



O'KELLY & ERNST, LLC

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VIA CM/ECF
AND HAND DELIVERY

August 17, 2017

The Honorable Christopher J. Burke
Magistrate Judge
United States District Court
J. Caleb Boggs Federal Building
844 N. King Street
Unit 28, Room 2325
Wilmington, DE 19801

*Re: Techno View IP, Inc. v. Oculus VR, LLC and Facebook, Inc.,
C.A. No. 17-386-VAC-CJB-*

Dear Judge Burke:

Pursuant to the Court's Order of July 17, 2017, the parties jointly submit the following letter in response to the requested information:

a) A description of what this case is about:

This case alleges patent infringement. More specifically, infringement of U.S. Patent 7,666,096, claims 16-19 and U.S. Patent 8,206,218, claims 16-19. The infringement alleged against Defendants is based on the accused device, Oculus Rift. Defendants have pled defenses, including non-infringement and invalidity of the patents-in-suit.

b) The parties' positions regarding any disputes in the proposed Scheduling Order:

Plaintiff: **Reply Expert Reports:**

Plaintiff respectfully argues that reply expert reports would only be used if necessary, and notes that if a reply report does contain new information, the opposing part has obvious options to object, move to strike, or request a sur-reply on the new information. Further, Plaintiff has not intention of not being forthright in its opening reports.

Defendants: **Reply Expert Reports:**

Defendants do not believe reply expert reports should be permitted as a matter of course, as this often serves to encourage parties not to be entirely forthright in their opening reports. To the extent they are permitted by the Court, Defendants request they explicitly be defined as

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limited to responding to affirmative opinions raised for the first time in a rebuttal report (e.g., secondary considerations of non-obviousness raised in Plaintiff's rebuttal invalidity report).

c) A list of the three most significant topics (other than Scheduling Order disputes) discussed during the parties' review of the checklist items, along with a brief description as to what was discussed as to those points:

1) Adoption of an ESI Order – the parties discussed the Court's Default Standard for Discovery, Including Discovery of Electronically Stored Information, and agreed to have discussions with a goal of entering an order using the Default Standard as a starting point. The parties respectfully reserve the right to seek Court intervention if they are unable to agree on such an order.

2) The parties discussed whether Plaintiff plans on filing any additional cases involving these patents in Delaware in the near future. Plaintiff does not currently have a plan to do so, and Defendants reserve the right to request consolidation as appropriate should that change.

3) The parties discussed the location of source code review (Palo Alto or an office closer to Delaware, Plaintiff, or Plaintiffs' counsel or expert), and will further address this issue during their Protective Order negotiations.

Plaintiff respectfully submits this letter on behalf of Defendants.

Respectfully,

/s/ Sean T. O'Kelly

Sean T. O'Kelly (No. 4349)

Cc: All counsel of record (*via* CM/ECF only)