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7 Attorneys for Official  
Committee of Unsecured Creditors

8  
9 **UNITED STATES BANKRUPTCY COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN JOSE DIVISION**

12 In re: )  
 )  
13 **TECHNOLOGY PROPERTIES LIMITED LLC,** ) Case No. 13-51589-SLJ-11  
**fka TECHNOLOGY PROPERTIES LIMITED** )  
14 **INC., A CALIFORNIA CORPORATION,** ) Chapter 11  
**fka TECHNOLOGY PROPERTIES LIMITED,** )  
15 **A CALIFORNIA CORPORATION,** ) Date: January 23, 2014  
 ) Time: 2:00 p.m.  
16 Debtor. ) Place: United States Bankruptcy Court  
 ) 280 S. First Street, Room 3099  
17 ) San Jose, CA 95113  
 ) Judge: Honorable Stephen L. Johnson

18  
19 **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF**  
20 **REPLY TO TPL'S OPPOSITION TO MOTION OF CREDITORS' COMMITTEE FOR ORDERS**  
21 **(1) DIRECTING THE APPOINTMENT OF A CHAPTER 11 TRUSTEE; AND**  
22 **(2) DIRECTING THE DEBTOR AND DANIEL E. LECKRONE TO APPEAR AND SHOW CAUSE WHY**  
**THEY SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF THIS COURT'S ORDER**

23 Pursuant to Federal Rule of Evidence 201, the Official Committee of Unsecured Creditors  
24 (the "Committee") hereby requests this Court take judicial notice of the pleadings and documents  
25 filed in this bankruptcy case, including, but not limited to, the following.

26 A. All MONTHLY OPERATING REPORTS filed by Technology Properties Limited LLC (the  
27 "Debtor" or "TPL").

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TTH:sb  
h:\client matters\ f&r\tech properties\pl\motion re trustee & contempt\reply\rjn.docx

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REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF REPLY TO TPL'S  
OPPOSITION TO MOTION OF CREDITORS' COMMITTEE FOR ORDERS (1)  
DIRECTING THE APPOINTMENT OF A CHAPTER 11 TRUSTEE; AND (2)...

- 1 B. The Debtor's SECOND MOTION TO APPROVE CASH COLLATERAL [Docket No. 243].
- 2 C. The SUPPLEMENTAL DECLARATION OF DWAYNE HANNAH IN SUPPORT OF SECOND
- 3 MOTION TO APPROVE CASH COLLATERAL [Docket No. 243] and Exhibit "A" thereto
- 4 [Docket No. 255].
- 5 D. The Debtor's AMENDED STATEMENT OF FINANCIAL AFFAIRS [Docket No. 96].
- 6 E. CREDITOR CHARLES H. MOORE'S POINTS AND AUTHORITIES IN SUPPORTING MOTION
- 7 TO APPOINT CHAPTER 11 TRUSTEE AND TO REMOVE DEBTOR-IN-POSSESSION [Docket
- 8 No. 345-1].
- 9 F. The DECLARATION OF CHARLES H. MOORE IN SUPPORT OF SUPPORTING MOTION TO
- 10 APPOINT CHAPTER 11 TRUSTEE AND TO REMOVE DEBTOR-IN-POSSESSION [Docket
- 11 345-2].
- 12 G. CREDITOR CHARLES H. MOORE'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF HIS
- 13 SUPPORTING MOTION TO APPOINT CHAPTER 11 TRUSTEE AND TO REMOVE DEBTOR-
- 14 IN-POSSESSION [Docket 345-3].
- 15 H. DISCLOSURE STATEMENT RE: TPL PLAN OF REORGANIZATION (DECEMBER 23, 2013)
- 16 [Docket No. 340].

17 The Committee further requests this Court take judicial notice of the following pleadings and

18 documents filed in other judicial proceedings:

- 19 A. The DECLARATION OF DANIEL E. LECKRONE IN SUPPORT OF DANIEL LECKRONE'S
- 20 OPPOSITION TO MARCOUX'S MOTION PURSUANT TO C.C.P. 664.6, filed on January 9,
- 21 2014, in the civil case entitled *Daniel Leckrone and Technology Properties Limited v.*
- 22 *Phil Marcoux*, et al; Case No. 1-09-CV-159593, Superior Court of California, Santa
- 23 Clara County, a copy of which (without its exhibits) is attached hereto as **Exhibit**
- 24 **"A"**.
- 25 B. The NOTICE OF COMMISSION DETERMINATION TERMINATING THE INVESTIGATION
- 26 WITH A FINDING OF NO VIOLATION OF SECTION 337, issued by the United States
- 27 International Trade Commission on December 19, 2013, in the matter of Certain
- 28 Computers And Computer Peripheral Devices, And Components Thereof, And

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Products Containing Same, a copy of which is attached hereto as **Exhibit "B"**.

Dated: January 16, 2014

DORSEY & WHITNEY, LLP

By: /s/ Robert A. Franklin  
Robert A. Franklin  
Attorneys for the  
Official Unsecured Creditors Committee

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ROBERT A. FRANKLIN (091653)  
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8

9 **UNITED STATES BANKRUPTCY COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN JOSE DIVISION**

12 In re: )  
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13 **TECHNOLOGY PROPERTIES LIMITED LLC,** ) Case No. 13-51589-SLJ-11  
**fka TECHNOLOGY PROPERTIES LIMITED** )  
14 **INC., A CALIFORNIA CORPORATION,** ) Chapter 11  
**fka TECHNOLOGY PROPERTIES LIMITED,** )  
15 **A CALIFORNIA CORPORATION,** ) Date: January 23, 2014  
 ) Time: 2:00 p.m.  
16 Debtor. ) Place: United States Bankruptcy Court  
 ) 280 S. First Street, Room 3099  
17 ) San Jose, CA 95113  
 ) Judge: Honorable Stephen L. Johnson  
18

19 **EXHIBIT "A"**

20 **To**

21 **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF**  
22 **REPLY TO TPL'S OPPOSITION TO MOTION OF CREDITORS' COMMITTEE FOR ORDERS**  
23 **(1) DIRECTING THE APPOINTMENT OF A CHAPTER 11 TRUSTEE; AND**  
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**THEY SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF THIS COURT'S ORDER**  
25  
26  
27  
28

EXHIBIT COVER

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2 J. MARK THACKER (SBN 157182)  
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(ENDORSED)  
**FILED**

JAN 9 - 2014

DAVID H. YANAGISAKI  
Chief Executive Officer/ Clerk  
Superior Court of CA County of Santa Clara  
BY \_\_\_\_\_ DEPUTY

K. LEV

Attorneys for Plaintiffs and Cross-Defendants  
DANIEL LECKRONE and TECHNOLOGY  
PROPERTIES LIMITED

**SIGNATURE VIA FACSIMILE**

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA

DANIEL LECKRONE and  
TECHNOLOGY PROPERTIES  
LIMITED,

Plaintiffs,

v.

PHIL MARCOUX, individually and as  
Sellers' Representative for 1520 Partners,  
Allan Johnson, J.C. Severiens Trust,  
Charles "Chuck" Harwood, Don  
Richmond, James Young, Lida Urbanek,  
Mpulse Microwave, Inc., Paul Franklin,  
Richard Vaccarello, Wendell Sander, and  
Does 1 through 40,

Defendants.

CASE NO. 1-09-CV-159593

**DECLARATION OF DANIEL E.  
LECKRONE IN SUPPORT OF DANIEL  
LECKRONE'S OPPOSITION TO  
MARCOUX'S MOTION PURSUANT TO  
C.C.P. 664.6**

**Date: January 23, 2014  
Time: 9:00 a.m.  
Dept.: 20  
Judge: TBA**

AND RELATED CROSS-ACTION.

I, DANIEL E. LECKRONE, declare:

1. I am the Manager of TECHNOLOGY PROPERTIES LIMITED, LLC (hereinafter "TPL"), a Plaintiff and Cross-Defendant named herein. I am also a named Plaintiff and Cross-Defendant in this action. This declaration is based on my personal knowledge and if called as a witness I could and would testify as follows.

2. TPL had existing contractual and business relationships with Research in Motion,

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A Professional Corporation  
San Jose

1 Coby Electronics, Curtis International, TAO Electronics, and Sakar International involving the  
2 negotiation of license agreements for these entities to use certain proprietary technology managed  
3 and licensed by TPL. These licenses and/or prospective licenses did not involve the patent  
4 portfolio at issue in this lawsuit.

5 3. Defendants, through their counsel, sent a letter to each of these entities which  
6 wrongly asserted that each of the licenses between TPL and each of these entities was void, and  
7 that TPL did not have any rights in the patents or authority to grant a license to any these entities.  
8 The letter to Research in Motion was sent on or about November 14, 2011, and the letters to the  
9 other entities were sent on or about December 5, 2011. I obtained a copy of each of the letters  
10 from each of the respective entities. A true and correct copy of each letter is attached as Exhibits  
11 A through E.

12 4. Additionally, on or about January 26, 2012, Defendants through their counsel sent  
13 a letter to two law firms which TPL had retained to represent it in patent enforcement litigation,  
14 demanding that they immediately cease and desist all efforts involved in their representation of  
15 TPL. None of the patents involved in this lawsuit were involved in the patent enforcement  
16 litigation for which these law firms were representing TPL. A true and correct copy of this letter  
17 is attached to this declaration as Exhibit F.

18 5. Each of these letters substantially disrupted TPL's existing business relationships  
19 and resulted in substantial harm and expense for TPL. Each of the above referenced entities  
20 became concerned with and questioned TPL's and my business integrity as a result of the  
21 statements in those letters.

22 6. When the Confidential Settlement Agreement and General Release was negotiated,  
23 I insisted on the inclusion of a strict non-disparagement provision, in part, to avoid the possibility  
24 of any further disruptions such as those caused by Defendants' communications with TPL's  
25 business partners. In my view, Defendants were likely to disseminate similar communications to  
26 other entities with which TPL or I had business or professional relationships, causing significant  
27 harm to our efforts to negotiate licenses and enforce patent rights. The certainty of avoiding and  
28 preventing such disruptions in the future constituted essential consideration for TPL's and my

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A Professional Corporation  
San Jose

1 entering into the settlement agreement and incurring all of the obligations stated therein,  
2 including but not limited to the release of all claims against the Defendants and the payment of  
3 the amounts set forth Paragraph 2 of the settlement agreement.

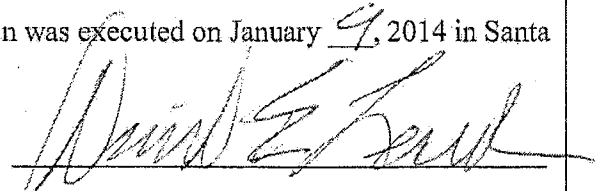
4 7. On May 30, 2013, a meeting was held involving TPL and its creditors in  
5 connection with of TPL's Chapter 11 proceeding. I personally attended the meeting, as did Mr.  
6 Marcoux, and others. During the course of this meeting, Mr. Marcoux made numerous  
7 statements that were highly critical of and defamed and disparaged the personal and business  
8 reputations, practices and conduct of TPL, the TPL management team, Alliacense LLC Ltd  
9 ("Alliacense"), and the Alliacense management team and me. Specifically, Mr. Marcoux accused  
10 me and members of TPL's and Alliacense's management teams of being dishonest and  
11 incompetent, that we should be replaced and that our business model was unworkable.

12 8. I have only recently received information from one or more members of the  
13 Official Creditors Committee in TPL's Chapter 11 proceeding confirming that Mr. Marcoux has  
14 made similarly critical, disparaging and defamatory statements about me, TPL, the TPL  
15 management team, Alliacense, and the Alliacense management team, in written statements,  
16 including emails.

17 9. I have been unable to obtain copies of these written statements by Mr. Marcoux  
18 from the members without a subpoena.

19 10. The communications described above in Paragraphs 3 and 4, the statements made  
20 by Mr. Marcoux during the May 30, 2013 meeting, and the information described above in  
21 Paragraph 8 all confirm to me that Mr. Marcoux has materially breached the Settlement  
22 Agreement by engaging in conduct in violation his obligations under Paragraph 4 of the  
23 Settlement Agreement.

24 I declare under penalty of perjury under the laws of the State of California that the  
25 foregoing is true and correct and that this declaration was executed on January 9, 2014 in Santa  
26 Clara County, California.



DANIEL E. LECKRONE

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Committee of Unsecured Creditors  
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9 **UNITED STATES BANKRUPTCY COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN JOSE DIVISION**

12 In re:	)	
	)	
13 <b>TECHNOLOGY PROPERTIES LIMITED LLC,</b>	)	Case No. 13-51589-SLJ-11
<b>fka TECHNOLOGY PROPERTIES LIMITED</b>	)	
14 <b>INC., A CALIFORNIA CORPORATION,</b>	)	Chapter 11
<b>fka TECHNOLOGY PROPERTIES LIMITED,</b>	)	
15 <b>A CALIFORNIA CORPORATION,</b>	)	Date: January 23, 2014
	)	Time: 2:00 p.m.
16 Debtor.	)	Place: United States Bankruptcy Court
	)	280 S. First Street, Room 3099
	)	San Jose, CA 95113
	)	Judge: Honorable Stephen L. Johnson

18  
19 **EXHIBIT "B"**

20 **To**

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27  
28 EXHIBIT COVER



UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

In the Matter of

CERTAIN COMPUTERS AND COMPUTER  
PERIPHERAL DEVICES, AND COMPONENTS  
THEREOF, AND PRODUCTS CONTAINING  
SAME

Investigation No. 337-TA-841

NOTICE OF COMMISSION DETERMINATION  
TERMINATING THE INVESTIGATION  
WITH A FINDING OF NO VIOLATION OF SECTION 337

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to terminate the above-captioned investigation with a finding of no violation of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337.

**FOR FURTHER INFORMATION CONTACT:** Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on May 2, 2012, based on a complaint filed by Technology Properties Limited, LLC ("TPL") of Cupertino, California. 77 *Fed. Reg.* 26041 (May 2, 2012). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of certain claims of U.S. Patent Nos. 6,976,623 ("the '623 patent"), 7,162,549 ("the '549 patent"), 7,295,443 ("the '443 patent"), 7,522,424 ("the '424 patent"), 6,438,638 ("the '638 patent"), and 7,719,847 ("the '847 patent"). The complaint further alleged the existence of a domestic industry. The notice of investigation named twenty-one respondents, some of whom have since settled from the

investigation. As a result of these settlements, the '638 patent is no longer at issue, as it has not been asserted against the remaining respondents. The remaining respondents are Acer Inc. of New Taipei City, Taiwan; Canon Inc. of Toyko, Japan; Hewlett-Packard Company of Palo Alto, California; HiTi Digital, Inc. of New Taipei City, Taiwan; Kingston Technology Company, Inc. of Fountain Valley, California; Newegg, Inc. and Rosewill Inc., both of City of Industry, California; and Seiko Epson Corporation of Nagano, Japan.

On October 4, 2012, the ALJ issued a *Markman* order construing disputed claim terms of the asserted patents. Order No. 23. On January 7-11, 2013, the ALJ conducted an evidentiary hearing, and on August 2, 2013, the ALJ issued the final ID. The ALJ found that TPL demonstrated the existence of a domestic industry, as required by 19 U.S.C. § 1337(a)(2), through TPL's licensing investment under 19 U.S.C. § 1337(a)(3)(C). ID at 152-55. The ALJ rejected TPL's domestic-industry showing based upon OnSpec Electronic, Inc.'s research and development, and engineering investments under section 337(a)(3)(C), as well as subsections (a)(3)(A) and (a)(3)(B). *Id.* at 155-57.

The ALJ found that the respondents had not shown that any of the asserted patent claims are invalid. However, the ALJ found that TPL demonstrated infringement of the '623 patent, and not the other patents. With respect to the '623 patent, the ALJ found that TPL demonstrated direct infringement of the asserted apparatus claims (claims 1-4 and 9-12). Accordingly, the ALJ found a violation of section 337 by the four respondents accused of infringing these apparatus claims.

On August 19, 2013, the parties filed petitions for review, and on August 27, 2013, the parties filed responses to each other's petitions.

On October 24, 2013, the Commission issued a notice that determined to review the ID in its entirety. The Commission notice invited briefing from the parties on five enumerated topics, and briefing from the parties and written submissions on remedy, the public interest, and bonding. On November 7, 2013, the parties filed opening briefs and written submissions, and non-party Intel Corp. filed a submission on remedy and the public interest. On November 15, 2013, the parties filed responses to each other's filings.

On December 11, 2013, TPL and Acer filed a joint motion to terminate the investigation as to Acer on the basis of a settlement agreement. Having examined the record of this investigation, including the December 11, 2013 motion and exhibits thereto, the Commission has determined to grant the motion to terminate the investigation as to Acer. *See* 19 C.F.R. § 210.21. The Commission finds that settlements are generally within the public interest and that terminating Acer will not cause an adverse effect on the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, or U.S. consumers. *See* 19 C.F.R. § 210.50(b)(2).

Having examined the record of this investigation, including the ALJ's final ID, the petitions for review, and the responses thereto, and the briefing in response to the notice of review, the



Commission has determined to terminate the investigation with a finding of no violation of section 337.

The Commission has determined to find no violation of section 337 for the following reasons. For the '623 patent, the Commission adopts the respondents' proposed construction of "accessible in parallel." The Commission therefore reverses the ID's finding of infringement as to that patent. Based upon that claim construction, the Commission also finds that TPL has not demonstrated the existence of an article protected by the '623 patent. The Commission finds that the Federal Circuit's decisions in *InterDigital Communications, LLC v. ITC*, 690 F.3d 1318 (Fed. Cir. 2012), 707 F.3d 1295 (Fed. Cir. 2013) and *Microsoft Corp. v. ITC*, 731 F.3d 1354 (Fed. Cir. 2013), require a complainant to make such a demonstration regardless of whether the domestic industry is alleged to exist under 19 U.S.C. § 1337(a)(3)(A), (B), or (C).

For the '443, '424, and '847 patents, the Commission affirms the ID's determination that TPL failed to demonstrate that the accused products infringe the asserted claims. The Commission also finds for these three patents that TPL failed to demonstrate the existence of a domestic industry because it failed to demonstrate the existence of articles practicing these patents.

TPL did not raise the '549 patent in its petition for review. 19 C.F.R. § 210.43(b)(2). The Commission affirms the ID's noninfringement finding, and its finding that TPL failed to show that its domestic industry products meet certain claim limitations.

The reasons for the Commission's determinations will be set forth more fully in the Commission's opinion.

Commissioner Aranoff dissents from the Commission's finding that TPL was required to demonstrate the existence of articles practicing the asserted patents in order to show a domestic industry based on licensing under 19 U.S.C. § 1337(a)(3)(C).

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in sections 210.42-46, and 210.50 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.42-46, 210.50).

By order of the Commission.



Lisa R. Barton  
Acting Secretary to the Commission

Issued: December 19, 2013

**CERTAIN COMPUTERS AND COMPUTER PERIPHERAL  
DEVICES AND COMPONENTS THEREOF AND  
PRODUCTS CONTAINING THE SAME**

Inv. No. 337-TA-841

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served upon the following parties as indicated on **December 19, 2013**.



\_\_\_\_\_  
Lisa R. Barton, Acting Secretary  
U.S. International Trade Commission  
500 E Street, SW, Room 112  
Washington, DC 20436

**On Behalf of Complainant Technology Properties Limited  
LLC:**

Anthony G. Simon, Esq.  
**THE SIMON LAW FIRM PC**  
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**On Behalf of Respondent Hewlett-Packard Company:**

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**On Behalf of Respondent HiTi Digital Inc.:**

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**On Behalf of Respondent Acer Inc.:**

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**CERTAIN COMPUTERS AND COMPUTER PERIPHERAL  
DEVICES AND COMPONENTS THEREOF AND  
PRODUCTS CONTAINING THE SAME**

**Inv. No. 337-TA-841**

Certificate of Service – Page 2

**On Behalf of Respondent Seiko Epson Corporation:**

Louis S. Mastriani, Esq.  
**ADDUCI, MASTRIANI & SCHAUMBERG LLP**  
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**On Behalf of Respondent Canon Inc.:**

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**JONES DAY**  
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Cleveland, OH 44114

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( ) Via Express Delivery  
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( ) Other: \_\_\_\_\_

**On Behalf of Respondent Kingston Technology Company,  
Inc.:**

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**LAW OFFICES OF S.J. CHRISTINE YANG**  
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Fountain Valley, CA 92708

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**On Behalf of Respondents Newegg Inc. and Rosewill Inc.:**

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Pittsburgh, PA 15222

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**On Behalf of Respondent Dane Memory, S.A. (a/k/a Dane-Elec  
Memory):**

Jeffrey G. Jacobs, Esq.  
**THE LAW OFFICE OF JEFFREY G. JACOBS PC**  
15770 Laguna Canyon Road, Suite 100  
Irvine, CA 92618

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( ) Via Express Delivery  
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( ) Other: \_\_\_\_\_