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7 Attorneys for Official
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 **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: 10:00 a.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 **STATEMENT REGARDING STATUS OF OBJECTIONS TO DISCLOSURE STATEMENT**
20 **FOR OFFICIAL COMMITTEE OF UNSECURED CREDITORS' PLAN OF REORGANIZATION**
(DATED DECEMBER 17, 2013)

21 The Official Committee of Unsecured Creditors herein (the "Committee") in the bankruptcy
22 case of Technology Properties Limited, LLC's (the "Debtor" or "TPL") hereby submits its status
23 report regarding certain objections to approval of the Committee's DISCLOSURE STATEMENT FOR
24 OFFICIAL COMMITTEE OF UNSECURED CREDITORS' PLAN OF REORGANIZATION (DATED DECEMBER
25 17, 2013) (the "Disclosure Statement"). In addition to the Debtor's objection, Fujitsu Limited
26 ("Fujitsu")¹, Hewlett-Packard Company ("H-P") and Toshiba Corporation and several of its
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28 ¹ Several parties have filed joinders to the Fujitsu objection and are referred to herein as the "Joinder Parties".

1 affiliates (“Toshiba” and collectively with Fujitsu, H-P and the Joinder Parties, the “Licensees”)
2 have also filed objections (the “Licensee Objections”). Several parties have also filed joinders to the
3 Fujitsu objection.

4 **The Debtor’s Objection.**

5 1. On January 16, 2014, the Debtor filed its OBJECTION TO APPROVAL OF DISCLOSURE
6 STATEMENT FOR OFFICIAL COMMITTEE OF UNSECURED CREDITORS’ PLAN OF REORGANIZATION
7 (DATED DECEMBER 17, 2013) UNDER 11 U.S.C. SECTION 1125 AND RESERVATION OF RIGHTS TO
8 OBJECT TO PLAN CONFIRMATION (the “Debtor’s Objection”) objecting to the Disclosure Statement
9 on the grounds that it does not contain adequate information as required under § 1125(a). Counsel
10 have met and conferred regarding the Debtor’s Objection and the Committee has agreed (i) to
11 supplement or delete the statements identified in Section II.A of the Debtor’s Objection; (ii) to
12 include the section identified in Section II.B of the Debtor’s Objection, subject to certain
13 modifications and supplements to the language; and (iii) supplement the language of the Disclosure
14 Statement identified in Section II.C of the Debtor’s Objection.

15 **The Licensee Objections.**

16 2. On January 16, 2014, Fujitsu filed the FUJITSU’S RESERVATION OF RIGHTS AND
17 OBJECTION TO DISCLOSURE STATEMENT FOR OFFICIAL COMMITTEE OF UNSECURED CREDITORS’
18 PLAN OF REORGANIZATION. On the same date, H-P also filed its LIMITED OBJECTION AND
19 RESERVATION OF RIGHTS OF HEWLETT-PACKARD COMPANY TO OFFICIAL COMMITTEE OF
20 UNSECURED CREDITORS’ DISCLOSURE STATEMENT while Toshiba filed its TOSHIBA’S OBJECTION TO
21 THE DISCLOSURE STATEMENT FOR THE PLAN OF REORGANIZATION PROPOSED BY THE OFFICIAL
22 COMMITTEE OF UNSECURED CREDITORS on January 21, 2014.² Counsel have met and conferred
23 regarding the objections that have been raised and the Committee believes that agreement has been
24 reached with the Licensees resolving the Licensee Objections.

25 3. Fujitsu and H-P had two basic concerns. First, they were concerned that TPL’s rights
26 to commercialize the MMP, CORE Flash and Fast Logic portfolios might be affected under the
27 Committee’s plan and jeopardize the validity of their licenses. They requested that the Committee

28 ² The Committee agreed that the Toshiba objection could be filed on that date.

1 provide clarifying language that the commercialization agreements that form the basis for TPL's
2 rights to commercialize the portfolios would not be rejected. The Committee has agreed to provide
3 language that the commercialization contracts with respect to the MMP Portfolio, the CORE Flash
4 Portfolio and the Fast Logic Portfolio would either be assumed or would ride through the bankruptcy
5 case.

6 4. Second, the Licensees were concerned regarding what they perceived as the potential
7 for post-confirmation rejection of their licenses with resulting significant damages and with no way
8 to exercise their § 365(n) rights. The Committee never intended to reject the licenses, either pre-
9 confirmation or post-confirmation. Pursuant to meet and confer sessions among counsel, it is the
10 Committee's understanding that the Licensees have agreed that language suggested by Toshiba
11 resolves this concern and the Committee has agreed to include such language in the Disclosure
12 Statement and in the plan.

13 5. In addition, because of the potentially large damage claims that may result from
14 rejection of the Licenses, Fujitsu and the Joinder Parties had several additional concerns. However,
15 with the resolution of the two issues identified above, it is the Committee's understanding that
16 Fujitsu believes that most, if not all, of the concerns expressed by Fujitsu have been alleviated and
17 that such remaining issues will be resolved. Fujitsu will be sending additional language to the
18 Committee for its consideration for inclusion in the Disclosure Statement.

19 **Conclusion.**

20 6. In addition to amending the Disclosure Statement to address the issues raised in the
21 Objections, the Committee anticipates that it will make some further modifications, corrections and
22 clarifying language to the Disclosure Statement. The Committee is prepared to set a timetable for
23 the submission of its amended Disclosure Statement and plan at the hearing.

24 Dated: January 22, 2014

DORSEY & WHITNEY, LLP

26 By: /s/ Robert A. Franklin

27 Robert A. Franklin

Attorneys for the

28 Official Unsecured Creditors Committee

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14 **INC., A CALIFORNIA CORPORATION,**) Chapter 11
fka TECHNOLOGY PROPERTIES LIMITED,)
15 **A CALIFORNIA CORPORATION,**) Date: TBD
16 Debtor.) Time: TBD
Place: United States Bankruptcy Court
17 280 S. First Street, Room 3099
San Jose, CA 95113
18 Judge: Honorable Stephen L. Johnson

19 **CERTIFICATE OF SERVICE**

20 STATE OF CALIFORNIA)
21) ss.
COUNTY OF SANTA CLARA)

22 I am a citizen of the United States and employed in Santa Clara County. I am over the age of
23 eighteen years and not a party to the above-entitled action; my business address is 305 Lytton
24 Avenue, Palo Alto, California 94301.

25 On January 22, 2014, at my place of business, I served a true and correct copy of the
26 following document(s):

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By Mail by enclosing said document(s) in an envelope and depositing the sealed envelope with the United States Postal Service with the postage fully prepaid, addressed as follows:

Request For Special Notice
Counsel for Charles H. Moore
Kenneth H. Prochnow
Robert C. Chiles
Chiles and Prochnow, LLP
2600 El Camino Real, Suite 412
Palo Alto, CA 94306-1719

This Certificate was executed on January 22, 2014, at Palo Alto, Santa Clara County, California. I declare under penalty of perjury that the foregoing is true and correct.

/s/ Sandra Bloomer

SANDRA BLOOMER