

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**TECHNOLOGY PATENTS LLC,**  
*Plaintiff-Appellant,*

v.

**T-MOBILE (UK) LTD., T-MOBILE AUSTRIA GMBH,  
T-MOBILE CZECH REPUBLIC A.S., T-MOBILE  
DEUTSCHLAND GMBH, T-MOBILE HUNGARY CO.  
LTD., T-MOBILE NETHERLANDS B.V., AND  
T-MOBILE SLOVENSKO A.S.,**  
*Defendants-Appellees,*

AND

**ADVANCED INFO SERVICE PLC, ALSO KNOWN  
AS AIS, BELL MOBILITY INC., CSL NEW WORLD  
MOBILITY LIMITED, CHINA MOBILE PEOPLES  
TELEPHONE COMPANY LIMITED, NOW KNOWN  
AS CHINA MOBILE HONG KONG COMPANY  
LIMITED, KT FREETEL CO. LTD., NOW KNOWN  
AS KT CORPORATION, SINGAPORE TELECOM  
MOBILE PRIVATE LIMITED, SINGAPORE  
TELECOMMUNICATIONS LIMITED, ALSO KNOWN  
AS SINGTEL, SINGTEL OPTUS PTY LIMITED,  
STARHUB MOBILE PTE LTD., AND TELSTRA  
CORPORATION LIMITED,**  
*Defendants-Appellees,*

AND

**AMERICA MOVIL, S.A.B. DE C.V., CLARO, S.A.,  
AMX ARGENTINA, S.A., AND RADIOMOVIL DIPSA,  
S.A. DE C.V., ALSO KNOWN AS TELCEL,**  
*Defendants-Appellees,*

AND

**BELGACOM MOBILE S.A., ALSO KNOWN AS  
PROXIMUS, MOBILKOM AUSTRIA AG, SFR, ALSO  
KNOWN AS SOCIETE FRANCAISE DE  
RADIOTELEPHONE S.A., SMARTONE MOBILE  
COMMUNICATIONS LIMITED, TANGO S.A.,  
VODAFONE CZECH REPUBLIC A.S., VODAFONE  
D2 GMBH, ALSO KNOWN AS VODAFONE  
GERMANY, VODAFONE ESPANA S.A., VODAFONE  
ESSAR LTD., VODAFONE HUNGARY MOBILE  
TELECOMMUNICATIONS LTD., VODAFONE  
IRELAND LTD., VODAFONE LIBERTEL B.V.,  
VODAFONE LIMITED, ALSO KNOWN AS  
VODAFONE UK, VODAFONE NETWORK PTY.  
LTD., VODAFONE NEW ZEALAND, VODAFONE  
OMNITEL N.V., VODAFONE PORTUGAL,  
COMUNICACOES PESSOAIS, S.A., VODAFONE  
TELEKOMUNIKASYON A.S., ALSO KNOWN AS  
VODAFONE TURKEY, AND VODAFONE-PANAFON  
HELLENIC TELECOMMUNICATIONS COMPANY  
S.A., ALSO KNOWN AS VODAFONE-PANAFON S.A.,**  
*Defendants-Appellees,*

AND

**TNL PCS S.A., ALSO KNOWN AS OI,**  
*Defendant-Appellee,*

AND

**BASE N.V./S.A., E-PLUS MOBILFUNK GMBH & CO.  
KG, AND KPN B.V.,**  
*Defendants-Appellees,*

AND

**BERMUDA DIGITAL COMMUNICATIONS LTD.,**  
*Defendant-Appellee,*

AND

**BOUYGUES TELECOM S.A.,**  
*Defendant-Appellee,*

AND

**CHUNGHWA TELECOM CO. LTD.,  
FAR EASTONE TELCOMMUNICATIONS CO. LTD.,  
AND TAIWAN MOBILE CO., LTD.,**  
*Defendants-Appellees,*

AND

**CLICKATELL (PTY) LTD.,**  
*Defendant-Appellee,*

AND

**FRANCE TELECOM ESPANA S.A., ALSO-KNOWN  
AS ORANGE SPAIN, FRANCE TELECOM S.A.,  
MOBISTAR N.V., ORANGE AUSTRIA  
TELECOMMUNICATION GMBH, FORMERLY  
KNOWN AS ONE GMBH, ORANGE  
COMMUNICATIONS S.A., ALSO KNOWN AS  
ORANGE SWITZERLAND, ORANGE FRANCE S.A.,  
ORANGE PLC, ALSO KNOWN AS ORANGE U.K.,  
ORANGE S.A., ORANGE SLOVENSKO A.S., AND  
VOX MOBILE S.A.,**  
*Defendants-Appellees,*

AND

**H3G S.P.A., ALSO KNOWN AS 3 ITALIA,  
HUTCHISON 3G AUSTRIA GMBH, HUTCHISON 3G  
UK LIMITED, AND HUTCHISON  
TELECOMMUNICATIONS (HONG KONG)  
LIMITED,**  
*Defendants-Appellees,*

AND

**KDDI CORPORATION,**  
*Defendant-Appellee,*

AND

**PCCW MOBILE HK LIMITED,**  
*Defendant-Appellee,*

AND

**YAHOO! INC.,**  
*Defendant-Appellee,*

AND

**KABUSHIKI KAISHA NTT DOCOMO AND  
SOFTBANK MOBILE CORP.,**  
*Defendants-Appellees,*

AND

**M3 WIRELESS LTD.,**  
*Defendant-Appellee,*

AND

**NETCOM AS, NOW KNOWN AS TELIASONERA  
NORGE AS AND TELIA DANMARK A/S,**  
*Defendants-Appellees,*

AND

**TMN-TELECOMUNICACOES MOVEIS NACIONAIS,  
S.A.,**  
*Defendant-Appellee,*

AND

**O2 (GERMANY) GMBH & CO. OHG, O2 (UK)  
LIMITED, O2 COMMUNICATIONS (IRELAND)  
LTD., PEGASO PCS, S.A. DE C.V., TELEFONICA  
MOVILES ARGENTINA, S.A., TELEFONICA  
MOVILES ESPANA, S.A.U., TELEFONICA MOVILES  
MEXICO, S.A. DE C.V., TELEFONICA O2 CZECH**

**REPUBLIC, A.S., TELEFONICA O2 EUROPE PLC,  
ALSO KNOWN AS O2 PLC, TELEFONICA, S.A.,  
VIVO PARTICIPACOES, S.A., AND VIVO, S.A.,**  
*Defendants-Appellees,*

AND

**PANNON GSM TELECOMMUNICATIONS LTD.,  
SONOFON A/S, SWISSCOM MOBILE A.G., TDC A/S,  
TDC SWITZERLAND AG, ALSO KNOWN AS  
SUNRISE, TELENOR MOBIL A.S., AND TOTAL  
ACCESS COMMUNICATION PLC, ALSO KNOWN  
AS DTAC,**  
*Defendants-Appellees,*

AND

**SONAECOM-SERVICOS DE COMUNICACOES, S.A.,**  
*Defendant-Appellee,*

AND

**TELECOM ITALIA S.P.A., TELECOM PERSONAL  
S.A., TIM CELULAR S.A., AND TIM  
PARTICIPACOES S.A., ALSO KNOWN AS TIM  
BRAZIL,**  
*Defendants-Appellees,*

AND

**TRUE MOVE COMPANY LIMITED,**  
*Defendant-Appellee,*

AND

**WIND HELLAS TELECOMMUNICATIONS S.A. AND  
WIND TELECOMUNICAZIONI SPA,**  
*Defendants-Appellees,*

AND

**AVEA ILETISIM HIZMETLERI A.S.,**  
*Defendant-Appellee,*

AND

**T-MOBILE USA, INC.,**  
*Defendant-Appellee,*

AND

**AT&T MOBILITY LLC,**  
*Defendant-Appellee,*

AND

**TELE-MOBILE COMPANY, ALSO KNOWN AS  
TELUS MOBILITY,**  
*Defendant-Appellee,*

AND

**ROGERS WIRELESS PARTNERSHIP,**  
*Defendant-Appellee,*

AND

**MICROSOFT CORPORATION,**  
*Defendant-Appellee,*

AND

**PALM, INC.,**  
*Defendant-Appellee,*

AND

**CELLCO PARTNERSHIP, DOING BUSINESS AS  
VERIZON WIRELESS,**  
*Defendant-Appellee,*

AND

**HELIO, LLC AND SPRINT NEXTEL CORPORATION,**  
*Defendants-Appellees,*

AND

**LG ELECTRONICS MOBILECOMM U.S.A., INC.,**  
*Defendant-Appellee,*

AND

**MOTOROLA, INC., NOW KNOWN AS MOTOROLA  
SOLUTIONS, INC.,**  
*Defendant-Appellee,*

AND

**IDEA CELLULAR LIMITED,**  
*Defendant-Appellee,*

AND

**DEUTSCHE TELEKOM AG, MOBILEONE LTD.,  
ORANGE LIMITED, ORANGE NEDERLAND N.V.,  
TURKCELL ILETISIM HIZMETLERI A.S., AND  
UPSIDE WIRELESS INC., ALSO KNOWN AS IPIPI,**  
*Defendants,*

AND

**MOTOROLA MOBILITY, INC.,**  
*Intervenor.*

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2011-1581

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Appeal from the United States District Court for the  
District of Maryland in case no. 07-CV-3012, Judge Alex-  
ander Williams, Jr.

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**ON MOTION**

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Before REYNA, *Circuit Judge.*

**O R D E R**

Yahoo! Inc., Microsoft Corporation, Palm, Inc. and  
Motorola, Inc. move for "relief from Practice Note to Rule  
28."

Fed. R. App. P. 28(i) states:

Briefs in a Case Involving Multiple Appellants or Appellees. In a case involving more than one appellant or appellee, including consolidated cases, any number of appellants or appellees may join in a brief, and any party may adopt by reference a part of another's brief. Parties may also join in reply briefs.

The court's Practice Note following Rule 28 states:

**MULTIPLE PARTIES.** When there are multiple parties represented by the same counsel or counsel from the same firm, a combined brief must be filed on behalf of all the parties represented by that counsel or firm.

As is apparent from the court's caption, this case involves multiple parties. The appellees are comprised of foreign wireless carriers who were dismissed for lack of personal jurisdiction and 11 domestic defendants who were granted summary judgment of noninfringement. The movants, who are four of the domestic defendants, are represented by three different law firms that also represent some of the foreign defendants.

We disagree with the movants that the Practice Note prohibits the movants from joining briefs filed by other domestic appellees. It merely requires that if a joinder is noted within a brief, that information should be included in the same brief that contains all of the arguments of the firm's clients. If the movants intend to not file a separate brief but merely join one or more briefs filed by another party, the Practice Note likewise does not prohibit that. The Practice Note could be read to prohibit the movants and the foreign defendants from separately joining different joint briefs, and if waiver of that is what is requested by the movants, we grant that request.

In the circumstances, we agree that the movants' proposal could simplify briefing in the case, assuming that word limitations are not averted. The movants do not discuss how they intend to comply with the court's word limitations requirement. If the movants are requesting that each firm be permitted to file two 14,000 word briefs for its clients, that request is denied.

Accordingly,

IT IS ORDERED THAT:

The motion is granted to the following extent: The movants may file or join a combined appellees' brief, not to exceed 14,000 words. The foreign appellees including KDDI Corp., PCCW Mobile HK Ltd., Bermuda Digital Communications Ltd., and TNL PCS S.A. may file or join a combined appellees' brief, not to exceed 14,000 words. To further reduce briefing in this case, all parties are encouraged to adopt by reference any portion of another appellee's brief to avoid undue repetition of argument. Fed. R. App. P. 28(i).

FOR THE COURT

FEB 10 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Bryant C. Boren, Jr., Esq.  
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**FILED**  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

FEB 10 2012

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CLERK

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