



October 17, 2018

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VIA HAND DELIVERY AND CM/ECF

The Hon. Maryellen Noreika
United States District Court
844 North King Street, Unit 26
Wilmington, DE 19801

Re: *Godo Kaisha IP Bridge 1 v. OmniVision Technologies, Inc.*, C.A. No. 16-290 (MN)

Dear Judge Noreika:

The parties submit this letter pursuant to Your Honor's Order (D.I. 85).

Live Testimony.

Plaintiffs' Position: At the October 31, 2018 claim construction hearing, defendant OmniVision Technologies, Inc. will argue that four of the ten disputed claim terms to be presented are indefinite. Because of the dispositive nature of those arguments, in addition to those OmniVision is advancing in its claim construction briefing and the expert declarations attached thereto, plaintiff Godo Kaisha IP Bridge 1 respectfully requests Your Honor's permission to present expert testimony from Dr. Albert Theuwissen at the hearing. IP Bridge contends live testimony is appropriate to rebut OmniVision's arguments and any expert testimony offered via a declaration. OmniVision opposes IP Bridge's request.

Defendant's Position: IP Bridge has had ample opportunity to rely on and submit expert testimony to the Court regarding the indefinite claim terms in its patents. IP Bridge has known since at least May 25, 2018 that OmniVision will argue the terms are indefinite. Moreover, IP Bridge asked and OmniVision agreed to stipulate to an adjustment of the briefing schedule to accommodate the schedule of IP Bridge's counsel and its expert Dr. Theuwissen. D.I. 72 ("due to scheduling conflicts of counsel for Plaintiff Godo Kaisha IP Bridge 1 in other matters, and due to its expert's limited availability under the current schedule"). Each party had the opportunity to rebut the other's expert with declaration testimony of its own expert, during the four-round briefing period. IP Bridge actually did serve an expert declaration from Dr. Theuwissen with its reply brief served after OmniVision's answering brief. Joint Brief App. 0598-0659. Briefing is now closed and the hearing is two weeks away. The only apparent reason for IP Bridge's request would appear to be for it to elicit testimony from Dr. Theuwissen that goes beyond the scope of his declaration that was served in accordance with the briefing schedule. IP Bridge's request is prejudicial to OmniVision because OmniVision would not have an adequate opportunity to respond to any new opinions in Dr. Theuwissen's live testimony through briefing, expert declaration, or at the hearing. Therefore, OmniVision respectfully opposes IP Bridge's request for leave.

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Time Allotted.

Plaintiff's Position: IP Bridge respectfully requests 2 hours per side to present argument and testimony at the October 31, 2018 claim construction hearing.

Defendant's Position: OmniVision respectfully submits that 90 minutes per side to present argument and testimony at the October 31, 2018 claim construction hearing is appropriate if the Court denies IP Bridge leave to present live testimony.

We are available at the Court's convenience should Your Honor have any questions regarding the foregoing.

Respectfully Submitted,

STAMOULIS & WEINBLATT LLC

/s/ Stamatios Stamoulis

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cc: All Counsel of Record (via CM/ECF)