

June 06, 2023

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY: Suzanne Miles  
DEPUTY

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**

**LETTER OF REQUEST:  
REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE UNDER THE  
HAGUE CONVENTION OF 18 MARCH 1970 ON THE TAKING OF EVIDENCE  
ABROAD IN CIVIL OR COMMERCIAL MATTERS**

By the United States District Court,  
Western District of Texas, Waco Division  
Hon. Alan D Albright

**TO THE APPROPRIATE AUTHORITY IN FRANCE:**

The United States District Court for the Western District of Texas, Waco Division, presents its compliments to the appropriate judicial authority of France and requests international judicial assistance to obtain documentary evidence to be used in a civil proceeding pending before this Court in the above-captioned matter.

This Court requests the assistance described herein under the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, as adopted and implemented in the United States of America at 28 U.S.C. § 1781 and which is in effect in France.

The United States District Court for the Western District of Texas is a competent court of law and

equity which properly has jurisdiction over this proceeding and has the power to compel the production of documents. The documentary evidence is intended for use in the above-captioned civil lawsuit and in the view of this Court will be highly relevant to the patent infringement claims asserted therein. In the proper exercise of its authority, this Court has determined that the documentary evidence cannot be secured except by the intervention of France's judicial authorities.


1.	Sender	U.S. District Judge Alan D Albright United States District Court for the Western District of Texas, Waco Division 800 Franklin Avenue, Room 301 Waco, Texas 76701 United States of America Phone: +1-254-750-1510
2.	Central Authority of the Requested State	Ministère de la Justice Direction des Affaires Civiles et du Sceau Département de l'entraide, du droit international privé et européen (DEDIPE) 13, Place Vendôme 75042 Paris Cedex 01 France Phone: +33 (1) 44 77 61 05 Email: tania.jewczuk@justice.gouv.fr catherine.rumeau@justice.gouv.fr
3.	Person to whom the executed request is to be returned	This Court; representatives of the parties as indicated below; the witnesses from whom evidence is requested as indicated below; and such other person(s) that you deem proper.
4.	Date by which the requesting authority requires receipt of the response to the Letter of Request	As soon as reasonably practicable.
5.	In conformity with Article 3 of the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, Federal Rule of Civil Procedure 28(b), and 28 U.S.C.A. § 1781(b), the undersigned authority respectfully has the honor to submit the following request:	

	a. Requesting judicial authority (Article 3(a))	U.S. District Judge Alan D. Albright United States District Court for the Western District of Texas, Waco Division 800 Franklin Avenue, Room 301 Waco, Texas 76701 United States of America Phone: +1-254-750-1510
	b. To the competent authority of (Article 3(a))	France  Ministère de la Justice Direction des Affaires Civiles et du Sceau Département de l'entraide, du droit international privé et européen (DEDIPE) 13, Place Vendôme 75042 Paris Cedex 01 France Phone: +33 (1) 44 77 61 05 Email: <a href="mailto:tania.jewczuk@justice.gouv.fr">tania.jewczuk@justice.gouv.fr</a> <a href="mailto:catherine.rumeau@justice.gouv.fr">catherine.rumeau@justice.gouv.fr</a>
	c. Name of the case and any identifying number	<i>Advanced Silicon Technologies LLC v. NXP Semiconductors N.V., NXP B.V., and NXP USA, Inc.</i> , Case No. 6:22-cv-00466-ADA-DTG, United States District Court for the Western District of Texas
6. Name and addresses of the parties and their representatives (including representatives in the requested state (Article 3(b)):		
	a. Plaintiff and Plaintiff's Representatives	Advanced Silicon Technologies LLC ("AST") 533 Congress Street Portland, Maine 04101  AST is represented by:  Brian A. Carpenter <a href="mailto:carpenter@caglaw.com">carpenter@caglaw.com</a> <b>Carstens, Allen &amp; Gourley, LLP</b> 1105 Wooded Acres, Suite 415 Waco, Texas 76701 Telephone: (254) 294-1854  Robert R. Brunelli <a href="mailto:rbrunelli@sheridanross.com">rbrunelli@sheridanross.com</a> Patrick A. Fitch <a href="mailto:pfitch@sheridanross.com">pfitch@sheridanross.com</a> Alex W. Ruge

12.	Any requirement that the evidence be given on oath or affirmation and any special form to be used (Article 3(h))	N/A
13.	Special methods or procedure to be followed (Articles 3, i, and 9)	<p>This Court respectfully requests the following:</p> <ul style="list-style-type: none"> <li>• That Allegro DVT be directed to produce the documents identified in Attachment A;</li> <li>• In the event the evidence cannot be taken in the manner requested, it is to be taken in such a manner as provided by local law; and</li> <li>• To the extent any request in this section is deemed incompatible with French principles of procedural law, it is to be disregarded.</li> </ul>
14.	Request for notification of the time and place for the execution of the Request and identity and address of any person to be notified (Article 7)	This Court respectfully requests that you notify this Court; the representatives of the parties as indicated above; the witness from whom evidence is requested as indicated above; and such other person(s) that you deem proper.
15.	Request for attendance or participation of judicial personnel of the requesting authority at the execution of the Letter of Request (Article 8)	No attendance of judicial personnel is requested.
16.	Specification of privilege or duty to refuse to give evidence under the law of the State of Origin (Article 11(b))	The privilege or duty of the witness(es) to refuse to give evidence shall be the same as if they were testifying under the applicable provisions of the Federal Rules of Civil Procedure, including if giving such evidence would (1) subject them to a real and appreciable danger of criminal liability in the United States, or (2) disclose a confidential and privileged communication between them and their respective attorneys.
17.	Fees and costs (Articles 14 and 26)	Plaintiff will bear the reimbursable costs associated with this Request in accordance with the provisions of the Hague Convention.

DATE OF REQUEST:

June 4, 2023, 2023

  
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Honorable Alan D Albright  
United States District Judge  
800 Franklin Avenue, Room 301  
Waco, Texas 76701  
United States of America

[seal of the court]

A true copy of the original, I certify.  
Clerk, U. S. District Court

By

S. Miles

Deputy