

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

**DECLARATION OF JAMES C. YOON
IN SUPPORT OF DEFENDANTS'
MOTION FOR LEAVE TO FILE FIRST
AMENDED THIRD-PARTY
COMPLAINT**

**NOTE ON MOTION CALENDAR:
JUNE 1, 2018**

HTC CORPORATION, and HTC AMERICA,
INC.,

Third-Party Plaintiffs,

v.

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

Third-Party Defendants.

JURY TRIAL DEMANDED

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 for Leave to File First
6 Amended Third-Party Complaint. The matters set forth herein are based upon my personal
7 knowledge, and if called as a witness, I could and would competently testify thereto.

8 3. CyWee’s Infringement Contentions were served on December 29, 2017, and
9 focused primarily on generic motion sensor hardware components and Android source code and
10 functionalities.

11 4. To respond to CyWee’s infringement contentions, HTC performed an initial
12 investigation with the assistance of Dr. Benjamin Goldberg, who concluded that the portions of
13 source code functions cited for every asserted independent claim are inoperable on the Accused
14 Products.

15 5. On January 29, 2018, HTC served its Preliminary Non-Infringement Contentions
16 denying allegations of use of the accused Android code.

17 6. HTC has repeatedly informed CyWee that the Accused Products incorporate
18 licensed hardware and software provided by CyWee’s licensees, thus triggering HTC’s license
19 and patent exhaustion defenses against CyWee’s patent infringement claims.

20 7. HTC did not have access to all the applicable agreements between CyWee,
21 CyWee Motion, and the STMicroelectronics entities until after it filed its Third-Party Complaint
22 on January 11, 2018 (Dkt. # 43).

23 8. Based on HTC’s internal investigations, the business and licensing arrangement
24 between ST, CyWee, and HTC were negotiated and supported by STMicroelectronics employees
25 based in a Taiwan office that did not appear to be affiliated with STM Asia.

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