

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION

PARKERVISION, INC.,

Plaintiff,

v.

LG ELECTRONICS, INC.,

Defendant.

Civil Action No. 6:21-cv-00520-ADA

**UNOPPOSED MOTION FOR ISSUANCE OF LETTERS ROGATORY**

Pursuant to Federal Rule of Civil Procedure 4(h)(2) and 4(f)(2)(B), Plaintiff ParkerVision, Inc. (“ParkerVision”) respectfully requests that this Court issue Letters Rogatory in the form attached as Exhibit 1 to the Appropriate Judicial Authority of Taiwan, compelling the production of documents and testimony from third party MediaTek Inc. (“MediaTek”). ParkerVision brings this motion in order to obtain relevant evidence not available to it by any other means.

**I. Background.**

To support its infringement claims in this case, ParkerVision had chip-level extractions of the accused chips used in LGE’s accused products such as its smart televisions. The asserted patents in this case are U.S. patent nos. 6,049,706; 6,266,518; 6,580,902; 7,110,444; 7,292,835; 8,588,725; 8,660,513; 9,118,528; 9,246,736 and 9,444,673 (the “Asserted Patents”). The technology described and claimed in the Asserted Patents

relates to, among other things, integrated circuit chips used for wi-fi, Bluetooth and cellular communications. MediaTek is the manufacturer and supplier of the chips that LGE uses in certain of its products, including televisions, and those chips read on the Asserted Patents (“MediaTek Chips”).

On May 26, 2022, ParkerVision served document requests and interrogatories on LGE, including documents and interrogatories relating to the circuit level design, operation and functionality of the MediaTek Chips and other technical details about the MediaTek Chips. Subject to LGE’s various general and specific objections to the document requests, it stated that “to the extent such documents exist, are in the custody and/or control of LGE, and have not already been produced, LGE will produce documents sufficient to show information responsive to [the] Request[s].” In recent subsequent meet-and-confers regarding ParkerVision’s written discovery, however, LGE stated that it is not in possession, custody or control of documents relating to the technical details of the MediaTek Chips and therefore ParkerVision may only obtain that discovery from MediaTek.

Accordingly, ParkerVision has reason to believe that MediaTek is in possession of information that is relevant to ParkerVision’s infringement claims. Specifically, ParkerVision has reason to believe that MediaTek has schematics, chip design documents and other technical documents relating to the operation and functionality of the MediaTek Chips and to the values and specifications of certain components in the MediaTek Chips that provide layer-by-layer chip-level details of the MediaTek Chips at issue in this case.

ParkerVision therefore respectfully requests the Court to issue Letters Rogatory requesting that MediaTek be compelled to produce all documents that are responsive to ParkerVision's requests for production, and a witness to testify on each of the deposition topics, as set forth in Attachments A and B to Exhibit 1 (collectively "ParkerVision's Discovery Requests").

## II. Argument.

"Federal courts may issue letters rogatory to foreign tribunals, agencies, or officers in order to seek 'assistance in the production of evidence located in the foreign country.'" *Blitzsafe Tex. v. Jaguar Land Rover*, No. 2:17-cv-00424-JRG, 2019 U.S. Dist. LEXIS 240026, at \*2 (quoting *United States v. El-Mezain*, 664 F.3d 467, 516-17 (5th Cir. 2011), as revised (Dec. 27, 2011)). Federal courts have "inherent power" to issue letters rogatory. *Nat. Gas Pipeline Co. of Am. v. Energy Gathering, Inc.*, 2 F.3d 1397, 1408 (5th Cir. 1993); accord 28 U.S.C. § 1781. In the Fifth Circuit, "[t]he decision to issue a letter rogatory is . . . entrusted to the sound discretion of the district court . . . ." *El-Mezain*, 664 F.3d at 517. Further, there "must be a 'good reason' to deny a request for letters rogatory, at least when the request is made pursuant to Fed. R. Civ. P. 28(b)." *Triump Aerostructures v. Comau, Inc.*, No. 3:14-cv-2329-L, 2015 U.S. Dist. LEXIS 125347, at \*8 (N.D. Tex. Sep. 18, 2015) (internal citations omitted); see also *id.* at \*9 (stating that letters rogatory or letters of request should be consistent with Rule 26(b)(1)).

ParkerVision's Discovery Requests are within the scope of discovery defined by Rule 26. Specifically, the documents requested in Attachment A seek circuit-level detail of the accused chips used in LGE's accused products, technical information and other

information regarding the MediaTek Chips that MediaTek has sold or otherwise provided to LGE directly or through a third party, the agreements between MediaTek and LGE and other third parties relating to the MediaTek Chips, and information relating to the marketing and sale of MediaTek Chips. The deposition topics recited in Attachment B relate to the documents requested in Attachment A, as described generally above, and the authentication and business-record nature of the requested documents. The requested documents and deposition testimony are therefore important to ParkerVision's ability to demonstrate LGE's infringement of the Asserted Patents and to properly and fully respond to LGE's defenses.

There are no alternative means of obtaining the requested information from LGE as LGE has informed ParkerVision that it is *not* in possession, custody or control of documents relating to the technical details of the MediaTek Chips and directed ParkerVision to obtain that discovery from MediaTek. Further, MediaTek has no known subsidiary or otherwise affiliated entity located in the United States on whom a subpoena could be served. Based on LGE's stated inability to produce any of the documents and deposition testimony sought and no known MediaTek-affiliated company located in the United States, there are no alternative means of obtaining the discovery ParkerVision seeks.

Accordingly, ParkerVision respectfully requests the Court to return: (a) the original copy of the signed and issued Letters Rogatory; and (b) one certified copy, to the undersigned counsel. ParkerVision will then transmit the issued Letters Rogatory to

the United States Department of State to oversee transmission of the Letters Rogatory to Taiwan through diplomatic channels as provided in 28 U.S.C. § 1781(a)(2).

**III. Conclusion.**

For the foregoing reasons, the Court should issue an order issuing Letters Rogatory directed to the Appropriate Judicial Authority of Taiwan. The information sought through this Motion and Letters Rogatory are within the scope of discovery permitted under Rule 26 of the Federal Rules of Civil Procedure and necessary for ParkerVision to prosecute its claims in the above-captioned action.

Dated: July 12, 2022

Respectfully submitted,

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