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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALEKSANDR L. YUFA,
Plaintiff,
v.
TSI INCORPORATED,
Defendant.

Case No. [4:09-cv-01315-KAW](#)

**ORDER DENYING WITHOUT
PREJUDICE TSI'S RENEWED
MOTION TO COMPEL ASSIGNMENT
OF PATENTS TO RECEIVER**

Re: Dkt. No. 267

On June 22, 2017, the Court denied Aleksandr L. Yufa's ex parte application requesting an order directing Defendant TSI Incorporated to file its forthcoming motion to compel the assignment of patents to the appointed receiver by a certain deadline (Dkt. No. 253). (6/22/17 Order, Dkt. No. 262.) In the same order, the Court granted TSI's motion to approve the instructions for the administration of the court-appointed receiver Greyhound IP LLC (Dkt. No. 256). *Id.* at 1-2. Therein, the Court ordered that:

1. Greyhound, or its acquirer, Houlihan Lokey, with offices at One Sansome Street, Suite 1700, San Francisco, CA 94104 shall swear to perform the duties of receiver faithfully pursuant to California Code of Civil Procedure § 567.
2. Greyhound shall have all of the powers and authority usually held by receivers and reasonably necessary to value the Receivership Property unless otherwise stated, without further order of the Court.
3. Greyhound shall have the right to apply to this Court for further instructions or directions.
4. Greyhound shall be entitled to be paid without prior Court approval, at the rate of \$400.00 per hour, not to exceed \$40,000.00. Greyhound's compensation for valuing the Receivership Property shall be paid directly by the Defendant. Upon approval of the Court, any sums paid by Defendant to Greyhound shall be added to the judgment after Greyhound has provided its final declaration or

1 report to the Court regarding the value of the Receivership Property.

2 5. Plaintiff, as well as his agents or representatives, shall
3 cooperate with all requests of Greyhound and are enjoined from
4 interfering with Greyhound's performance of its duties hereunder.

5 6. Greyhound shall faithfully perform and discharge its duties
6 and obey the Court's orders.

7 (6/22/17 Order at 2-3.) On July 7, 2017, Dr. Yufa filed a notice of appeal to the Federal Circuit
8 appealing the denial of his ex parte application and Order Nos. 4 and 5, above. (Dkt. No. 263.)

9 On September 5, 2017, while the appeal was pending, TSI filed a renewed motion to
10 compel assignment of patents to the receiver. (Def.'s Mot., Dkt. No. 267.)

11 On October 2, 2017, the Federal Circuit directed the parties to address whether the court
12 had jurisdiction or whether the case should be dismissed for lack of jurisdiction. (Dkt. No. 272 at
13 1.) The Federal Circuit lifted the stay of the proceedings, and ordered Dr. Yufa to file his opening
14 brief within 30 days. *Id.* at 2. Dr. Yufa filed his opening brief on October 23, 2017. *Yufa v. TSI,*
15 *Incorporated*, Case No. 2017-2282 (Fed. Cir. Oct. 23, 2017), ECF No. 19. According to the
16 docket, TSI's response brief is due on December 13, 2017, and Dr. Yufa's reply is due on
17 December 18, 2017. *Yufa v. TSI, Incorporated*, Case No. 2017-2282 (Fed. Cir. Nov. 29, 2017),
18 ECF No. 25.

19 TSI's obtained a judgment in the amount of \$166,364.88 against Dr. Yufa on September 3,
20 2014. (Dkt. No. 205.) Pursuant to the June 22, 2017 order, Greyhound's fees may not exceed
21 \$40,000, which "shall be added to the judgment after Greyhound has provided its final declaration
22 or report to the Court regarding the value of the Receivership Property." (6/22/17 Order at 2.)
23 Therefore, the total maximum judgment is \$206,464.88.

24 In its renewed motion, TSI represents that Greyhound appraised the aggregate value of all
25 of the patents to be between \$129,000 and \$198,000. (Def.'s Mot. at 3; Decl. of Mitchell
26 Rosenfeld, Dkt. No. 268 ¶¶ 3-7, Ex. A.) Thus, in the event that that the inclusion of sums paid to
27 Greyhound were found improper on appeal, the potential valuation of the patents would exceed
28 the amount of the judgment. Accordingly, in an abundance of caution, the Court DENIES
WITHOUT PREJUDICE Defendant's renewed motion to compel the assignment of patents to the

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receiver. TSI may file a second renewed motion once the appeal is resolved.

IT IS SO ORDERED.

Dated: December 11, 2017


KANDIS A. WESTMORE
United States Magistrate Judge