

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

Advanced Silicon Technologies LLC,

Plaintiff,

v.

NXP Semiconductors N.V.,
NXP B.V., and
NXP USA, Inc.,

Defendants.

Case No. 6:22-cv-00466-ADA-DTG

Jury Trial Demanded

**AST's Unopposed Motion for Issuance of Letter of Request
to Inspect Documents under the Hague Evidence Convention**

Plaintiff Advanced Silicon Technologies LLC moves for issuance of a Letter of Request for International Judicial Assistance under the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters to inspect documents from Allegro DVT, located in France. *See* Ex. A. Defendant NXP USA, Inc. does not oppose this request.

AST's Motion complies with Fed. R. Civ. P. Rule 28(b) and the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, T.I.A.S. No. 7444, 23 U.S.T. 2555, *reproduced in* 28 U.S.C. § 1781, which is in force between the United States and France. Issuance of the Letter of Request under the Hague Convention is a proper method for collecting documents from persons residing abroad. *See* Fed. R. Civ. P. 28(b); *Pain v. United Tech. Corp.*, 637 F.2d 775, 778-90 (D.C. Cir. 1980), *cert. denied*, 454 U.S. 1128 (1991). And the proposed Letter of Request follows the model set forth in the Hague Convention.

STATEMENT OF THE CASE

AST brings this Motion because Allegro DVT and its employees likely possess information relevant to AST's allegations of infringement and that discovery to date suggests cannot be obtained from a party to this litigation. For instance, NXP's motion to transfer venue named Allegro DVT as a designer, developer, and supplier of video processing components incorporated into NXP's accused processors. *See* ECF No. 46 at 2. Allegro DVT uniquely possesses evidence showing the design and functionality of these components that deposition testimony to date suggests cannot be obtained from NXP. NXP does not oppose AST's motion.

PROCEDURE

This Motion includes the following attachments:

- **Exhibit A**: Request for International Judicial Assistance Under Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters;
- **Attachment A to Exhibit A**: Requests for Production of Documents;
- **Attachment B to Exhibit A**: Joint Motion to Enter Agreed Protective Order (ECF No. 43); Text Order Granting Motion for Protective Order entered by Judge Derek T. Gilliland; and
- Proposed Order.

If the Court grants this Motion, AST requests that the Court execute the Letter of Request with the Court's signature and seal in conformity with Article 2 of the Hague Convention and provide an original of the executed Letter of Request to AST's undersigned counsel for forwarding to the appropriate authority in France and execution.

Respectfully submitted,

Dated: March 16, 2023

By: /s/ Patrick A. Fitch

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CERTIFICATE OF CONFERENCE

I hereby certify that on March 15, 2023, counsel for Advanced Silicon Technologies LLC conferred via email with counsel for NXP USA, Inc. regarding the relief requested in this Motion. Counsel for NXP represented that NXP does not oppose the requested relief.

/s/ Patrick A. Fitch

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CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record in the above-referenced matter.

/s/ Thomas J. Armento

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