

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GODO KAISHA IP BRIDGE 1,

Plaintiff,

v.

OMNIVISION TECHNOLOGIES, INC.,

Defendant.

Case No. 1:16-cv-00290-MN

**DECLARATION OF ERIK J. CARLSON IN SUPPORT OF
OMNIVISION TECHNOLOGIES' RESPONSE TO
IP BRIDGE'S MOTION TO AMEND SCHEDULING ORDER**

I Erik J. Carlson, declare as follows:

1. I am an attorney at Wilson Sonsini Goodrich & Rosati, counsel for Defendant OmniVision Technologies, Inc. (“OmniVision”) in the above-referenced action. I submit this declaration in support of OmniVision Technology’s Response to IP Bridge’s Motion to Amend Scheduling Order. The matters set forth herein are based upon my personal knowledge, and, if called as a witness, I could and would competently testify thereto.

2. Attached as Exhibit A is a true and correct copy of the cover sheet of Plaintiff’s First Amended Infringement Contentions dated March 23, 2018.

3. Attached as Exhibit B is a true and correct copy of Plaintiff’s Notice of 30(b)(1) Deposition of John Li, dated September 26, 2018.

4. Attached as Exhibit C is a true and correct copy of Plaintiff’s Notice of 30(b)(1) Deposition of Vincent Chew, dated September 26, 2018.

5. Attached as Exhibit D is a true and correct copy of a chain of emails on which I was copied between counsel for IP Bridge and counsel for OmniVision. The earliest email in the chain is a September 26, 2018 email from IP Bridge counsel Sam Joyner regarding IP Bridge’s motion to amend the scheduling order. That email indicates IP Bridge’s intent to file a motion to amend because “IP Bridge’s expert disclosures are due forty days after the October 31, 2018 *Markman* hearing” The email further reflects IP Bridge’s understanding that the Court’s form scheduling order indicates the Court aims to issue its claim construction order “within sixty (60) days of the conclusion of the claim construction hearing.” The next email in the chain is a September 26, 2018 email from OmniVision counsel Jose Villarreal asking for the basis of the requested relief. The next email in the chain is a September 27, 2018 email from IP Bridge counsel Sam Joyner stating: “Simply put, the Scheduling Order is unworkable.”

6. I participated in an October 17, 2018 telephonic meet and confer between counsel for IP Bridge and counsel for OmniVision. During the meet and confer, counsel for OmniVision asked IP Bridge to explain the relevance of documents from other cases involving different patents, which IP Bridge requested in its first, second, and third sets of requests for production. Counsel for IP Bridge refused to provide any explanation.

7. On the October 17, 2018 telephonic meet and confer referenced above, OmniVision's counsel told IP Bridge's counsel that IP Bridge's proposed schedule was not reasonable because the seven-month extension was not justified and because IP Bridge's proposed schedule had reply expert reports, completion of expert depositions, and dispositive motions all due on the same day. OmniVision's counsel proposed an alternative schedule modification involving an extension of around 6 weeks to allow the parties to complete deposition discovery but not serve additional discovery requests on each other. OmniVision's counsel further proposed that OmniVision would not withhold documents based on OmniVision's timeliness objection to IP Bridge's request for production that were served less than 30 days before the October 8, 2018 document production deadline. IP Bridge's counsel indicated that it would not agree to OmniVision's proposal.

8. Attached as Exhibit E is a true and correct copy of a December 4, 2017 letter from OmniVision counsel Henry Pan to IP Bridge Counsel Michael W. Shore regarding the production of core technical documents for nine representative products. The letter indicates: "The core technical documents in this production are for products that are representative of all of the products that have been accused in this case as identified in Plaintiff Godo Kaisha IP Bridge 1's ("IPB") initial identification of accused products and its amended complaint [D.I. 45]. These representative products are OV4689, OV5650, OV8850, OV8858, OV8865, OV10640,

OV16860, and OV23850. Additionally, OV4688 shares many of the same characteristics as OV4689; thus, documents discussing OV4688 have been produced for representative product OV4689.”

9. Attached as Exhibit F is a true and correct copy of an August 9, 2018 letter from OmniVision counsel Henry Pan to IP Bridge Counsel Ari Rafilson regarding the production of core technical documents for four additional representative products. The letter indicates: “Although OmniVision had previously identified representative products in this case, through the course of discovery and diligently researching and identifying the members of the accused product families, OmniVision believes that these additional representative products are needed to represent the broad scope of products that IPB has accused in its initial and amended infringement contentions, which IPB has refused to reduce despite the limited number of products for which it has actually provided infringement charts.”

10. Attached as Exhibit G is a true and correct copy of Defendant OmniVision Technologies, Inc.’s Second Set of Supplemental Responses and Objections to Plaintiff Godo Kaisha IP Bridge I’s First Set of Interrogatories (Nos. 1-10.), which were served on October 25, 2018.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Los Angeles, California on October 29, 2018

/s/ Erik J. Carlson

Erik J. Carlson