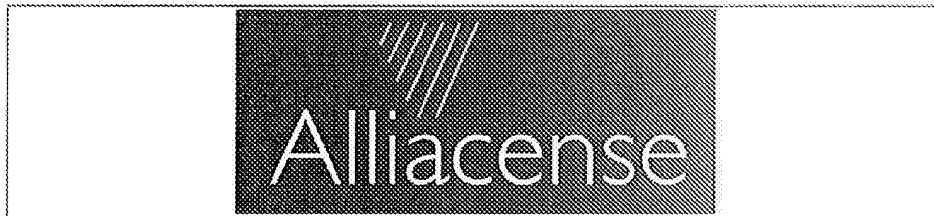


Exhibit 11



FACSIMILE TRANSMITTAL SHEET

TO:	Wayne R. Inouye	FROM:	Nicole Langford
COMPANY:	Gateway, Inc.	DATE:	NOVEMBER 18, 2005
FAX NUMBER:	949-471-7041	TOTAL NO. OF PAGES INCLUDING COVER:	5
PHONE NUMBER:	949-471-7000	SENDER'S REFERENCE NUMBER:	
RE:	Moore Microprocessor Patent ("MMP") Portfolio	YOUR REFERENCE NUMBER:	

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

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TPL0999308



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fax +1 408-446-5444

18 NOV 05

Mr. Wayne R. Inouye
President, CEO, and Director
Gateway, Inc.
7565 Irvine Center Dr.
Irvine, CA 92618
949-471-7000
949-471-7041 fax

RE: MOORE MICROPROCESSOR PATENT ("MMP") PORTFOLIO LETTER

Dear Mr. Inouye

We do not appear to have received a response to our letter which was Federal Expressed to you on 29 AUG 05, a copy of which is attached for your convenient reference.

Please acknowledge receipt and advise.

Sincerely,

Nicole Langford
Executive Administrator

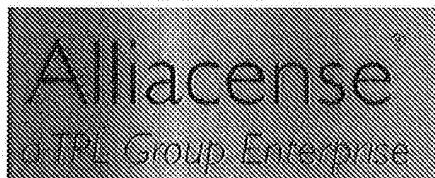
Enclosure: (1) Moore Microprocessor Patent ("MMP") Portfolio Letter

cc: Mike Tyler, Chief Legal and Administrative Officer

London Office: (v) +44 1784 431 100 (f) +44 1784 431 144

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29 AUG 05

Mr. Wayne R. Inouye
President, CEO and Director
Gateway Inc.
7565 Irvine Center Drive
Irvine, CA 92618

IMPORTANT NEWS ABOUT THE
MOORE MICROPROCESSOR PATENT ("MMP") PORTFOLIO

Dear Mr. Inouye

The MMP Portfolio was originally brought to your attention by Patriot Scientific Corporation and its lawyers early in 2004. You need to be aware of several significant events that have occurred since then.

I. TPL GROUP: EXCLUSIVE MANAGER OF MMP PORTFOLIO LICENSING PROGRAM

The TPL Group now has exclusive control over all Licensing and Enforcement with respect to the MMP Portfolio. Neither Patriot nor its lawyers are authorized to communicate with you regarding the MMP Portfolio.

II. INDUSTRY-LEADING LICENSEES

Unlike many disputed or questionable patents, it has been widely acknowledged that the MMP Portfolio contains several fundamental building blocks of modern microprocessor architecture and implementation.

As a testament to this practical reality, and in response to their requests to be first, industry leaders Intel and AMD each recently purchased MMP Portfolio licenses to cover their products, and to protect their corporate treasuries from massive exposure.

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TPL0999310

Mr. Inouye
29 AUG 05
Page 2 of 3

Going forward, the MMP Portfolio Licensing Program will reward first movers in their industry sectors with dramatic discounts. Those who fail to act will pay much more than their competitors, or may face costly legal proceedings. By design, this structure enables nimble and forward-thinking companies to disadvantage their competitors.

II. SCOPE OF THE MMP PORTFOLIO

Running through 2015, the MMP Portfolio consists of:

- US 5,440,749
- US 5,530,890
- US 5,604,915
- US 5,659,703
- US 5,784,584
- US 5,809,336
- US 6,598,148
- European Counterparts and Japanese Counterparts.

US'336: Clocking CPU and I/O Separately.

The MMP Portfolio is NOT limited to "high speed" microprocessors. In fact, during the past year of intense study of hundreds of various microprocessor designs, no correlation at all has been found between the speed of a microprocessor and the application of US'336. Use of US'336 is prevalent across most microprocessors ... from low speed microcontrollers to sophisticated systems on chips. Advertised advantages include: cost reduction, instant-on execution, failsafe operation, EMI reduction, and power savings. It is a modern requirement from a design for test ("DFT") perspective.

US'584: Multiple Instruction Fetch.

Multiple Instruction Fetch architectures are the norm in environments where limiting power consumption is critical; eg; portable products. Various techniques can be employed to achieve the Multiple Instruction Fetch, and marketing terminology includes "VLIW," "SIMD," "MIMD", "Superscalar," etc.

US'148: On-Chip Oscillator and Embedded Memory.

Shares the on-chip oscillator feature with US'336, in addition to memory covering more than majority of chip. Also includes claims pertaining to multiple CPU, array or cell implementations. The vast majority of the system on chip ("SoC") products are affected.

Virtually every product manufactured today utilizing microprocessors or embedded processors will require an MMP Portfolio license. The Portfolio covers microprocessors and the Systems containing microprocessors.

Mr. Inouye
29 AUG 05
Page 3 of 3

IV. PORTFOLIO BACKGROUND

The TPL Group assisted Charles Moore in the development of the MMP Technology and Patents beginning 1989. Mr. Moore, also the inventor of the Forth computing language, now serves as Chief Technology Officer of the TPL Group.

Alliacense has been purpose-built by the TPL Group to implement licensing programs, and is staffed with leading licensing experts from various industries. Based on the large number of Licensees we are serving, it may be some time before you hear from us again directly. Be assured however, that this would only indicate that other companies from your business sector are occupying the crucial first-mover bandwidth ... instead of you. We therefore urge you to immediately communicate your concerns to us.

Upon request, we provide Product Reports (analyzing the relationship of a product to the Portfolio) on product lines of your choosing. Product Reports are generally available on a 48-hour turnaround. It is in our best interest to assure Product Reports are as thorough and objective as possible. We do not wish to waste your time or our own.

Enclosed for your convenience is a data disc containing the full text of all the US patents in the portfolio, as well as their file wrappers. You may access further information by requesting a username and password for the MMP Portfolio Licensing Private Website via: mmp-licensing@tplgroup.net. General correspondence may also be sent to this address.

We have representatives in the US, Asia and Europe. We would like to meet with your Decision Makers sooner rather than later to provide an overview of the MMP Portfolio Licensing Program, and to discuss what opportunities remain available in your industry sector.

We look forward to getting acquainted and to serving you.

Sincerely,

Mac Leckrone
President
Alliacense

Enclosures (1) MMP Portfolio Materials Disk

cc: Mike Tyler
Chief Legal and Administrative Officer

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TPL0999312

MEMORY TRANSMISSION REPORT

TIME : 11-18-'05 10:06
 FAX NO.1 :
 NAME :

FILE NO. : 064
 DATE : 11.18 10:04
 TO : 819494717041
 DOCUMENT PAGES : 5
 START TIME : 11.18 10:05
 END TIME : 11.18 10:06
 PAGES SENT : 5
 STATUS : OK

*** SUCCESSFUL TX NOTICE ***



FACSIMILE TRANSMITTAL SHEET

TO: Wayne R. Inouye	FROM: Nicole Langford
COMPANY: Gateway, Inc.	DATE: NOVEMBER 18, 2005
FAX NUMBER: 949-471-7041	TOTAL NO. OF PAGES INCLUDING COVER: 5
PHONE NUMBER: 949-471-7000	SENDER'S REFERENCE NUMBER:
RE: Moore Microprocessor Patent ("MMP") Portfolio	YOUR REFERENCE NUMBER:

URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

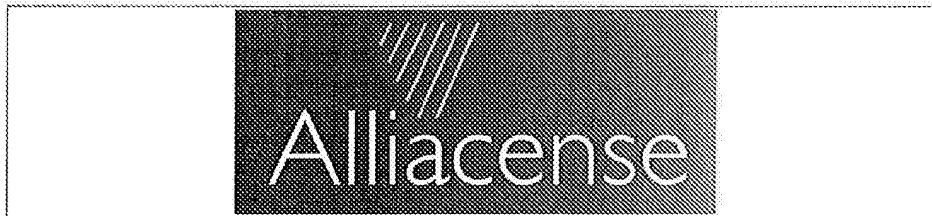
NOTES/COMMENTS:

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 TPL0999313



FACSIMILE TRANSMITTAL SHEET

TO:	Mike Tyler	FROM:	Nicole Langford
COMPANY:	Gateway, Inc.	DATE:	NOVEMBER 18, 2005
FAX NUMBER:	949-471-7041	TOTAL NO. OF PAGES INCLUDING COVER:	5
PHONE NUMBER:	949-471-7000	SENDER'S REFERENCE NUMBER:	
RE:	Moore Microprocessor Patent ("MMP") Portfolio	YOUR REFERENCE NUMBER:	

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

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MEMORY TRANSMISSION REPORT

TIME : 11-18-'05 10:08
 FAX NO.1 :
 NAME :

FILE NO. : 065
 DATE : 11.18 10:05
 TO : 819494717041
 DOCUMENT PAGES : 5
 START TIME : 11.18 10:06
 END TIME : 11.18 10:08
 PAGES SENT : 5
 STATUS : OK

*** SUCCESSFUL TX NOTICE ***



FACSIMILE TRANSMITTAL SHEET

TO: Mike Tyler	FROM: Nicole Langford
COMPANY: Gateway, Inc.	DATE: NOVEMBER 18, 2005
FAX NUMBER: 949-471-7041	TOTAL NO. OF PAGES INCLUDING COVER: 6
PHONE NUMBER: 949-471-7000	SENDER'S REFERENCE NUMBER:
RE: Moore Microprocessor Patent ("MMP") Portfolio	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

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Exhibit 12



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05 APR 06

Mr. Wayne R. Inouye
President, CEO and Director
Gateway Inc.
7565 Irvine Center Drive
Irvine, CA 92618

RE: GATEWAY – TPL: MMP PORTFOLIO LICENSING OPPORTUNITY

Dear Mr. Inouye,

I have attached a Press Release announcing that Fujitsu has now joined Casio and Hewlett Packard in purchasing MMP Portfolio licenses.

All three of the companies studied the issues intensely. All three of these licenses cover all products made by these companies (including disc drives) that contain microprocessors. Such products range from very simple products to very sophisticated products. The MMP Portfolio technology is a de facto standard in today's microprocessor-based products.

We believe Gateway's products also require an MMP License.

Our technical experts, legal experts and business analysts have launched investigations into the technical and economic detail of Gateway's products businesses.

Some early findings are:

- Effected business segments include Desktop, Mobile, and Servers and Other.
- Gateway products including Desktops (E-6500, E-4500, GT5032), LCD Monitors (FPD1960), Notebooks (M250, M280), and Servers (9415, 9715) have been examined and found to rely extensively on the use of property protected by the MMP Portfolio patents. We should emphasize that this set of Gateway Products is exemplary only; and is essentially a random sampling representing Products on

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Mr. Inouye
05 APR 06
Page 2

which technical information was most conveniently available. Indications are that virtually all Gateway products utilizing microprocessors may be affected.

- A Preliminary Economic Analysis has been completed, and the analysis indicates Gateway's exposure under the MMP Portfolio to be in the range of between **\$440m** and **\$2.45bn**, depending on the various assumptions including growth rates, and consumer/commercial product mix, etc.

The MMP Portfolio Licensing Program is focused on ready-to-use, end-user, final products. It is these final products on which MMP Portfolio royalties are collected. We also provide chip manufacturers with access to optional, royalty-free MMP Portfolio licenses.

As we indicated on 29 AUG 05, the MMP Portfolio Licensing Program will reward first movers in their industry sectors with dramatic discounts. By design, this structure enables nimble and forward-thinking companies to disadvantage their competitors. For example, Hewlett-Packard was quick to take advantage of our incentive plan early in 2006.

Said another way, to the extent Gateway can break the traditional pattern of "legal" communications by focusing instead on "business," progress will be accelerated, and the rewards are likely to be financially and strategically significant for Gateway Management and Gateway Shareholders.

In the computing sector, today an MMP Portfolio license costs two times what it did 60 days ago. In the computer peripherals sector, a 1st round berth is still available.

There is an extremely low price available today for Gateway that will not be available after the next manufacturer in Gateway's industry sectors purchases an MMP Portfolio license.

We are ready to assist Gateway in developing the proper evaluation of the MMP Portfolio sufficient to enable Gateway to make a business decision.

We would very much value Gateway as an early licensee.

We will most likely be available in the US during the weeks of 10 and 17 APR, and we believe that a meeting could produce a win-win at this early stage in our Licensing Program.

The sooner we hear from you, the more likely we will be able to accommodate your schedule.

Mr. Inouye
05 APR 06
Page 3

Sincerely,

A handwritten signature in cursive script, appearing to read "Mac Leckrone".

Mac Leckrone
President

cc: Mike Tyler, Chief Legal and Administrative Officer

encl: Gateway MMP Portfolio Product Report v.1
25 FEB 06 Alliacense Press Release re Fujitsu



Fujitsu Purchases License to Intellectual Property Protected by Moore Microprocessor Patent™ Portfolio

Fujitsu joins expanding roster of global giants, including Hewlett-Packard and Casio Computer, to secure licensing rights to ubiquitous MMP Portfolio technologies

CUPERTINO, Calif. – March 1, 2006 – Alliacense today announced that Fujitsu Limited has purchased a license to the intellectual property protected by the Moore Microprocessor Patent™ (MMP) Portfolio. Fujitsu joins an expanding roster of global system manufacturers, including Hewlett-Packard and Casio Computer, who have become MMP Portfolio licensees. Specific terms of the license were not disclosed.

According to Mac Leckrone, Alliacense president, the spectrum of system-level digital products exploiting MMP design techniques is very extensive. He noted that products ranging from televisions, digital cameras and portable music players to servers, medical equipment, and even automotive electronics systems are all designed with multiple semiconductor devices that use MMP Portfolio technologies.

"Our Licensing Program rewards first movers in their industry sectors with substantial discounts," said Leckrone "By design, our licensing structure enables nimble and forward-thinking system manufacturers to disadvantage their competitors." He confirmed that Alliacense has contacted hundreds of system manufacturers around the globe, and that competition for early-round licensing berths in key market sectors has become intense.

"Once digital hardware vendors recognize their broad reliance on the intellectual property protected by the MMP Portfolio, they appreciate the critical need to secure continued access to the fundamental MMP technologies," said Leckrone "System-level coverage is essential to maintaining product design freedom and avoiding supply-chain disruptions." He noted that Alliacense also offers simple, royalty-free licenses to all semiconductor sector operations, worldwide.

About The MMP™ Portfolio

Named after legendary inventor Charles "Chuck" Moore, the Moore Microprocessor Patent™ Portfolio encompasses seven US patents as well as their European and Japanese counterparts. Protected through year of 2015, these patents protect techniques used in designing microprocessors, microcontrollers, Digital Signal Processor (DSPs), embedded processors and System-on-Chip (SoC) implementations.

In light of the early validation of MMP Portfolio by marquee chip-makers Intel and AMD in 2005, MMP licensing efforts are now focused on global system manufacturers.

About Alliacense

Alliacense is a TPL Group Enterprise executing best-in-class design and implementation of intellectual property licensing programs. As a cadre of IP licensing strategists, experienced business development and project management executives, and technology experts,

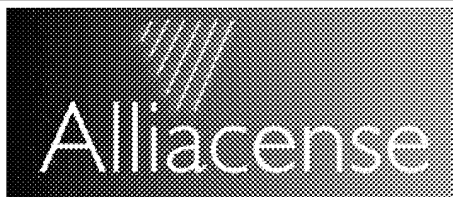
Alliacense focuses on expanding the awareness and value of TPL's intellectual property portfolios. The TPL Group is an intellectual property development and management firm founded in 1989. For more information, visit www.alliacense.com.

#

*Alliacense, Moore Microprocessor Patent, and MMP are trademarks of Technology Properties Limited (TPL).
All other trademarks belong to their respective owners.*

Media Contact

Tom Rigoli
(650)-969-5986
rigoli@mindpik.com



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fax +1 408-446-5444

Product Report

Gateway Inc. – TPL MMP Portfolio v.1

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(click the item to link to it)

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- 1.2. Gateway Support - Components list for 1008488 Webpage, 20 Mar 06
- 1.3. Gateway Support - Specifications Webpage, 20 Mar 06
- 1.4. Gateway Support - WMEOEMD945GBIG1 Intel (Big Lake) 945G Motherboard Webpage, 20 Mar 06

2.0. Gateway Desktop E-4500 – US'336

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- 2.4. Gateway Support - WMEOEMD945GPBG1 Intel (Putton Bay) 945G Motherboard No CPU, Mar 21 06

3.0. Gateway Desktop GT5032 – US'336

- 3.1. Alcor Micro UA9368 Technical Reference Manual, July 2005
- 3.2. Gateway Desktop GT5032 Teardown, 9 March 2006

LCD Monitors

4.0. Gateway LCD Monitor FPD1960 – US'336

- 4.1. Gateway LCD FPD1960 TFT, IMG_3150, Mar 28 06
- 4.2. Gateway Support - Front View Webpage, Mar 28 06
- 4.3. Macronix International Co. Welcome to Macronix.com Webpage, Mar 28 06
- 4.4. Microcontroller - hq Webpage, Mar 28 06
- 4.5. MX10E8050I Datasheet, MXIC, Jul 01 05
- 4.6. Teardown from Gateway LCD FPD1960 TFT, IMG_3167, Mar 28 06

Notebooks

5.0. Gateway Notebook M250, BCM5752 – US'336

5.0a. Gateway Notebook M250, BCM5789 – US'336

- 5.1. Broadcom BCM5752 Product Brief, 13 Apr 05
- 5.2. Broadcom BCM5789 Product Brief, 10 May 05
- 5.3. Gateway Support - 2900782_Gateway M250 Notebook, 14 Mar 06

6.0. Gateway Convertible Notebook M280 – US'336

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- 7.1. LSI Logic LSI20320R Product Brief, 2004
- 7.2. LSI Logic LSI53C1020 Technical Manual, Feb 2004
- 7.3. LSI Logic LSI53C1020 Product Brief, 2002
- 7.4. IBM PowerPC User Instruction Set Architecture, 28 Jan 05
- 7.5. IBM PowerPC405 Embedded Processor Core User's Manual, 28 Jan 05
- 7.6. Gateway Support – WME840000000A AMI MegaRAC G3 Webpage, 16 Mar 06
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- 7.11. Gateway Support – 5503246 Label Top Portion Webpage, 17 Mar 06
- 7.12. Gateway Support – 5503246 300 GB Ultra320 SCSI HD Webpage, 17 Mar 06
- 7.13. Code for Speed - Memory, Iseran Project, 1996-2001
- 7.14. ARM Powered Products – Enterprise Solutions – Seagate Cheetah HD Webpage, 17 Mar 06

8.0. Gateway Rack Mount Server 9715 – US'336

8.0a. Gateway Rack Mount Server 9715 – US'584

8.0b. Gateway Rack Mount Server 9715 – EP'730

8.0c. Gateway Rack Mount Server 9715 – JP'085

- 8.1. Gateway 9715 series Server Product Brochure, 2005
- 8.2. Code for Speed - Memory, Iseran Project, 1996-2001
- 8.3. LSI Logic LSI53C1030 Product Brief, 2002
- 8.4. LSI Logic LSI53C1030 Technical Manual, September 2003

Common References:

1. Process & Environmental Variation Impacts on ASIC Timing, Zuchowski, et al., IEEE, 04
2. A 7-MHz Process, Temperature and Supply Compensated Clock Oscillator in 0.25 μ m CMOS, Sundaresan, et al., Georgia Institute of Technology, 2002
3. Broadcom BCM5752 Product Brief, 13 Apr 05

Exhibit 13

1 JAMES C. OTTESON, State Bar No. 157781
jim@agilityiplaw.com
2 MICHELLE G. BREIT, State Bar No. 133143
mbreit@agilityiplaw.com
3 AGILITY IP LAW, LLP
149 Commonwealth Drive
4 Menlo Park, CA 94025
Telephone: (650) 227-4800
5 Facsimile: (650) 318-3483

6 Attorneys for Defendants
TECHNOLOGY PROPERTIES LIMITED and
7 ALLIACENSE LIMITED

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

11 ACER INC., ACER AMERICA
CORPORATION and GATEWAY, INC.,

12 Plaintiffs,

13 vs.

14 TECHNOLOGY PROPERTIES LIMITED,
15 PATRIOT SCIENTIFIC CORPORATION
and ALLIACENSE LIMITED,

16 Defendants.

Case No. CV08-00877-HRL

**DEFENDANT TECHNOLOGY
PROPERTIES LIMITED'S
OBJECTIONS AND RESPONSES TO
ACER'S SECOND SET OF
INTERROGATORIES**

17
18 PROPOUNDING PARTY: Plaintiff ACER INC.

19 RESPONDING PARTY: Defendants TECHNOLOGY PROPERTIES
20 LIMITED, PATRIOT SCIENTIFIC
CORPORATION, AND ALLIACENSE LIMITED

21 ANSWER SET NO.: TWO (2) NOS. 17-25
22
23
24
25
26
27
28

1 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendants
2 Technology Properties Limited (“TPL”), Patriot Scientific Corporation (“PTSC”), and
3 Alliacense Limited (“Alliacense”) (collectively, “TPL” or “Defendants”) hereby submit their
4 objections and responses to Plaintiff Acer Inc.’s (“Acer”) Second Set of Interrogatories, as
5 follows:

6 **GENERAL OBJECTIONS**

7 1. Defendants object to these Requests as not timely served on Defendants with
8 sufficient time prior to the deadline for fact discovery. *See* Civil L.R. 37-3.

9 2. These responses are made only for the purposes of discovery in this action. Each
10 response is subject to all appropriate objects as to competence, relevance, materiality, and any
11 and all other objections and grounds which would require the exclusion of documents contained
12 therein if such documents were offered at court. All such objections are expressly reserved and
13 may be interposed at the time of trial or at any other time.

14 3. TPL objects to each Definition and Request and as unduly burdensome and
15 oppressive to the extent that it purports to require TPL to search TPL facilities and inquire of
16 TPL employees other than those facilities and employees that would reasonably be expected to
17 have responsive information. TPL’s responses are based upon: (1) a reasonable search, given the
18 time allocated to TPL to respond to the requests, of facilities and files that could reasonably be
19 expected to contain responsive information; and (2) inquiries of TPL’s employees and/or
20 representatives who could reasonably be expected to possess responsive information. The subject
21 matter of these requests is under continuing investigation. TPL expressly reserves the right to use
22 or rely upon documents not produced in response to these requests, if such documents are
23 uncovered during the course of its ongoing investigation.

24 4. TPL objects to each Definition and Request to the extent that it purports to impose
25 any requirement or discovery obligation on TPL other than those set forth by the Federal Rules
26 of Civil Procedure, the Local Rules for the Northern District of California and the Court’s
27 discovery orders. TPL especially and specifically objects to these Requests to the extent that
28

1 they seek information that exceeds the limitations on electronic discovery and discovery of e-
2 mail in the Court's discovery orders in this lawsuit.

3 5. TPL objects to each Definition and Request to the extent that it seeks information
4 protected from discovery by applicable privileges, including but not limited to the attorney client
5 privilege, the work product doctrine, joint defense or common interest privilege and/or any other
6 applicable privilege or immunity. Any disclosure of such protected or privileged information is
7 inadvertent and is not intended to waive those privileges or protections.

8 6. TPL objects to each Definition and Request to the extent that it seeks confidential
9 business information and/or trade secrets. TPL will only provide responses calling for
10 confidential or trade secret information subject to a protective order entered by the Court in this
11 lawsuit.

12 7. TPL objects to each Request to the extent that it purports to require TPL to
13 produce electronically stored information ("ESI") outside the scope of an e-discovery plan
14 approved by the Court in this lawsuit.

15 8. TPL objects to each Request to the extent that it purports to require TPL to
16 produce documents in violation of a legal or contractual obligation of nondisclosure to a third
17 party. TPL will not produce such documents without either the consent of the relevant third party
18 or an order in this lawsuit compelling production.

19 9. TPL objects to these Requests to the extent that they seek information that is
20 available from public sources, more conveniently or less expensively obtained from another
21 source, or that is otherwise as available to Acer as it is to TPL.

22 10. TPL objects to these Requests to the extent that they seek information that is not
23 known to TPL and outside of TPL's possession, custody, and control.

24 11. TPL objects to each Definition and Request to the extent it is overly broad,
25 unduly burdensome, seeks information that is not reasonably calculated to lead to the discovery
26 of admissible evidence, or seeks information that is not related to any claim or defense or the
27 subject matter involved in this lawsuit.

1 12. TPL objects to these Requests as vague, overly broad and unduly burdensome to
2 the extent that they fail to specify a relevant time period, or specify a time period beyond the
3 scope of this lawsuit.

4 13. TPL objects to these Requests as unreasonably cumulative or duplicative to the
5 extent that more than one Request seeks the same documents and information.

6 14. TPL will respond to these Requests with current knowledge and reserves the right
7 to supplement these responses if any additional information is identified at a later time and to
8 make any additional objections that may become apparent. TPL also reserves the right to make
9 any use of, or introduce at any hearing, any documents or information not known or thought to
10 be responsive at the time of this response.

11 15. TPL objects to each Definition and Request as premature to the extent that it
12 seeks materials regarding matters that will be the subject of expert testimony.
13 TPL objects to each Definition and Request to the extent that it calls for a legal conclusion or to
14 the extent that it seeks to elicit a response that would require TPL to implicate the mental
15 impressions of counsel in order to make a proper response. No response by TPL shall be
16 construed as providing a legal conclusion regarding the meaning or application of any terms or
17 phrases used in Acer's Definitions and Requests.

18
19 **OBJECTIONS TO DEFINITIONS**

20 1. TPL objects to the definition of the terms "Defendants," "you," and "your" as
21 overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of
22 admissible evidence. TPL further objects to the definition of "Defendants," "you," and "your" to
23 the extent that it calls for information protected by the attorney-client-privilege, the work-
24 product doctrine, and/or any other applicable privilege or immunity. TPL further objects to the
25 definition of "Defendants," "you," and "your" to the extent that it seeks information that is
26 outside of TPL's possession, custody and control. TPL will respond on behalf of Technology
27 Properties Limited ("TPL"), Patriot Scientific Corporation ("PTSC"), and Alliacense Limited
28

1 only.

2 2. TPL objects to the definition of the term “documents” as overbroad, unduly
3 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. TPL
4 will construe the term consistently with the Federal Rules of Procedure.

5 3. TPL objects to the definition of the terms “[p]erson” or “persons” as overbroad,
6 unduly burdensome, and not reasonably calculated to lead to the discovery of admissible
7 evidence. TPL will construe the term consistently with the Federal Rules of Procedure.

8 4. TPL objects to the definition of the terms “Defendants’ patents-in-suit” and
9 “patents-in-suit” as overbroad, unduly burdensome, and not reasonably calculated to lead to the
10 discovery of admissible evidence. TPL will interpret the term “Defendants’ patents-in-Suit” and
11 “patents-in-suit” to mean U.S. Patent Nos. 5,440,749 (the ’749 Patent), 6,598,148 (the ’148
12 Patent), 5,809,336 (the ’336 Patent), and/or 5,530,890 (the ’890 Patent).

13 5. TPL objects to the definition of the terms “related patents” and “related patent
14 applications” as overbroad, unduly burdensome, and not reasonably calculated to lead to the
15 discovery of admissible evidence.

16 6. TPL objects to the definition of the terms “concerning,” “relate,” “refer,” and
17 “reflect” as overbroad, unduly burdensome, and not reasonably calculated to lead to the
18 discovery of admissible evidence.

19 7. TPL hereby incorporates each of the above general objections into each of the
20 specific responses below.

21 **RESPONSE TO INTERROGATORIES**

22 **INTERROGATORY NO. 17:**

23 Please identify all products manufactured, offered for sale, sold or imported by
24 Defendants that practice any claim of the patents-in-suit.

25 **RESPONSE TO INTERROGATORY NO. 17:**

26 In addition to the foregoing general and specific objections, TPL objects to this
27 interrogatory on the grounds that it is overbroad, unduly burdensome, and seeking information
28

1 not reasonably calculated to lead to the discovery of admissible evidence. TPL further objects to
2 this interrogatory on the grounds that the claims have not been construed by the Court. TPL
3 reserves the right to supplement this interrogatory response based on subsequent claim
4 construction. TPL also objects to this interrogatory to the extent it prematurely seeks expert
5 discovery. Fact and expert discovery are ongoing and TPL reserves the right to amend or
6 supplement its response.

7
8 Subject to and without waiving its foregoing objections, and while expressly reserving
9 the right to amend or supplement its response, TPL responds as follows: TPL incorporates by
10 reference its response and supplemental responses to Interrogatory Nos. 5 and 6.

11
12 **INTERROGATORY NO. 18:**

13 For any products identified in response to Interrogatory No. 17, please identify all
14 documents, including, but not limited to, presentation materials, slide presentations, press
15 releases, customer success stories, reference account testimonials, analyst reports, notes and
16 handouts, used in the introduction, launch, sales, marketing, and/or promotion of those products.

17 **RESPONSE TO INTERROGATORY NO. 18:**

18 In addition to the foregoing general and specific objections, TPL objects to this
19 interrogatory on the grounds that it is overbroad, unduly burdensome, and seeking information
20 not reasonably calculated to lead to the discovery of admissible evidence. TPL further objects to
21 this interrogatory on the grounds that the claims have not been construed by the Court. TPL
22 reserves the right to supplement this interrogatory response based on subsequent claim
23 construction. TPL also objects to this interrogatory to the extent it prematurely seeks expert
24 discovery. Fact and expert discovery are ongoing and TPL reserves the right to amend or
25 supplement its response.
26
27
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1 Subject to and without waiving its foregoing objections, and while expressly reserving
2 the right to amend or supplement its response, TPL responds as follows: TPL incorporates by
3 reference its response to Interrogatory No. 17.

4 **INTERROGATORY NO. 19:**

5 Please identify all products sold by Defendants in the United States that have been
6 marked with a patent notice or patent label identifying any of the patents-in-suit, and identify the
7 product, its model number, the patent notice or patent label used with the product, when the
8 product was first marked with the patent notice or patent label, and the time period(s) during
9 which Defendants marked the product with the patent notice or patent label.

10 **RESPONSE TO INTERROGATORY NO. 19:**

11 In addition to its general objections, TPL objects to this interrogatory on the ground that
12 it creates many distinct subparts that violate the number limitation for interrogatories in this
13 action. TPL further objects to this interrogatory as vague and ambiguous, including with respect
14 to the term “circumstances.” TPL further objects to this interrogatory as overbroad, unduly
15 burdensome, and seeking information that is not reasonably calculated to lead to the discovery of
16 admissible evidence. TPL further objects to this interrogatory to the extent it seeks information
17 protected from discovery by the attorney-client privilege, the attorney work-product doctrine, the
18 joint defense privilege, or other applicable protection. TPL will not disclose any such
19 information.

20 Subject to and without waiving its foregoing objections, and while expressly reserving
21 the right to amend or supplement its response, TPL responds as follows: pursuant to Federal Rule
22 of Civil Procedure 33(d), TPL states that the requested information can be derived from the
23 following previously produced documents: TPL853_01428752 - TPL853_01430596.

24 **INTERROGATORY NO. 20:**

25 For each asserted claim of the patents-in-suit, state the complete factual basis for
26 Defendants' allegation that Plaintiffs' alleged infringement has caused injury and damages to
27 Defendants and the method by which Defendants intend to calculate monetary damages to which
28

1 they claim they are entitled, including, but not limited to whether Defendants claim a reasonable
2 royalty, lost profits, or any other measure of damages, as well as the way any such damages
3 would be calculated, the date any such damages would begin, and the amount of damages
4 attributable to each infringing product.

5 **RESPONSE TO INTERROGATORY NO. 20:**

6 In addition to its general objections, TPL objects to this interrogatory to the extent it
7 prematurely seeks expert discovery. TPL also objects to this interrogatory on the ground that it
8 creates many distinct subparts that violate the number limitation for interrogatories in this action.
9 TPL further objects to this interrogatory as vague and ambiguous. TPL further objects to this
10 interrogatory as overbroad, unduly burdensome, and seeking information that is not reasonably
11 calculated to lead to the discovery of admissible evidence. TPL further objects to this
12 interrogatory to the extent it seeks information protected from discovery by the attorney-client
13 privilege, the attorney work-product doctrine, the joint defense privilege, or other applicable
14 protection. TPL will not disclose any such information.

15 Subject to and without waiving its foregoing objections, and while expressly reserving
16 the right to amend or supplement its response, TPL responds as follows: Pursuant to 35 U.S.C. §
17 284, Defendants are entitled to no less than a reasonable royalty. Although it may be entitled to
18 lost profits damages, TPL intends to seek a reasonable royalty in an amount to be proven at trial
19 through expert testimony and opinion.

20 **INTERROGATORY NO. 21:**

21 Please state what you contend is a reasonable royalty for practicing each and every
22 alleged invention claimed in the patents-in-suit and state all facts that support your contention.

23 **RESPONSE TO INTERROGATORY NO. 21:**

24 In addition to its general objections, TPL objects to this interrogatory to the extent it
25 prematurely seeks expert discovery. TPL also objects to this interrogatory on the ground that it
26 creates many distinct subparts that violate the number limitation for interrogatories in this action.
27 TPL further objects to this interrogatory as vague and ambiguous. TPL further objects to this
28

1 interrogatory as overbroad, unduly burdensome, and seeking information that is not reasonably
2 calculated to lead to the discovery of admissible evidence. TPL further objects to this
3 interrogatory to the extent it seeks information protected from discovery by the attorney-client
4 privilege, the attorney work-product doctrine, the joint defense privilege, or other applicable
5 protection. TPL will not disclose any such information.

6
7 **INTERROGATORY NO. 22:**

8 Describe in detail the basis for the amount of any reasonable royalty claimed for any
9 infringement charged in this action, including describing and providing the date on which
10 calculations are based, specific licenses that should be considered in determining the royalty, and
11 the method of calculation, identifying the facts and documents supporting or relating to the
12 calculations (specifying how and where such documents support or relate to the calculations),
13 and identifying persons who performed such calculations or who have knowledge upon which
14 the calculations are based (together with a summary of their knowledge).

15 **RESPONSE TO INTERROGATORY NO. 22:**

16 In addition to its general objections, TPL objects to this interrogatory to the extent it
17 prematurely seeks expert discovery. TPL also objects to this interrogatory on the ground that it
18 creates many distinct subparts that violate the number limitation for interrogatories in this action.
19 TPL further objects to this interrogatory as vague and ambiguous. TPL further objects to this
20 interrogatory as overbroad, unduly burdensome, and seeking information that is not reasonably
21 calculated to lead to the discovery of admissible evidence. TPL further objects to this
22 interrogatory to the extent it seeks information protected from discovery by the attorney-client
23 privilege, the attorney work-product doctrine, the joint defense privilege, or other applicable
24 protection. TPL will not disclose any such information.

25
26 **INTERROGATORY NO. 23:**

27 Separately, for each asserted claim of the patents-in-suit that Defendants contend has
28

1 been willfully infringed by Plaintiffs, identify the complete factual and legal bases for that
2 contention including without limitation, a detailed explanation of how and when Defendants
3 contend Plaintiffs were put on notice of Defendants' assertions of infringement for each accused
4 product, an identification of all documents and things upon which Defendants rely to support
5 their allegations and an identification of all individuals knowledgeable concerning the factual
6 and/or legal bases for Defendants' allegation.

7 **RESPONSE TO INTERROGATORY NO. 23:**

8 In addition to its general objections, TPL objects to this Interrogatory on the grounds that
9 it is overbroad and unduly burdensome. TPL objects to this interrogatory to the extent it
10 prematurely seeks expert discovery. TPL further objects to this Interrogatory to the extent it
11 calls for the identification or production of information not within TPL' s possession, custody, or
12 control and instead within Acer's possession, custody, or control. TPL further objects to this
13 Interrogatory as compound, insofar as it possesses at least three separate and distinct subparts.
14 TPL further objects to this Interrogatory to the extent it seeks information protected by the
15 attorney-client privilege, the attorney work product doctrine, and other applicable privileges.

16 Subject to and without waiving its foregoing objections, and while expressly reserving
17 the right to amend or supplement its response, TPL responds as follows: TPL incorporates by
18 reference its responses to Interrogatory No. 11. Further, pursuant to Federal Rule of Civil
19 Procedure 33(d), TPL states that the requested information can be derived from
20 TPL853_01810393 - TPL853_01817636.

21 **INTERROGATORY NO. 24:**

22 Separately, for each of the patents-in-suit for which Defendants are seeking injunctive
23 relief against Plaintiffs, identify the complete factual and legal bases supporting Defendants'
24 claims for injunctive relief.

25 **RESPONSE TO INTERROGATORY NO. 24:**

26 In addition to its general objections, TPL objects to this Interrogatory on the grounds that
27 it is overbroad and unduly burdensome. TPL objects to this interrogatory to the extent it
28

1 prematurely seeks expert discovery. TPL further objects to this Interrogatory to the extent it
2 calls for the identification or production of information not within TPL' s possession, custody, or
3 control and instead within Acer's possession, custody, or control. TPL further objects to this
4 Interrogatory as compound, insofar as it possesses at least three separate and distinct subparts.
5 TPL further objects to this Interrogatory to the extent it seeks information protected by the
6 attorney-client privilege, the attorney work product doctrine, and other applicable privileges.

7 Subject to and without waiving its foregoing objections, and while expressly reserving
8 the right to amend or supplement its response, TPL responds as follows: TPL incorporates by
9 reference its responses to Interrogatory No. 11.

10 Further, pursuant to Federal Rule of Civil Procedure 33(d), TPL states that the requested
11 information can be derived from TPL853_01810393 - TPL853_01817636.

12 **INTERROGATORY NO. 25:**

13 For each Request for Admission that Plaintiffs have served upon you, and that you have
14 denied, either in whole or in part, state your full factual and legal bases for so denying.

15 **RESPONSE TO INTERROGATORY NO. 25:**

16 In addition to its general objections, TPL objects to this interrogatory on the ground that it
17 creates many distinct subparts that violate the number limitation for interrogatories in this action.
18 TPL further objects to this interrogatory as vague and ambiguous. TPL further objects to this
19 interrogatory as overbroad, unduly burdensome, and seeking information that is not reasonably
20 calculated to lead to the discovery of admissible evidence. TPL further objects to this
21 interrogatory to the extent it seeks information protected from discovery by the attorney-client
22 privilege, the attorney work-product doctrine, the joint defense privilege, or other applicable
23 protection. TPL will not disclose any such information.

1 Dated: February 8, 2013

/s/ James C. Otteson

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CERTIFICATE OF SERVICE

I, Sherri Mills, declare:

I am employed in San Mateo County. I am over the age of 18 years and not a party to the within action. My business address is Agility IP Law, LLP, 149 Commonwealth Drive, Menlo Park, California 94025.

On this date, I served:

DEFENDANT TECHNOLOGY PROPERTIES LIMITED’S OBJECTIONS AND RESPONSES TO ACER’S SECOND SET OF INTERROGATORIES

By forwarding the document(s) by electronic transmission on this date to the Internet email address listed below and via United States Mail:

<p>Timothy Paar Walker timothy.walker@klgates.com Jas Dhillon jas.dhillon@klgates.com Jeffrey Ratinoff jeffrey.ratinoff@klgates.com Harold Davis harold.davis@klgates.com K&L GATES LLP 4 Embarcadero Center, Suite 1200 San Francisco, CA 94111</p> <p>Attorneys for <i>Acer Inc.</i>, <i>Acer America Corp.</i>, and <i>Gateway Inc.</i></p>	<p>Heidi L. Keefe hkeefe@cooley.com Mark R. Weistein mweinstein@cooley.com Kyle D. Chen Kyle.chen@cooley.com Htc-tpl@cooley.com COOLEY LLP Five Palo Alto Square, 4th Floor 3000 El Camino Real Palo Alto, CA 94306-2155</p> <p>Attorneys for <i>HTC Corporation</i> and <i>HTC America, Inc.</i></p>
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I am readily familiar with Agility IP Law’s practice for collection and processing of documents for delivery according to instructions indicated above. In the ordinary course of business, documents would be handled accordingly.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Menlo Park, California on February 8, 2013.

/s/ Sherri Mills
Sherri Mills