1 THE HONORABLE JAMES L. ROBART 2 3 4 5 6 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 7 AT SEATTLE 8 9 CYWEE GROUP LTD., CASE NO.: 2:17-cv-00932-JLR 10 Plaintiffs, V. 11 **DECLARATION OF JAMES C. YOON** 12 HTC CORPORATION, and HTC AMERICA, IN SUPPORT OF DEFENDANTS' INC., MOTION FOR LEAVE TO FILE FIRST 13 AMENDED THIRD-PARTY Defendants. **COMPLAINT** 14 NOTE ON MOTION CALENDAR: 15 **JUNE 1, 2018** 16 17 JURY TRIAL DEMANDED HTC CORPORATION, and HTC AMERICA, 18 INC., 19 Third-Party Plaintiffs, V. 20 21 STMICROELECTRONICS N.V., STMICROELECTRONICS, INC., and CYWEE 22 MOTION GROUP LTD., 23 Third-Party Defendants. 24 25 26 27 28



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I, James C. Yoon, declare as follows:

- 1. I am an attorney at Wilson Sonsini Goodrich & Rosati P.C., counsel of record for Defendants HTC Corporation ("HTC Corp.") and HTC America, Inc. ("HTC America") (collectively, "HTC") in the above-referenced matter.
- I submit this declaration in support of HTC's Motion for Leave to File First Amended Third-Party Complaint. The matters set forth herein are based upon my personal knowledge, and if called as a witness, I could and would competently testify thereto.
- 3. CyWee's Infringement Contentions were served on December 29, 2017, and focused primarily on generic motion sensor hardware components and Android source code and functionalities.
- To respond to CyWee's infringement contentions, HTC performed an initial investigation with the assistance of Dr. Benjamin Goldberg, who concluded that the portions of source code functions cited for every asserted independent claim are inoperable on the Accused Products.
- 5. On January 29, 2018, HTC served its Preliminary Non-Infringement Contentions denying allegations of use of the accused Android code.
- HTC has repeatedly informed CyWee that the Accused Products incorporate licensed hardware and software provided by CyWee's licensees, thus triggering HTC's license and patent exhaustion defenses against CyWee's patent infringement claims.
- 7. HTC did not have access to all the applicable agreements between CyWee, CyWee Motion, and the STMicroelectronics entities until after it filed its Third-Party Complaint on January 11, 2018 (Dkt. #43).
- 8. Based on HTC's internal investigations, the business and licensing arrangement between ST, CyWee, and HTC were negotiated and supported by STMicroelectronics employees based in a Taiwan office that did not appear to be affiliated with STM Asia.



- 9. I have been informed by in-house counsel for HTC that when HTC reached out to STM Asia regarding the current litigation and indemnification for the Accused Products, STM Asia referred HTC to STM Inc.
 - 10. HTC has not previously amended its Third-Party Complaint.
- 11. Attached hereto as <u>Exhibit A</u> is a true and correct copy of HTC's proposed First Amended Complaint.
- 12. Attached hereto as <u>Exhibit B</u> is a true and correct copy of HTC's proposed First Amended Complaint with proposed changes shown in redline.
- 13. Attached hereto as <u>Exhibit C</u> is a true and correct copy of an email chain between HTC and STM Asia regarding CyWee and its allegations of patent infringement against HTC.
- 14. Attached hereto as <u>Exhibit D</u> is a true and correct copy of HTC's October 2, 2017 letter to STM Asia regarding indemnification for the Accused Products.
- 15. Attached hereto as <u>Exhibit E</u> is a true and correct copy of STM Inc.'s October 6, 2017 letter responding to HTC regarding indemnification for the Accused Products.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed May 15, 2018, in Palo Alto, California.

s/James C. Yoon	
James C. Yoon	

