

EXHIBIT 5

April 28, 2023

VIA EMAIL

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Re: *SSC v. Feit Electric (2:22-cv-05097-AB-SH)* – Infringement Contentions and Document Production Deficiencies

Dear Etai:

I write regarding SSC's April 20, 2023, Infringement Contentions ("Infringement Contentions"), which are deficient, and SSC's delay in producing documents responsive to Feit Electric's First Set of Requests for Production of Documents ("RFPs").

Deficient Infringement Contentions:

Lack of Citations in Infringement Contentions. SSC's Infringement Contentions are wholly deficient, contrary to law, because they do not include information sufficient to evaluate the proofs relied upon in the contentions. Infringement contentions must be specific enough to provide reasonable notice of infringement theories. *Shared Memory Graphics LLC v. Apple, Inc.*, 812 F.Supp.2d 1022, 1025 (N.D. Cal. 2010) (citation omitted) (quoting *View Eng'g, Inc. v. Robotic Vision Sys., Inc.*, 208 F.3d 981, 986 (Fed. Cir. 2000)) ("[A]ll courts agree that the degree of specificity under Local Rule 3-1 must be sufficient to provide reasonable notice to the defendant [as to] why the plaintiff believes it has a 'reasonable chance of proving infringement.'"). SSC's contentions fail to meet this standard. SSC's contentions inexplicably fail to include any identifying or source information regarding the products allegedly analyzed. Indeed, the contentions are devoid of any identification of the images or underlying documents referenced.

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the underlying images, source information, and citations to the source documents with identification of what component is analyzed, Feit Electric cannot be placed on notice as required by law. SSC failure is particularly untenable as this information including the native versions of these images should have been produced in response to Feit Electric's RFP Nos. 12 and 13.

Uncharted Accused Products. The Infringement Contentions allege that the 214 claim charts include only "representative" accused products and additionally lists hundreds of uncharted products that SSC calls "Additional Accused Instrumentalities." SSC has made no effort, however, to demonstrate that the charted products are representative of the uncharted products, which is required by law. *Cap Co. v. McAfee, Inc.*, No. 14-CV-05068-JD, 2015 WL 4734951, at *2 (N.D. Cal. Aug. 10, 2015) ("representative products may only be charted when supported by adequate analysis showing that the accused products share the same critical characteristics"). Indeed, the Infringement Contentions do not attempt to explain which charted products are representative of which uncharted products, much less provide any analysis of representativeness outside of generic statements that the uncharted products have "the same or substantially similar components and/or structures" as the charted products. Instead, SSC appears to be accusing of infringement every LED product on the market, despite telling the court otherwise. *See* February 14, 2023 Hearing Tr. at 24:10-13 (Court: "Mr. Lahav. You're not accused every LD bulb out there that's on the market of infringing your patents, right?" Mr. Lahav: "No, we're not."). Moreover, by failing to provide any identifying information or image source or analysis, this conclusory assertion is without merit. Accordingly, SSC is on notice that Feit Electric does not consider these products to be accused.

Please be prepared to discuss Feit Electric's anticipated motion to strike the uncharted products during the parties' scheduled May 3, 2023 meet and confer.

Document Production Deficiencies:

SSC has only made a single production to date, on March 27, 2023, consisting of 36 documents. SSC clearly is not proceeding in discovery in good faith. Feit Electric RFP No. 12 seeks "[n]ative versions of all images taken, used or provided in conjunction with Plaintiffs' infringement allegations and analyses, including but not limited to native versions of the images used in Plaintiffs' complaint and infringement contentions." SSC purports to use such images in its contentions, yet has not produced a single such image to date. Similarly, RFP No. 13 seeks "[a]ll Documents relating to any analysis You have performed or caused to be performed on the Accused Products, including but not limited to Documents containing tear-downs, reverse engineering, images, Transmission Electron Microscope ("TEM") images, and Scanning Electron Microscope ("SEM") images." SSC again claims to have undertaken such analysis but has provided no documents despite having a clear obligation to do so.

Semiconductor Co., Ltd. et al v. Bed Bath and Beyond, Inc., Seoul Semiconductor Co., Ltd. et al v. Satco Products, Inc., and Seoul Semiconductor, Co., Ltd. et al v. Service Lighting and Electrical Supplies, Inc. d/b/a 1000bulbs.com.

Please be prepared to discuss these document production deficiencies during the parties' scheduled May 3, 2023 meet and confer.

Sincerely,

BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP



Greg Proctor

GP: