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8 TECHNOLOGY PROPERTIES LIMITED, LLC

9 **UNITED STATES BANKRUPTCY COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA, DIVISION 5**
11

12 In re

13 TECHNOLOGY PROPERTIES LIMITED,
14 LLC,,
15

16 Debtor.

Case No: 13-51589 SLJ

Chapter 11

17 **STIPULATED EX PARTE APPLICATION FOR ORDER SHORTENING TIME**
18 **TO SET PRELIMINARY HEARING ON FIFTH MOTION TO APPROVE**
19 **USE OF CASH COLLATERAL (FRBP 4001(b))**

20 TO THE HONORABLE STEPHEN L. JOHNSON:

21 Debtor and debtor in possession Technology Properties Limited, LLC ("TPL") hereby
22 applies to the Court for an order shortening the time for a hearing on its Fifth Motion to Approve
23 Use of Cash Collateral (FRBP 4001(b)), setting the matter for a preliminary hearing on
24 November 19, 2014, at 2:00 p.m. or as soon thereafter as the matter might be heard. All parties
25 with an interest in cash collateral and the Official Committee of Unsecured Creditors consent to
26 the shortening of time and setting of the preliminary hearing as requested.

27 TPL respectfully represents as follows in support of this Stipulated Ex Parte Application:
28

1. TPL commenced this case by filing a voluntary Chapter 11 petition on March 20, 2013. TPL is an operating business located in San Jose California. TPL has cash against which its secured creditors have liens.
2. TPL has three secured creditors: Cupertino City Center Buildings, a California Limited Partnership (“CCC”); Swamy Venkidu as Shareholder Agent for a group of shareholders (“Mr. Venkidu”); and Daniel E. Leckrone.
3. TPL requires permission to use cash collateral in the ordinary course for operations of the business, to pay litigation expenses, adequate protection payments to secured creditors, and to pay U.S. Trustee’s fees.
4. The interim amount requested, pending a final hearing on the Motion through which a streamlined procedure to approve cash use upon submission of a budget is sought, is \$458,939.00. The budget breakdown is as follows:

a. 8,939.00 in the following amounts and for the purposes described below:

CPA Global - patent maintenance –estimated	\$ 1,656
SCC Tax Assessment	\$ 995
Cobra Required Payments	\$ 227
Bank Charges	\$ 500
Simon Law Firm	\$ 1,811
Consultants - (finance)	\$ 1,600
Patent Office filing reimbursement – IPR	\$ 450
US Bankruptcy Court	\$ 950
Subtotal SG&A	\$ 8,939

- b. Adequate protection of \$150,000 for CCC; and
- c. Adequate protection of \$300,000 for Arockiyaswamy Venkidu as shareholder representative for OnSpec.

- 1 5. TPL's three secured creditors have agreed to the use of cash collateral as requested
2 and have reviewed and approved TPL's cash collateral budget above. All three
3 secured creditors are to receive a replacement lien on collateral with a back-up super-
4 priority claim to the extent that adequate protection proves inadequate.
5
6 6. The expenditure of cash as requested is necessary to avoid irreparable harm.
7
8 7. Without approval to use cash, TPL will be unable to meet its obligations to the taxing
9 authorities, the United States Trustee, the U.S. Patent Office, its own special counsel,
10 and its secured creditors.

11 WHEREFORE, TPL respectfully requests that this Court grant shortened time and set
12 a preliminary hearing on the Motion to consider approval to use cash collateral in the
13 afternoon of November 19, 2014, or as soon thereafter as the matter might be heard
14 and to set a final hearing thereon.

15 Dated: November 7, 2014

BINDER & MALTER, LLP

16 By: /s/ Robert G. Harris

17 Robert G. Harris

18 Attorneys for Attorneys for Debtor and Debtor-in-
19 Possession TECHNOLOGY PROPERTIES
LIMITED LLC

20 **SHORTENED TIME IS STIPULATED AS REQUESTED:**
21

22 Dated: November 7, 2014

SCHNADER HARRISON SEGAL & LEWIS LLP

23 By: /s/ Christopher H. Hart

24 Christopher H. Hart

25 Attorneys for Cupertino City Center Buildings,
26 A California Limited Partnership

27 ///

28 ///

1 Dated: November 7, 2014

ELLAHIE & FAROOQUI, LLP

2
3 By: /s/ Javed Ellahie
4 Javed Ellahie

5 Attorneys for Swamy Venkidu as Shareholder Agent
6 for a group of shareholders

7 Dated: November 7, 2014

SECURED CLAIMANT DANIEL E. LECKRONE

8
9 /s/ Daniel E. Leckrone
Daniel E. Leckrone

10 Dated: November 7, 2014

DORSEY & WHITNEY, LLP

11
12 By: /s/ Robert A. Franklin
13 Robert A. Franklin

14 Attorney for Official Committee of Unsecured
15 Creditors

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Attorneys for Debtor and Debtor-in-Possession
TECHNOLOGY PROPERTIES LIMITED, LLC

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA, DIVISION 5

In re

TECHNOLOGY PROPERTIES LIMITED,
LLC,

Debtor.

Case No: 13-51589 SLJ

Chapter 11

**DECLARATION OF COUNSEL IN SUPPORT OF STIPULATED EX PARTE
APPLICATION FOR ORDER SHORTENING TIME TO SET PRELIMINARY
HEARING ON MOTION TO APPROVE USE OF CASH COLLATERAL (FRBP 4001(b))**

I, Robert G. Harris, know the following matters to be true of my own, personal
knowledge and, if called as a witness, could and would testify competently thereto:

1. I am a member of the State Bar of California in good standing and am admitted to
practice before this Court. I am counsel for debtor and debtor-in-possession Technology
Properties Limited LLC ("TPL"). I am submitting this declaration in support of the above-
referenced application for shortened time.

2. I declare as follows as required by BLR 9006-1(c):

a. Reason for Particular Shortening of Time Requested.

TPL requires permission for immediate use of cash collateral and seeks a preliminary
hearing for the fourth request for the use of cash collateral by the estate. Bankruptcy Code

1 section 363(c) (3) states that a preliminary hearing on the use of cash collateral “. . . shall be
2 scheduled in accordance with the needs of the debtor “ TPL has immediate cash needs to
3 pay the United States Trustees fees that it is, US Patent Office fees, contingency counsel
4 expenses, financial consultant fees to prepare operating reports, and adequate protection to its
5 secured claimants who have patiently waited more than seven months for funds to become
6 available while there adequate protection payments have accrued.

7 b. Previous Time Modifications Related to the Subject of the Request.

8 Shortened time has previously been requested with respect to cash collateral approval
9 requests. The current motion anticipates the setting of a monthly budget procedure and deemed
10 approval without further court order absent objection, so this will be the last request for
11 shortened time.
12

13 c. The Effect of the Requested Time Modification on the Schedule
14 For the Case.

15 The main Chapter 11 case’s schedule is not materially impacted by the filing. There is a
16 November 12, 2014 disclosure hearing set in the case, and it is expected that the confirmation
17 hearing on competing plans will occur in early December. Allowing consideration cash collateral
18 on shortened time simply keeps the essential machinery of the case running while that occurs.

19 d. Stipulation.

20 All three secured parties and the creditors’ committee have signed off on the Stipulated
21 Ex Parte Application for Order Shortening Time in support of which this Declaration of Counsel
22 is offered.

23 I declare under penalty of perjury of the laws of the United States that the foregoing is
24 true and correct. Executed this 7th day of November, 2014, at Santa Clara, California.
25

26
27 /s/ Robert G. Harris
Robert G. Harris
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