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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

HUAWEI TECHNOLOGIES CO., LTD.,  
HUAWEI DEVICE USA, INC., and  
HUAWEI TECHNOLOGIES USA, INC.,

Plaintiff(s)/Counterclaim  
Defendants,

vs.

SAMSUNG ELECTRONICS CO., LTD,  
SAMSUNG ELECTRONICS AMERICA,  
INC.,

Defendants / Counterclaim-  
Plaintiffs,

and

SAMSUNG RESEARCH AMERICA, INC.,

Defendant,

v.

HISILICON TECHNOLOGIES CO., LTD.,

Counterclaim-Defendant.

Case Number: 3:16-cv-2787-WHO

REQUEST TO THE CENTRAL  
AUTHORITY IN FINLAND FOR  
INTERNATIONAL JUDICIAL  
ASSISTANCE PURSUANT TO THE  
HAGUE CONVENTION OF 18 MARCH  
1970 ON THE TAKING OF EVIDENCE  
ABROAD IN CIVIL OR COMMERCIAL  
MATTERS

I hereby certify that the annexed  
instrument is a true and correct copy  
of the original on file in my office  
ATTEST:  
SUSAN Y. SOONG  
Clerk, U.S. District Court  
Northern District of California  
By Jean Davis  
Deputy Clerk  
Date 10-3-2017

1 THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
2 CALIFORNIA requests international assistance to compel Nokia Corporation and Nokia  
3 Technologies OY (collectively, "Nokia") to give evidence to be used in a civil proceeding before  
4 this Court in the above-captioned matter.

5 **I. APPLICANT – REQUESTING JUDICIAL AUTHORITY**

6 The Honorable William H. Orrick  
7 United States District Judge  
8 United States District Court for the Northern District of California  
9 450 Golden Gate Avenue  
10 San Francisco, CA 94102

11 **II. CENTRAL AUTHORITY OF THE REQUESTED STATE**

12 Street Address:  
13 Ministry of Justice  
14 Eteläesplanadi  
15 10 FIN-00130  
16 Helsinki FINLAND

17 Postal Address:  
18 PL 25  
19 00023 VALTIONEUVOSTO  
20 FINLAND

21 **III. PERSON TO WHOM THE EXECUTED REQUEST IS TO BE RETURNED**

22 Nathan A. Greenblatt, Esquire  
23 Sidley Austin LLP  
24 1001 Page Mill Road, Bldg. 1  
25 Palo Alto, CA 94304

26 **IV. SPECIFICATION OF THE DATE BY WHICH THE REQUESTING  
27 AUTHORITY REQUIRES RECEIPT OF THE RESPONSE TO THE LETTER OF  
28 REQUEST**

As soon as practicable.

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**V. NAMES AND ADDRESSES OF THE PARTIES AND THEIR REPRESENTATIVES**

**A. Plaintiffs and Representatives:**

Plaintiffs:

Huawei Technologies Co., Ltd.  
Huawei Device USA, Inc.  
Huawei Technologies USA, Inc.  
HiSilicon Technologies Co., Ltd. (counterclaim-defendant)

Represented by:

David T. Pritikin, Esquire  
David C. Giardina, Esquire  
Douglas I. Lewis, Esquire  
John W. McBride Esquire  
Sidley Austin LLP  
One South Dearborn  
Chicago, Illinois 60603

Michael J. Bettinger, Esquire  
Irene Yang, Esquire  
Sidley Austin LLP  
555 California Street, Suite 2000  
San Francisco, California 94104

Nathan A. Greenblatt, Esquire  
Sidley Austin LLP  
1001 Page Mill Road, Bldg. 1  
Palo Alto, CA 94304

**B. Defendants and Representatives:**

Defendants:

Samsung Electronics Co., Ltd.  
Samsung Electronics America, Inc.  
Samsung Research America, Inc.

Represented by:

Charles K. Verhoeven, Esquire  
David A. Perlson, Esquire  
Quinn Emanuel Urquhart & Sullivan, LLP  
50 California Street, 22nd Floor  
San Francisco, CA 94111

1 Kevin P.B. Johnson, Esquire  
2 Victoria F. Maroulis, Esquire  
3 Quinn Emanuel Urquhart & Sullivan, LLP  
4 555 Twin Dolphin Drive, 5th Floor  
5 Redwood Shores, CA 94065

6 **VI. NATURE AND SUMMARY OF THE PROCEEDINGS**

7 The pending action *Huawei Technologies Co., Ltd. et al v. Samsung Electronics Co., Ltd. et*  
8 *al* (Case No. 3:16-cv-02787-WHO) is a civil lawsuit between Plaintiffs and Counterclaim-  
9 Defendants Huawei Technologies Co., Ltd., Huawei Device USA, Inc., Huawei Technologies USA,  
10 Inc., and HiSilicon Technologies Co., Ltd. (collectively, “Huawei”) and Defendants and  
11 Counterclaim-Plaintiffs Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and  
12 Samsung Research America, Inc. (collectively, “Samsung”) in the United States District Court for  
13 the Northern District of California. This action began on May 24, 2016 and was assigned to The  
14 Honorable William H. Orrick. Huawei and Samsung both allege patent infringement and the breach  
15 of a contractual obligation to grant licenses to their patent portfolios.

16 In its complaint, Huawei alleged that Samsung breached its obligations to grant Huawei a  
17 license on fair, reasonable, and non-discriminatory (“FRAND”) terms and conditions. Huawei also  
18 sought a declaratory judgment setting the respective FRAND terms and conditions for both  
19 companies’ standard-essential patents (“SEPs”). In addition, Huawei alleged that Samsung infringes  
20 eleven of its patents: U.S. Patent Nos. 8,369,278; 8,416,892; 8,483,166; 8,812,848; 8,644,239;  
21 8,885,587; 8,885,583; 8,639,246; 8,412,197; 8,996,003; and 8,724,613. The Samsung products that  
22 Huawei accuses of infringement are mobile phones that are compliant with the Long-Term  
23 Evolution (“LTE”) standard.

24 In Samsung’s answer and counterclaims to Huawei’s complaint, Samsung alleged that  
25 Huawei breached its FRAND obligations to grant Samsung a license on FRAND terms and  
26 conditions. Samsung further alleged that Huawei violated United States antitrust laws by breaching  
27 its FRAND obligations and by improperly pressuring Samsung to take a license. In addition,  
28 Samsung alleged that Huawei infringes nine of its patents: U.S. Patent Nos. 8,228,827; 8,315,195;  
RE44,105; 8,457,588; 8,509,350; 9,113,419; 8,619,726; 8,761,130; and 9,288,825. The Huawei

1 products that Samsung accuses of infringement are mobile phones that allegedly are compliant with  
2 the LTE standard.

3 Both Huawei and Samsung deny that they have breached their obligations to grant a license  
4 on FRAND terms and conditions. Huawei denies that it has violated United States antitrust laws.  
5 Both Huawei and Samsung deny that they infringe the patents asserted against them and contend that  
6 the patents asserted against them are invalid. Under United States law, a patent can be proved  
7 invalid in a civil lawsuit if prior art exists that anticipates the patented claims or renders the patented  
8 claims obvious. Huawei has alleged that certain asserted Samsung patents are invalid due to prior  
9 art originally assigned to, and still owned by, Nokia. The named inventors on the prior art were  
10 employees of Nokia at the time of the invention, and still remain employees of Nokia today.

11 In the pending action, a claim construction hearing was held on August 18, 2017. Fact  
12 discovery is expected to close in December 2017. Trial is currently scheduled to begin on  
13 September 17, 2018.

#### 14 **VII. EVIDENCE TO BE OBTAINED**

15 Huawei seeks to obtain documents from Nokia. It is also respectfully requested that the  
16 attorneys for Huawei be permitted to question the witnesses listed in Part XI below regarding the  
17 subject matter described in Part XII, and that answers to those questions be recorded by a court  
18 reporter. The purpose of preparing deposition transcripts of the witnesses listed in Part XI is to  
19 enable use of the deposition testimony of the witnesses at trial in the pending action, if the witness is  
20 unavailable to attend trial and if the other requirements of U.S. Federal Rule of Civil Procedure 32  
21 are met. To ease the burden on witnesses, it is respectfully requested that Nokia and/or the  
22 individuals listed in Part XI assist in selecting the two most knowledgeable witnesses for initial  
23 examination, and that further examinations be scheduled thereafter, if necessary, as requested by  
24 representatives for the parties.

25 It is additionally requested that the Competent Authority of Finland compel Nokia  
26 Corporation and Nokia Technologies OY to make available at least one of the individuals listed in  
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