

THE HONORABLE JAMES L. ROBERT

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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 MATT BERKOWITZ  
IN SUPPORT OF  
STMICROELECTRONICS, INC.'S  
MOTION FOR SANCTIONS**

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, Matt Berkowitz, declare as follows,

2 1. I am a partner at the law firm of Shearman & Sterling LLP (“Shearman”), counsel  
3 for third party defendant STMicroelectronics, Inc. (“ST Inc.”). I am a member in good standing of  
4 the Bar of the State of New York and the Bar of the State of California and have been admitted  
5 *pro hac vice* in this above-referenced action. I make this declaration based on personal knowledge  
6 and, if called as a witness, I could and would testify competently to the matters set forth herein. I  
7 make this declaration in support of ST Inc.’s Motion for Sanctions in connection with the above-  
8 captioned matter.

9 2. I am the partner at Shearman responsible for reviewing and approving all bills to  
10 ST Inc. in connection with this matter. Thus far, my firm has billed ST Inc. \$56,868.00 in fees,  
11 and \$483.06 in costs relating to Westlaw transactions, for a total of \$57,351.06, in connection with  
12 ST Inc.’s defense. The fees incurred cover time spent through the date of the Court’s Order, Dkt.  
13 # 79, (i) analyzing the litigation and HTC’s third-party complaint; (ii) attempting to resolve the  
14 matter without the need for motion practice (including a face-to-face meeting with HTC’s  
15 counsel); (iii) drafting the motion to dismiss; and (iv) attending to miscellaneous case matters,  
16 including general docket monitoring and analysis of the parties’ filings and contentions.

17 3. The fees incurred break down as follows:

19 Individual (Title)	Hourly Rate	Hours	Total
20 Matt Berkowitz (Partner)	\$820	48.9	\$40,098.00
21 Joseph Purcell (Sr. Associate)	\$600	21.2	\$12,720.00
22 Shiina Akasaka (Sr. Paralegal)	\$285	11.6	\$3,306.00
23 Joel Dizon (E-Discovery Coordinator)	\$240	3.1	\$744.00

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25 4. The above-referenced totals do not include fees and costs associated with time  
26 spent in connection with ST Inc.’s motion for sanctions, which is ongoing, but which exceeds  
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1 \$7,500 as of the date of this filing. That amount includes more than 7 hours of time that I have  
2 spent at the above hourly rate and more than 4 hours spent by mid-level associate, Sonal Patel, at  
3 \$495/hr.

4 5. The above-referenced totals also do not include fees incurred by the law firm of  
5 Lane Powell PC, which is also representing ST Inc. in this matter.

6 I declare under penalty of perjury under the laws of the United States that the foregoing is  
7 true and correct.

8 Executed this 23 day of May, 2018, in Menlo Park, CA.

9 s/ Matt Berkowitz

10 Matt Berkowitz  
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