

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2007 DEC 20 A 8:32

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

 TRIANTAFYLLOS TAFAS,
 Plaintiff,
 v.
 JON W. DUDAS, *et al.*,
 Defendants.

1:07cv846(JCC/TRJ)

CONSOLIDATED WITH

 SMITHKLINE BEECHAM CORPORATION, *et al.*,
 Plaintiff,
 v.
 JON W. DUDAS, *et al.*,
 Defendants.

1:07cv1008(JCC/TRJ)

**MOTION OF *AMICUS CURIAE* R&D LICENSING COMPANIES FOR LEAVE
TO FILE A BRIEF ON THE ISSUE OF THE IMPACT OF THE PROPOSED
USPTO RULES ON *AMICI*' BUSINESS MODEL.**

AmberWave Systems Corp., Fallbrook Technologies, Inc., InterDigital
 Communications, LLC, Nano-Terra, Inc., and Tessera, Inc. are R&D Licensing
 Companies (the "R&D Licensing Companies") respectfully move for leave to file a brief
 as *amici curiae* on or before December 27, 2007, on the issue of the impact of the
 proposed USPTO rules on *amici*' business model. Counsel for the Companies have
 conferred with counsel for Plaintiff Triantafyllows Tafas, the GlaxoSmithKline plaintiffs
 ("GSK"), and Defendants regarding this motion. Plaintiffs do not oppose this motion,

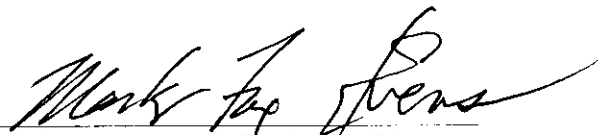
and Defendants take no position on this motion. All parties agree, however, that the motion should be decided without oral argument.

As explained in further detail in the accompanying memorandum, the Companies have a direct interest in this litigation as representatives of the emerging technologies industry and can provide the Court with a unique perspective on the issues. In light of the current schedule and need for expedited resolution of this important case, the Companies seek leave to file an *amicus* brief one week after the anticipated cross motions for summary judgment in the above-captioned consolidated cases.

Date: December 19, 2007

Respectfully submitted,

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ATTORNEYS FOR *AMICUS CURIAE*:

AmberWave Systems Corp.
Fallbrook Technologies, Inc.
InterDigital Communications, LLC
Nano-Terra, Inc.
Tessera, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of December, 2007, I caused a copy of the foregoing Motion of *Amicus Curiae* R&D Licensing Companies for Leave to File a Brief on the Issue of the Impact of the Proposed USPTO Rules on Amici's Business Model and accompanying proposed order to be filed with the Clerk of the Court and such filing to be mailed via First Class Mail to the following:

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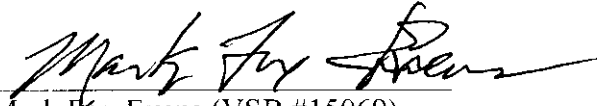
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**ORDER ON MOTION OF *AMICUS CURIAE* R&D LICENSING COMPANIES
FOR LEAVE TO FILE A BRIEF ON THE ISSUE OF THE IMPACT OF THE
PROPOSED USPTO RULES ON AMICI' BUSINESS MODEL**

This matter having come before the Court on Motion of Amicus Curiae R&D Licensing Companies for Leave to File a Brief on the Issue of the Impact of the Proposed USPTO Rules on Amici' Business Model, and there being no objection from any party to this action, this Motion is hereby GRANTED.

The *amicus* brief shall be due one week after the parties submit their cross motions for summary judgment.

DATED: _____

JAMES C. CACHERIS
United States District Judge