

1 Robert E. Krebs, State Bar No. 57526  
 2 Christopher L. Ogden, State Bar No. 235517  
 Thelen LLP  
 3 225 West Santa Clara Street, Suite 1200  
 San Jose, CA 95113-1723  
 4 Tel. 408.292.5800  
 Fax 408.287.8040

5 Ronald F. Lopez, State Bar No. 11756  
 6 Sushila Chanana, State Bar No. 254100  
 Thelen LLP

8 101 Second Street, Suite 1800  
 San Francisco, CA 94105-3606  
 9 Tel. 415.371.1200  
 Fax. 415.371.1211

11 ATTORNEYS FOR DEFENDANTS  
 TECHNOLOGY PROPERTIES LIMITED,  
 12 MCM Portfolio LLC, and ALLIACENSE  
 LIMITED

14 Charles T. Hoge, State Bar No. 110696  
 Kirby Noonan Lance & Hoge  
 15 350 Tenth Avenue, Suite 1300  
 San Diego, CA 92101  
 16 Tel.: (619) 231-8666  
 Fax: (619) 231-9593

18 ATTORNEY FOR DEFENDANT  
 PATRIOT SCIENTIFIC CORPORATION

19 UNITED STATES DISTRICT COURT  
 20 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 21 SAN JOSE DIVISION

22 ASUSTEK COMPUTER INC., et al.

23 Plaintiffs,

24 vs.

25 TECHNOLOGY PROPERTIES LIMITED,  
 26 et al.

27 Defendants.

William Sloan Coats, III, State Bar No. 94864  
 Mark R. Weinstein, State Bar No. 193043  
 Kyle D. Chen, State Bar No. 239501  
 White & Case LLP  
 3000 El Camino Real  
 5 Palo Alto Square, 9th Fl  
 Palo Alto, CA 94306  
 Tel.: 650-213-0300  
 Fax: 650-213-8158

ATTORNEYS FOR PLAINTIFFS ASUSTeK  
 COMPUTER INC., and ASUS COMPUTER  
 INTERNATIONAL

Case No. CV-08-884-JF

**STIPULATION AND ~~PROPOSED~~  
 ORDER GRANTING PLAINTIFFS  
 LEAVE TO FILE SECOND AMENDED  
 COMPLAINT**

1                   WHEREAS, on February 8, 2008, ASUSTeK Computer Inc. (“ASUSTeK”) filed a  
2 complaint against Defendants Technology Properties Limited (“TPL”), Patriot Scientific  
3 Corporation (“Patriot”), and Alliacense Limited (“Alliacense”) for declaratory judgment of patent  
4 noninfringement and invalidity of U.S. Patent Nos. 5,809,336; 5,784,584; and 5,440,749, which  
5 are part of the Moore Microprocessor Patent Portfolio (“MMP Portfolio<sup>TM</sup>”); and U.S. Patent Nos.  
6 6,438,638; and 6,976,623, which are part of the CORE Flash Portfolio<sup>TM</sup> (MMP Portfolio<sup>TM</sup> and  
7 CORE Flash Portfolio<sup>TM</sup> patents , collectively, “Patents-in-Suit”); and

8                   WHEREAS, on February 13, 2008, ASUSTeK and ASUS Computer International  
9 (“ASUS International”) (collectively “Plaintiffs”) filed their First Amended Complaint against  
10 TPL, Patriot, Alliacense, and MCM Portfolio LLC (“MCM”) (collectively “Defendants”) for  
11 declaratory judgment of patent noninfringement and invalidity of the Patents-in-Suit; and

12                   WHEREAS, on April 25, 2008, in response to the First Amended Complaint,  
13 Defendants filed a motion to dismiss, or in the alternative to transfer the instant declaratory  
14 judgment action to the Eastern District of Texas, or to stay, which motion has been opposed by  
15 Plaintiffs and is currently set for hearing on September 19, 2008 (“Motion to Dismiss”); and

16                   WHEREAS, on April 25 and June 4, 2008, one or more Defendants filed  
17 complaints for patent infringement against ASUSTeK as to the Patents-in-Suit as well as U.S.  
18 Patent Nos. 5,530,890, which is part of the MMP Portfolio<sup>TM</sup>; and U.S. Patent Nos. 7,295,443 and  
19 7,162,549, which are part of the CORE Flash Portfolio<sup>TM</sup>, in the Eastern District of Texas;

20                   WHEREAS, the parties have met and conferred, and if this Court retains  
21 jurisdiction over the present matter, Defendants have agreed to grant Plaintiffs leave to file a  
22 Second Amended Complaint in accordance with Federal Rule of Civil Procedure 15(a), in the  
23 form attached hereto as Exhibit A; and

24                   WHEREAS, the parties have met and conferred, and if this Court does not retain  
25 jurisdiction over the present matter, Defendants do not agree to grant Plaintiffs leave to file a  
26 Second Amended Complaint, as the issue will consequently be moot;

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NOW, THEREFORE, BY AND THROUGH THEIR RESPECTIVE COUNSEL,  
THE PARTIES HEREBY STIPULATE AND RESPECTFULLY REQUEST THAT THE  
COURT ORDER, AS FOLLOWS:

1. Following the Court’s order retaining jurisdiction over the present matter, the  
Plaintiffs are hereby granted leave to file their Second Amended Complaint in accordance with  
Rule 15(a) in the form attached hereto as Exhibit A;

2. If the Court does not retain jurisdiction over the present matter, Plaintiffs will not  
file a Second Amended Complaint, as the issue will consequently be moot;

3. This stipulation to allow Plaintiffs’ leave to file their Second Amended Complaint  
shall not in any way prejudice the Defendants’ Motion to Dismiss, nor the Plaintiffs’ opposition  
thereto.

4. The filing of Plaintiffs' Second Amended Complaint in accordance with this Order  
shall not affect or alter any scheduling orders already in place at the time of its filing.

Respectfully submitted,

Dated: September 17, 2008

THELEN LLP

By: /s/ Ronald F. Lopez /s/  
Robert E. Krebs

Attorneys for Defendants TECHNOLOGY  
PROPERTIES LIMITED, MCM Portfolio  
LLC, and ALLIACENSE LIMITED

Dated: September 17, 2008

KIRBY NOONAN LANCE & HOGE

By: /s/ Charles Hoge /s/  
Charles T. Hoge

Attorney for Defendant PATRIOT  
SCIENTIFIC CORPORATION

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Dated: September 17, 2008

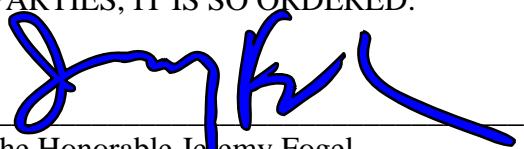
WHITE & CASE LLP

By: /s/ Mark F. Lambert /s/  
Mark F. Lambert

Attorneys for Plaintiffs ASUSTeK  
COMPUTER INC., and ASUS COMPUTER  
INTERNATIONAL

PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS SO ORDERED:

Dated: 9/19/08

  
The Honorable Jeremy Fogel  
United States District Court Judge