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13 TECHNOLOGY PROPERTIES LIMITED LLC

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

17 In re:
18 TECHNOLOGY PROPERTIES LIMITED,
19 LLC, a California limited liability company,
20
21 Debtor.

22 Case No.: 13- 51589SLJ
23 Chapter 11
24 Date: January 23, 2014
25 Time: 10:00 a.m.
26 Place: Courtroom 3099
27 280 South First Street
28 San Jose, California

29 **EVIDENTIARY OBJECTIONS TO DECLARATION OF CARLTON JOHNSON, JR. IN**
30 **SUPPORT OF MOTION OF CREDITORS' COMMITTEE FOR ORDERS: (1)**
31 **APPOINTING A CHAPTER 11 TRUSTEE; AND (2) DIRECTING DANIEL E.**
32 **LECKRONE TO APPEAR AND SHOW CAUSE WHY HE SHOULD NOT BE HELD IN**
33 **CONTEMPT FOR VIOLATION OF THIS COURT'S ORDER**

34 Debtor and Debtor-in-Possession Technology Properties Limited LLC ("TPL") hereby
35 objects to the Declaration of Carlton Johnson, Jr. in Support of Motion of Creditors' Committee

for Orders: (1) Appointing a Chapter 11 Trustee; and (2) Directing Daniel E. Leckrone to Appear and Show Cause Why He Should Not be Held in Contempt for Violation of This Court's Order as follows:

Material Objected to:	Grounds for Objection:	Ruling on Objection:
<p>1. Johnson Declaration, p. 2, lines 20-23:</p> <p>“During that period Patriot made several loans to TPL, including to allow it to meet the payroll needs of its division or related entity, Alliacense. One of these loans by Patriot was secured as against an installment of a receivable from Harman Kardon, an MMP licensee, that paid for its license in two installments. When the second installment was paid, Patriot was to be repaid its loan to TPL out of \$950,000.”</p>	<p>1. Improper Opinion Testimony/Legal Conclusion. [FRE 602 (personal knowledge requirement); 701 (opinion testimony by lay witness; 702 (scope of testimony by qualified expert); BLR 9013-1(d)(2) (declarations shall contain only facts and shall avoid conclusions of law and argument)].</p> <p>2. Best Evidence. [FRE 1002 – precludes secondary evidence to prove the content of a writing].</p> <p>3. Hearsay. [FRE 802 – hearsay inadmissible unless otherwise provided].</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>2. Johnson Declaration, p. 3, lines 6-7:</p> <p>“Meanwhile, the Harman security agreement documents provided Patriot authority to repay itself out of PDS when that licensing revenue came in.”</p>	<p>1. Improper Opinion Testimony/Legal Conclusion. [FRE 602 (personal knowledge requirement); 701 (opinion testimony by lay witness; 702 (scope of testimony by qualified expert); BLR 9013-1(d)(2) (declarations shall contain only facts and shall avoid conclusions of law and argument)].</p> <p>2. Best Evidence. [FRE 1002</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

Material Objected to:	Grounds for Objection:	Ruling on Objection:
	<p>– precludes secondary evidence to prove the content of a writing].</p> <p>3. Hearsay. [FRE 802 – hearsay inadmissible unless otherwise provided].</p>	
<p>3. Johnson Declaration, p. 4, lines 10-12:</p> <p>“I believe that PDS cannot pursue decisions in its best interests unless Dan Leckrone goes along with them, but he consistently places Alliacense’s interests ahead of PDS’s or TPL’s interests in our communications.”</p>	<p>1. Lack of Foundation/Speculation. [FRE 602].</p> <p>2. Improper Opinion Testimony/Legal Conclusion. [FRE 602 (personal knowledge requirement); 701 (opinion testimony by lay witness; 702 (scope of testimony by qualified expert); BLR 9013-1(d)(2) (declarations shall contain only facts and shall avoid conclusions of law and argument)].</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>4. Johnson Declaration, p. 4, lines 14-18:</p> <p>“I heard Dan Leckrone testify that in the 2010 time frame TPL gave discounts to licensees who would simultaneously license MMP patents with TPL’s other, wholly-owned patent portfolios and that discounts were given because of TPL’s difficult financial condition. Patriot never authorized those actions.”</p>	<p>1. Hearsay. [FRE 802 – hearsay inadmissible unless otherwise provided].</p> <p>2. Best Evidence (to extent contention is based on a writing). [FRE 1002 – precludes secondary evidence to prove the content of a writing (ie. the trial transcript)].</p> <p>3. Improper Opinion Testimony/Legal Conclusion. [FRE 602 (personal knowledge requirement); 701 (opinion testimony by lay witness; 702 (scope of</p>	

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Material Objected to:	Grounds for Objection:	Ruling on Objection:
	testimony by qualified expert); BLR 9013-1(d)(2) (declarations shall contain only facts and shall avoid conclusions of law and argument)].	

Dated: January 14, 2013

BINDER & MALTER, LLP

By: /s/ Robert G. Harris
Robert G. Harris
Attorneys for Debtor and Debtor-in-Possession
TECHNOLOGY PROPERTIES LIMITED LLC