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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Philips North America, LLC,)	Case No. 2:19-cv-06301-AB (KSx)
)	
Plaintiff,)	LAMKIN DECL ISO
)	
v.)	
)	
)	
Garmin International, Inc., Garmin LTD)	
)	
Defendants.)	
)	
)	

**DECLARATION OF RACHAEL D. LAMKIN IN SUPPORT OF GARMIN’S
OPPOSITION TO PHILIPS’ RULE 54(B) MOTION**

I, Rachael D. Lamkin, declare as follows:

1. I am lead counsel of record for Defendants Garmin International, Inc. and Garmin Ltd. (“Garmin”).
2. I am an attorney licensed to practice law in all state and federal courts

1 in California, the Eastern District of Texas, Colorado District Court, the Court of
2 International Trade, the International Trade Commission, the Federal Circuit Court
3 of Appeals, and this Honorable Court.
4

5 3. I have personal knowledge of all facts attested to herein.

6 4. Thirty-One (31) days after Garmin served its Rebuttal Claim
7 Construction Brief, Philips filed a statutory disclaimer on 8/10/20, disclaiming only
8 the claims it asserted against Gamin in this matter. *See* US Patent App. No.
9 10/773,501.
10

11 5. To minimize burden on the Court, the undersigned is not attaching
12 documents in support of statements that should not be refutable, but the undersigned
13 will provide any documents to the Court upon request or upon Philips' denial of the
14 facts therein.
15

16 6. Philips agreed to withdraw the '192 Patent on November 17, 2020 via
17 electronic mail.
18

19 7. On October 27, 2020, the USPTO Patent Trial and Appeal Board
20 instituted IPR over the '233 Patent, IPR2020-00783.
21

22 8. In its Answer and Counterclaims, Dkt. No. 48, Garmin set forth the facts
23 regarding Garmin's invalidation of the European counterpart to the '007 Patent. *See*
24 *id.*, ¶¶12-19.
25

26 9. In July 2020, Philips asserted the German equivalent of the '007 against
27 Garmin in Germany. The German Court invalidated the '007 claims in a hearing on
28

1 November 12, 2020, with a written order to follow.

2 10. Attached as Exhibit A are true and correct excerpts from the deposition
3 of Jay Dee Krull. Mr. Krull has been an engineer at Garmin working on GPS for
4 thirty-one (31) years.
5

6 11. On November 5, 2020, I spoke with counsel for Philips, JP Ciardullo as
7 I believed he misrepresented our meet and confer to the Court. Mr. Ciardullo
8 acknowledged that I had stated during the meet and confer that Garmin would likely
9 object to Philips' Rule 54(b) Motion because of the factual overlap between the '007
10 and the remaining patents. Mr. Ciardullo explained that, when I did not mention that
11 fact again in my follow up email, he believed I had dropped that rationale. While I
12 disagree with the soundness of his conclusion, my experience with Mr. Ciardullo is
13 that he is forthright, and I have no reason to question his veracity here. During that
14 second call, I also suggested that Philips agree to a stay of this matter during Philips
15 Rule 54(b) appeal. He said Phillips would decline that suggestion.
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17
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19 12. Attached as Exhibit B is a true and correct copy of Philips' infringement
20 allegations showing the accused products for each Patent-in-Suit.
21

22 13. Attached as Exhibit C are true and correct excerpts from Philips' claim
23 charts for the '007 Patent.
24

25 14. Attached as Exhibit D are true and correct excerpts from Philips' claim
26 charts for the '377 Patent.
27

28 15. Attached as Exhibit E are true and correct copies of the PTAB statistics

1 presentation provided at USPTO.gov. The dates are as of January 2020. I
2 downloaded the document from
3 https://www.uspto.gov/sites/default/files/documents/trial_statistics_20200131.pdf
4
5 on today's date.

6
7 Signed under penalty of perjury on this date, November 20, 2020, in Sausalito,
8
9 California.

Rachael D. Lamkin

Rachael D. Lamkin

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