

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LARGAN PRECISION CO., LTD.,

Plaintiff,

v.

ABILITY OPTO-ELECTRONICS
TECHNOLOGY CO., LTD.; AND HP INC.,

Defendants.


Case No. 3:20-cv-06607-JD

~~PROPOSED~~ ORDER GRANTING
MOTION FOR ISSUANCE OF LETTERS
ROGATORY

The Court has reviewed the proposed letters rogatory and the addenda identifying the discovery sought, and for good cause shown, the Court **GRANTS** the motion for issuance of letters rogatory. A final version with the Court's seal is attached as Exhibit 1, and the Court orders entry of the letter in the docket.

IT IS SO ORDERED.

Dated: 1/20/2021



JAMES DONATO
United States District Judge

1 Sasha G. Rao (SBN 244303)
srao@maynardcooper.com
2 Brandon H. Story (SBN 289090)
bstroy@maynardcooper.com
3 MAYNARD COOPER & GALE, LLP
4 600 Montgomery Street, Suite 2600
San Francisco, CA 94111
5 Telephone: (415) 646-4700
Fax: (205) 254-1999

6 *Attorneys for Defendant HP Inc.*

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11
12 LARGAN PRECISION CO., LTD.,

13 Plaintiff,

14 v.

15 ABILITY OPTO-ELECTRONICS
16 TECHNOLOGY CO., LTD.;
AND HP INC.,

17 Defendants.

Case No. 3:20-cv-06607-JD

**REQUEST FOR INTERNATIONAL
JUDICIAL ASSISTANCE**

~~**PROPOSED**~~ **LETTERS ROGATORY**

18
19 TO THE APPROPRIATE JUDICIAL AUTHORITY OF TAIWAN:

20 The United States District Court for the Northern District of California presents its
21 compliments to the Appropriate Judicial Authority of Taiwan, and requests international assistance
22 to obtain evidence to be used in a civil proceeding before this Court in the above-captioned matter.

23 The Court requests the assistance described herein in the interests of justice.

24 **I. REQUEST**

25 The Court requests that the Appropriate Judicial Authority of Taiwan compel production
26 of documents from the following corporate entity:

27
28

1 **GENIUS ELECTRONIC OPTICAL CO., LTD.**

2 No. 1, Keya East Road, Daya District

3 Taichung Central Taiwan Science Park, Taiwan 428

4 Specifically, the Court requests that, to the extent possible under Taiwanese law, Genius
5 Electronic Optical Co., Ltd. (“Genius”) be required to (a) produce the documents and things set
6 out in **Exhibit A** to this Request and (b) designate one or more officers, directors, or
7 knowledgeable employees who consent to testify on its behalf as to the topics set forth in
8 **Exhibit B** to this Request.

9 The Court understands that the documents and information requested may be of a
10 confidential nature. As such, there is a protective order in this case to protect the confidentiality
11 of any documents produced and of any responses to the written questions. A copy of the
12 protective order is attached as **Exhibit C**. The parties may negotiate a more detailed protective
13 order at a later date. If the Court enters a new protective order, it will be sent separately.

14 **II. FACTS**

15 Plaintiff Largan Precision Co., Ltd. (“Largan”), a Taiwanese corporation, filed suit against
16 Defendants HP Inc. (“HP”) and Ability Opto-Electronics Technology Co., Ltd. (“AOET”) in the
17 United States District Court for the Eastern District of Texas, alleging infringement of U.S. Patent
18 Nos. 7,274,518 (“the ’518 patent”); 8,395,691 (“the ’691 patent”); 8,988,796 (“the ’796 patent”);
19 and 9,146,378 (“the ’378 patent”) (collectively, the “Asserted Patents”), alleging infringement by
20 optical lens systems made by AOET which are allegedly incorporated into some HP laptops. On
21 September 25, 2020, the case was transferred to the Northern District of California. Largan seeks
22 an award of damages from HP and AOET to compensate for the alleged patent infringement and
23 injunctive relief prohibiting further infringement. The technology described and claimed in the
24 Asserted Patents relates to optical image-capturing lens systems, and specifically, the design and
25 measurements of the lens elements that make up those lens systems.

26 Through its investigation, Largan has determined that AOET makes optical lens
27 components that Largan alleges infringe the above-mentioned patents. Largan further alleges that
28 these allegedly infringing AOET lenses are incorporated into some HP laptops. Like AOET,

1 Genius also makes optical lens systems. Largan previously sued Genius in a separate case for
2 making and selling optical lenses that allegedly infringed certain Largan patents, including the
3 '691 patent, which is now asserted against HP and AOET. In view of this prior lawsuit, on
4 information and belief, Genius possesses information that is relevant to the validity of the '691
5 patent and to Largan's entitlement to the damages it now seeks from HP and Ability.

6 **III. EVIDENCE**

7 The documents requested to be produced are identified in **Exhibit A**. The deposition topics
8 to which Genius' testimony is requested are set forth in **Exhibit B**.

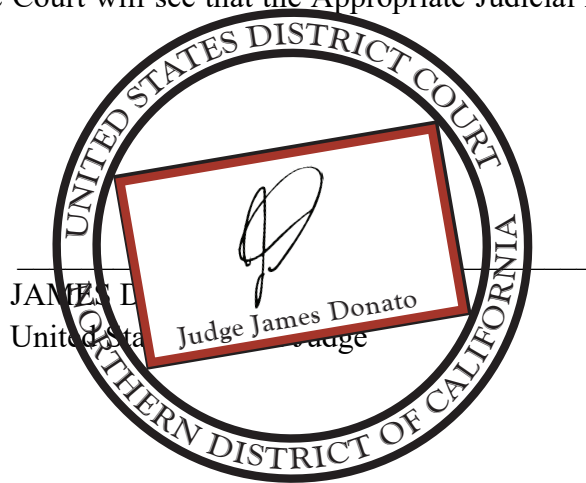
9 **IV. OFFER OF RECIPROCAL ASSISTANCE**

10 The United States District Court for the Northern District of California is willing to provide
11 similar assistance to the Appropriate Judicial Authority of Taiwan. *See* 28 U.S.C. § 1782.

12 **V. REIMBURSEMENT OF COSTS**

13 To the extent that there are expenses and costs associated with providing assistance in
14 response to these Letters Rogatory, the Court will see that the Appropriate Judicial Authority of
15 Taiwan is reimbursed by HP.

16
17
18 DATED: January 20, 2021



19 JAMES D
20 United Sta

21
22
23
24
25
26
27
28

EXHIBIT A

DOCUMENTS REQUESTED

DEFINITIONS AND INSTRUCTIONS

DEFINITIONS

1
2
3
4
5 1. The terms “Genius,” “You,” and/or “Your” refer to Genius Electronic Optical Co.,
6 Ltd., as well as any of its past and present affiliates, operating divisions, parent corporations,
7 subsidiaries, directors, officers, agents, employees, representatives, and all predecessors in interest
8 in Genius Electronic Optical Co., Ltd.

9 2. The term “Apple” refers to Apple Inc.

10 3. The term “Apple Products” refers to all computers, laptops, and mobile devices
11 incorporating a camera module used, offered for sale or sold by Apple.

12 4. “Optical lens systems containing 3, 4, or 5 lenses” means optical lens systems for
13 use in cameras or camera modules of mobile phones, mobile devices or laptops containing: three
14 lens elements; or four lens elements; or five lens elements.

15 5. The term “technical specifications” means documents that describe any physical,
16 mechanical or optical attributes of optical lens systems and the component lenses that make up the
17 systems, such as, focal length(s), aperture(s), refractive index(ces), lens shape(s), lens
18 arrangement, and/or curvature characteristics, lens orientation in the optical lens system and lens
19 orientation relative to the other component lenses.

20 6. The term “Genius Lawsuit” refers to the case styled *Largan Precision Co., Ltd. v.*
21 *Genius Elec. Optical Co., Ltd.*, Case No. 3:13-cv-02502-JD, filed in the United States District for
22 the Northern District of California.

23 7. The terms “Largan” or “Plaintiff” refers to Largan Precision Co., Ltd., including
24 any of its past and present affiliates, operating divisions, parent corporations, subsidiaries,
25 directors, officers, agents, employees, representatives, and all predecessors in interest to Largan.

26 8. The terms “HP” or “Defendant” refers to HP Inc., including any of its past and
27 present affiliates, operating divisions, parent corporations, subsidiaries, directors, officers, agents,
28 employees, representatives, and all predecessors in interest to HP.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.