

Jay Berquist

From: Ou, Philip <philipou@paulhastings.com>
Sent: Tuesday, April 14, 2020 4:27 PM
To: Don Jackson
Cc: Chaikovsky, Yar R.; Yen, Bruce; gil@gillamsmithlaw.com; Jay Berquist; Walter D. Davis
Subject: RE: IS/HTC - 4:20-CV-180-ALM (DJ Action) - Rule 26(f) conference

EXTERNAL EMAIL

Don – we weren't planning on amending the complaint. I don't think we have any obligation to do so, but if there is authority that you think requires us to do so if an allegation is arguably no longer relevant, we're happy to consider it.

When are you filing your answer? I believe the deadline has passed. Are you moving for leave or to extend your time?

Also, are you still unavailable to have the Rule 26f conference today or will you free up later this afternoon after your meeting?

Thanks,
-Phil

From: Don Jackson <djackson@davidsonberquist.com>
Sent: Tuesday, April 14, 2020 1:07 PM
To: Ou, Philip <philipou@paulhastings.com>
Cc: Chaikovsky, Yar R. <yarchaikovsky@paulhastings.com>; Yen, Bruce <bruceyen@paulhastings.com>; gil@gillamsmithlaw.com; Jay Berquist <jberquist@davidsonberquist.com>; Walter D. Davis <wdavis@davidsonberquist.com>
Subject: [EXT] RE: IS/HTC - 4:20-CV-180-ALM (DJ Action) - Rule 26(f) conference

Phil,

The complaint has lots of allegations relating to jurisdiction and/or venue in Virginia and why the case was brought there. Does HTC intend to file an amended complaint to streamline it and reflect that the case is in Texas? We intend to file an answer.

Don

From: Ou, Philip <philipou@paulhastings.com>
Sent: Tuesday, April 14, 2020 3:02 PM
To: Don Jackson <djackson@davidsonberquist.com>
Cc: Chaikovsky, Yar R. <yarchaikovsky@paulhastings.com>; Yen, Bruce <bruceyen@paulhastings.com>; gil@gillamsmithlaw.com; Jay Berquist <jberquist@davidsonberquist.com>; Walter D. Davis <wdavis@davidsonberquist.com>
Subject: RE: IS/HTC - 4:20-CV-180-ALM (DJ Action) - Rule 26(f) conference

EXTERNAL EMAIL

Don –

The report is not due until the 24th.

We don't think the consolidated case schedule is necessarily applicable since the only issue in the case is a claim for declaratory judgment that the 425 patent is invalid under 101.

Also, I think you're deadline to answer or otherwise respond to the complaint has passed. Did we miss that?

But the deadline to have our Rule 26(f) meet and confer is today. If you are not available, are others?

Phil

From: Don Jackson <[djackson@davidsonberquist.com](mailto:djackson@ davidsonberquist.com)>
Sent: Tuesday, April 14, 2020 11:45 AM
To: Ou, Philip <philipou@paulhastings.com>
Cc: Chaikovsky, Yar R. <yarchaikovsky@paulhastings.com>; Yen, Bruce <bruceyen@paulhastings.com>; gil@gillamsmithlaw.com; Jay Berquist <jberquist@davidsonberquist.com>; Walter D. Davis <wdavis@davidsonberquist.com>
Subject: [EXT] RE: IS/HTC - 4:20-CV-180-ALM (DJ Action) - Rule 26(f) conference

Phil,

I'm in a meeting all afternoon. Can we use the report from the -752 case? The schedule we sent Judge Mazzant assumed all 3 cases were consolidated. Will that schedule work?

Don

Donald L. Jackson
Davidson Berquist Jackson & Gowdey, LLP
8300 Greensboro Dr., Suite 500
McLean, Virginia 22102
571.765.7700 general
571.765.7703 direct
571.765.7200 fax

CONFIDENTIALITY NOTICE: This e-mail transmission contains information which may be confidential and/or legally privileged. This information is only intended for the use of individual or entity named above. If you are not the named recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Any unauthorized review, use, disclosure or distribution is prohibited.

From: Ou, Philip <philipou@paulhastings.com>
Sent: Tuesday, April 14, 2020 2:08 PM
To: Don Jackson <djackson@davidsonberquist.com>
Cc: Chaikovsky, Yar R. <yarchaikovsky@paulhastings.com>; Yen, Bruce <bruceyen@paulhastings.com>; gil@gillamsmithlaw.com; Jay Berquist <jberquist@davidsonberquist.com>; Walter D. Davis <wdavis@davidsonberquist.com>
Subject: IS/HTC - 4:20-CV-180-ALM (DJ Action) - Rule 26(f) conference

EXTERNAL EMAIL

Don,

In the DJ action that was transferred to EDTX, the Order Governing Proceedings set a deadline for today for the parties to have a Rule 26(f) conference.

Please let us know what time you are available.

We can use my dial-in:

1-800-308-2601
Pc: 6503201858

Thanks,
Phil

**PAUL
HASTINGS**

Philip Ou | Partner, Litigation Department

Paul Hastings LLP | 1117 S. California Avenue, Palo Alto, CA 94304 | Direct: +1.650.320.
| Main: +1.650.320.1800 | Fax: +1.650.320.1958 | philipou@paulhastings.com |
www.paulhastings.com

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments. If you reply to this message, Paul Hastings may collect personal information including your name, business name and other contact details, and IP address. For more information about Paul Hastings' information collection, privacy and security principles please click [HERE](#). If you have any questions, please contact Privacy@paulhastings.com.



DAVIDSON, BERQUIST, JACKSON & GOWDEY LLP

NOTICE

This message, including any attachments, may contain attorney/client privileged communications and confidential business information and is intended for use only for whom it is addressed. Disclosure, interception, copying, dissemination, or any other use of this message by anyone other than any intended recipient is strictly prohibited. If you receive this message by mistake, please notify the sender or contact Davidson, Berquist, Jackson & Gowdey LLP at 571-765-7700.

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments. If you reply to this message, Paul Hastings may collect personal information including your name, business name and other contact details, and IP address. For more information about Paul Hastings' information collection, privacy and security principles please click [HERE](#). If you have any questions, please contact Privacy@paulhastings.com.

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments. If you reply to this message, Paul Hastings may collect personal information including your name, business name

and other contact details, and IP address. For more information about Paul Hastings' information collection, privacy and security principles please click [HERE](#). If you have any questions, please contact Privacy@paulhastings.com.