

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CYWEE GROUP LTD.,

Plaintiffs,

v.

HTC CORPORATION, and HTC AMERICA,
INC.,

Defendants.

CASE NO.: 2:17-cv-00932-JLR

JURY TRIAL DEMANDED

**DECLARATION OF JAMES C. YOON
IN SUPPORT OF DEFENDANTS'
MOTION TO AMEND SCHEDULING
ORDER**

HTC CORPORATION, and HTC AMERICA,
INC.,

Third-Party Plaintiffs,

v.

STMICROELECTRONICS N.V.,
STMICROELECTRONICS, INC., and CYWEE
MOTION GROUP LTD.,

Third-Party Defendants.

1 I, James C. Yoon, declare as follows:

2 1. I am an attorney at Wilson Sonsini Goodrich & Rosati P.C., counsel of record for
3 Defendants HTC Corporation (“HTC Corp.”) and HTC America, Inc. (“HTC America”)
4 (collectively, “HTC”) in the above-referenced matter.

5 2. I submit this declaration in support of HTC’s Motion to Amend Scheduling
6 Order. The matters set forth herein are based upon my personal knowledge, and if called as a
7 witness, I could and would competently testify thereto.

8 3. On January 11, 2018, HTC filed its Third-Party Complaint for (1) Indemnity,
9 (2) Breach of Warranty, (3) Contribution, and (4) Violation of Unfair Business Practices-
10 Consumer Protection Act (“Third-Party Complaint”) against Third-Party Defendants
11 STMicroelectronics N.V. (“STM N.V.”), STMicroelectronics, Inc. (“STM, Inc.”), and CyWee
12 Motion Group Ltd.

13 4. Starting on January 12, 2018, I, on behalf of HTC, met and conferred several
14 times telephonically and by email communications with Michael Shore of Shore Chan Depumpo
15 LLP, counsel for Plaintiff CyWee Group Ltd. Counsel for CyWee Group Ltd. has informed me
16 that CyWee Group Ltd. and CyWee Motion Group Ltd. are affiliated and share a major common
17 investor. We discussed whether he would accept service on behalf Third-Party Defendant
18 CyWee Motion Group Ltd. Mr. Shore confirmed that he is unable to accept service on behalf of
19 CyWee Motion Group Ltd.

20 5. On February 14, 2018, I, on behalf of HTC, met and conferred in person with
21 Matt Berkowitz of Shearman & Sterling LLP, counsel for STM, Inc. The parties discussed
22 whether STM, Inc. would accept service on behalf its wholly owning parent company, STM
23 N.V. Mr. Berkowitz confirmed that he would not be able to accept service on behalf of STM
24 N.V.

25 6. After it became apparent that the parties would not be able to informally negotiate
26 an agreement regarding service and service would not be waived, my firm retained the services
27 of a company that specializes in translation and foreign service of process. Specifically, on
28

1 March 7, 2018, we retained the services of TransPerfect Legal Solutions (“TransPerfect”) for
2 translation and foreign service of the Third-Party Complaint and Summons upon CyWee Motion
3 Group Ltd. and STM N.V.

4 7. On March 29, 2018, my firm, on behalf of HTC, filed a Motion for Issuance of
5 Request for International Judicial Assistance (Letter Rogatory) (Dkt. # 67), in order to effect
6 service of process upon CyWee Motion Group Ltd.

7 8. As of this writing, the service process with respect to both CyWee Motion Group
8 Ltd. and STM N.V. is still ongoing.

9 9. On March 16, 2018, to supplement TransPerfect’s ongoing service efforts, I wrote
10 a letter to CyWee Motion Group Ltd. identifying CyWee Motion Group Ltd. as a third-party
11 defendant in the above-referenced matter and requesting that CyWee Motion Group Ltd. wave
12 service of summons in accordance with Rule 4(d) of the Federal Rules of Civil Procedure. My
13 firm mailed by Federal Express a package containing my letter and copies of the Third-Party
14 Complaint, Summons, and Request for Waiver of Summons, along with certified translations of
15 the Third-Party Complaint and Summons, to CyWee Motion Group Ltd. On March 19, 2018,
16 my firm received confirmation that the package containing copies of Third-Party Complaint,
17 Summons, and Request for Waiver of Summons, along with certified translations of the Third-
18 Party Complaint and Summons, was delivered by Federal Express to CyWee Motion Group Ltd.
19 To date, CyWee Motion Group Ltd. has not responded to my letter.

20 10. On March 16, 2018, to supplement TransPerfect’s ongoing service efforts, I also
21 wrote a letter to STM N.V. identifying STM N.V. as a third-party defendant in the above-
22 referenced matter and requesting that STM N.V. wave service of summons in accordance with
23 Rule 4(d) of the Federal Rules of Civil Procedure. My firm mailed by Federal Express a package
24 containing my letter and copies of the Third-Party Complaint, Summons, and Request for
25 Waiver of Summons, along with certified translations of the Third-Party Complaint and
26 Summons, to STM N.V. On March 20, 2018, my firm received confirmation that the package
27 containing copies of Third-Party Complaint, Summons, and Request for Waiver of Summons,
28

1 along with certified translations of the Third-Party Complaint and Summons, was delivered by
2 Federal Express to STM N.V. To date, STM N.V. has not responded to my letter.

3 11. Attached hereto as Exhibit A is a true and correct copy of the slip opinion with
4 following case caption: *Microsoft Corp. v. Motorola, Inc.*, No. 2:10-cv-00230-JLR, slip op.
5 (W.D. Wash. Sept. 29, 2011).

6 12. Attached hereto as Exhibit B is a true and correct copy of the slip opinion with
7 following case caption: *Pac. Bioscience Labs., Inc. v. Nutra Luxe MD, LLC*, No. 2:10-cv-01823-
8 JLR, slip op. (W.D. Wash. Apr. 2, 2012).

9
10 I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true
11 and correct. Executed March 30, 2018, in Palo Alto, California.

12
13 s/James C. Yoon

14 James C. Yoon

EXHIBIT A

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.