., Case No. 2:11-cv-00372-JRG (hereinafter
18 referred to as the "Sony Case"). Specifically, Agility IP Law, LLP (also approved as special
19 counsel to TPL) represented TPL with respect to its claims against Sony Corporation and Sony
20 Corporation of America, however TPL now wishes to have Special Counsel take over this
21 representation. Due to the fact that Special Counsel is already representing TPL in numerous
22 other CORE Flash matters, it makes sense now that the Sony CORE Flash matter be handled by
23 Special Counsel.
24
25
26

1 5. All terms of employment and procedure for compensation will remain the same as
2 described in Special Counsel's Application filed on April 23, 2013.

3 6. Agility IP Law, LLP has confirmed that it is to receive from TPL's portion of any
4 recovery an amount equal to 25% of proceeds received by Special Counsel in the Sony Matter.
5 See Declarations of Anthony G. Simon and James P. Otteson In Support of Ex Parte Application
6 To Expand Scope of Employment Of The Simon Law Firm, P.C. As Special Counsel On
7 Contingency Fee Basis.

8 WHEREFORE, TPL respectfully request that the Court enter an order authorizing the
9 expansion of Special Counsel's employment to include representation in the Sony Case.
10

11
12 Dated: April 17, 2014

TECHNOLOGY PROPERTIES LIMITED, LLC

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14 By: /s/ Daniel E. Leckrone
Daniel E. Leckrone
Responsible Individual for TPL
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13 **UNITED STATES BANKRUPTCY COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA, DIVISION 5**

15 In re

16 TECHNOLOGY PROPERTIES LIMITED,
17 LLC,

18 Debtor.

Case No: 13-51589 SLJ

Chapter 11

NO HEARING REQUIRED

19 **DECLARATION OF ANTHONY G. SIMON IN SUPPORT OF EX PARTE**
20 **APPLICATION TO EXPAND SCOPE OF EMPLOYMENT OF THE SIMON LAW**
21 **FIRM, P.C., AS SPECIAL COUNSEL ON CONTINGENCY FEE BASIS PURSUANT TO**
22 **11 U.S.C. §327(e) AND 11 U.S.C. §328(a)**

23 I, Anthony G. Simon, hereby declare:

24 1. I am a a member with The Simon Law Firm, P.C., Special Counsel herein
25 (“Special Counsel”) to TECHNOLOGY PROPERTIES LIMITED, LLC, a Delaware Limited
26 Liability Company, the above-captioned Debtor (“TPL”). I am licensed to practice in the State
27 of Missouri. I make this declaration in support of the EX APPLICATION TO EXPAND SCOPE
28 OF EMPLOYMENT OF THE SIMON LAW FIRM, P.C. AS SPECIAL COUNSEL ON
CONTINGENCY FEE BASIS PURSUANT TO 11 U.S.C. §327(e) AND 11 U.S.C. §328(a) (the
“Application”).

DECLARATION OF ANTHONY G. SIMON IN SUPPORT OF EX PARTE APPLICATION TO EXPAND SCOPE OF EMPLOYMENT OF
THE SIMON LAW FIRM, P.C. AS SPECIAL COUNSEL ON CONTINGENCY FEE BASIS PURSUANT TO 11 U.S.C. §327(e) AND 11
U.S.C. §328(a)

Page 1

2. I have personal knowledge of the matters contained herein, except as to those matters alleged upon information and belief and as to those matters I believe them to be true. If called upon as a witness, I could and would testify as follows.

3. TPL's Application sought to approve professional services to be rendered by Special Counsel including, but not limited to, the following:

(a) To continue to provide advice and representation to TPL regarding pending litigation matters (collectively the "CORE Flash 2 Matters"), including:

Case Style	Jurisdiction	Case No.
In the Matter of Certain Computer and Computer Peripheral Devices and Components Thereof and Products Containing the Same	ITC	337-TA-841
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TPL v. Hewlett-Packard Company	E.D. Tex.	6:12-cv-00208-MHS
TPL v. Kingston Technology Co., Inc.	E.D. Tex.	6:12-cv-00210-MHS
TPL v. Microdia Limited	E.D. Tex.	6:12-cv-00212-MHS
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3 6:12-cv-00213, 6:12-cv-00216, and 6:12-cv-00217 (related cases) in the U.S. District
4 Court for the Eastern District of Texas, in which TPL is asserting claims for patent
5 infringement pursuant to 35 U.S.C. § 271, *et seq.* against Defendants that infringed by
6 importing, making, using, offering to sell, and/or selling products and devices that
7 embody and/or practice the patented inventions. These related cases involve the same
8 CORE Flash patents were at issue in ITC Inv. 337-TA-841; and,

9
10 (b) To continue to investigate patent infringement claims and recover all
11 damages and compensation to which TPL may be entitled from the unlicensed use of the CORE
12 Flash Portfolio Patents as described in the Application, including but not limited to investigation
13 of potential infringers, employing consultants and expert witnesses, instituting legal proceedings,
14 and preparing for and proceeding to trial.

15 4. I am informed and believe that TPL wishes to expand the scope of Special
16 Counsel's employment to include certain pending CORE Flash claims in the District Court case
17 entitled *Technologies Properties Limited, LLC v. Action Electronics Co., Ltd. et al.*, Case No.
18 2:11-cv-00372-JRG (hereinafter referred to as the "Sony Case"). Specifically, Agility IP Law,
19 LLP (also approved as special counsel to TPL) represented TPL with respect to its claims against
20 Sony Corporation and Sony Corporation of America, however TPL now wishes to have Special
21 Counsel take over this representation. Due to the fact that Special Counsel is already
22 representing TPL in numerous other CORE Flash matters, it makes sense now that the Sony
23 CORE Flash matter be handled by Special Counsel.

24
25 5. All terms of employment and procedure for compensation will remain the same as

described in Special Counsel's Application filed on April 23, 2013.

6. I am informed and believe that Agility IP Law, LLP is to receive – from TPL’s portion of any recovery – an amount equal to 25% of proceeds received by Special Counsel in the Sony Matter.

Executed on April 17, 2014 at St. Louis, Missouri. I declare under penalty of perjury
that the foregoing is true and correct.

/s/ Anthony G. Simon
Anthony G. Simon

1 HEINZ BINDER, #87908
2 ROBERT G. HARRIS, #124678
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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA, DIVISION 5

In re

TECHNOLOGY PROPERTIES LIMITED,
LLC,

Debtor.

Case No: 13-51589 SLJ

Chapter 11

NO HEARING REQUIRED

DECLARATION OF JAMES C. OTTESON IN SUPPORT OF EX PARTE
APPLICATION TO EXPAND SCOPE OF EMPLOYMENT OF AGILITY IP LAW, LLP
AS SPECIAL COUNSEL

I, James C. Otteson, hereby declare:

1. I am a partner with Agility IP Law, LLP, ("Agility"), special counsel to TECHNOLOGY PROPERTIES LIMITED, LLC, a Delaware Limited Liability Company, the above-captioned Debtor ("TPL"). I am licensed to practice in the State of California and admitted to practice before the Northern District of California. I make this Declaration in support of the Ex Parte Application To Expand Scope of Employment of The Simon Law Firm, P.C. as Special Counsel (the "Application").

2. I have personal knowledge of the matters contained herein, except as to those matters alleged upon information and belief and as to those matters I believe them to be true. If called upon as a witness and I could and would testify as follows:

3. Agility has been the attorney representing TPL in a case pending in the District Court entitled Technologies Properties Limited, LLC v. Action Electronics Co., Ltd. et al., Case No. 2:11-cv-00372-JRG (hereinafter referred to as the “Sony Case”). While Agility has been representing TPL in this matter, TPL now wishes to have The Simon Law Firm, P.C. take over this representation. Due to the fact that The Simon Law Firm, P.C. is already representing TPL in numerous other CORE Flash matters, it makes sense now that since Agility is not representing TPL in any other CORE Flash matters, that the remaining CORE Flash matter be handled by The Simon Law Firm, P.C..

4. Agility IP Law, LLP has confirmed that it is to receive from TPL's portion of any recovery an amount equal to 25% of proceeds received by The Simon Law Firm, P.C. in the Sony Matter.

Executed on April 17, 2014 in Menlo Park, California. I declare under penalty of perjury
that the foregoing is true and correct.

/s/ James C. Otteson
James C. Otteson

1 HEINZ BINDER, #87908
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14 Attorneys for Debtor and Debtor In
15 Possession Technology Properties Limited, LLC

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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA, DIVISION 5

In re

TECHNOLOGY PROPERTIES LIMITED,
LLC,

Debtor.

Case No: 13-51589 SLJ

Chapter 11

CERTIFICATE OF SERVICE

I, Natalie D. Gonzalez, declare:

I am employed in the County of Santa Clara, California. I am over the age of eighteen (18) years and not a party to the within entitled cause; my business address is 2775 Park Avenue, Santa Clara, California 95050.

On April 17, 2014, I served a true and correct copy of the following document(s):

- 1 **1. EX PARTE APPLICATION TO EXPAND SCOPE OF EMPLOYMENT TO**
- 2 **THE SIMON LAW FIRM, P.C., AS SPECIAL COUNSEL**
- 3 **ON CONTINGENCY FEE BASIS PURSUANT TO 11 U.S.C. §327(e) AND 11**
- 4 **U.S.C. §328(a)**
- 5
- 6 **2. DECLARATION OF ANTHONY G. SIMON IN SUPPORT OF EX PARTE**
- 7 **APPLICATION TO EXPAND SCOPE OF EMPLOYMENT OF THE**
- 8 **SIMON LAW FIRM, P.C., AS SPECIAL COUNSEL ON CONTINGENCY**
- 9 **FEE BASIS PURSUANT TO 11 U.S.C. §327(e) AND 11 U.S.C. §328(a)**
- 10
- 11 **3. EXHIBIT A**

via electronic transmission and/or the Court's CM/ECF notification system to the parties
registered to receive notice as follows:

U.S. Trustee

John Wesoloski
United States Trustee
Office of the U.S. Trustee
280 So. First St., Room 268
San Jose, CA 95113
Email: john.wesolowski@usdoj.gov

Special Notice

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Unsecured Creditors Committee Attorney

c/o John Walshe Murray, Esq.
c/o Robert Franklin, Esq.
c/o Thomas Hwang, Esq.
Dorsey & Whitney LLP
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Robertson & Lewis
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Special Notice

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Law Offices of Gregory Charles
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Cupertino City Center Buildings
c/o Christopher H. Hart, Esq.
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Email: gkleiner@mckennalong.com

Chester A. Brown, Jr. and Marcie Brown
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Michelson Law Group
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Kristin A. Hiensch, Esq.
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Jessica L. Voyce, Esq
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Executed on April 17, 2014, at Santa Clara, California. I certify under penalty of perjury
that the foregoing is true and correct.

/s/ Natalie D. Gonzalez
Natalie D. Gonzalez