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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

FACET TECHNOLOGIES, LLC,
Plaintiff,
v.
LIFESCAN, INC.,
Defendant.

Case No. 2:22-cv-01717-MCS-MARx
**DECLARATION OF JEFF HOMRIG
IN SUPPORT OF FACET
TECHNOLOGIES, LLC'S
PROPOSED TRIAL SCHEDULE
AND SUPPORTING
MEMORANDUM**

1 [Additional counsel information for Plaintiff FACET TECHNOLOGIES, LLC]

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1 I, Jeff Homrig, the undersigned, declare as follows:

2 1. I am a partner at Latham & Watkins LLP.

3 2. I have personal knowledge of the matters stated in this declaration, and
4 if called as a witness, I could and would competently testify to them.

5 3. I submit this declaration in support of Facet's Opposition to LifeScan,
6 Inc.'s Motion for Summary Judgment of Invalidity.

7 4. On August 23-24, LifeScan examined the storage closet at Facet. Prior
8 to LifeScan's inspection, counsel for Facet labelled boxes that potentially contained
9 lancets with inspection numbers 1 to 130. During LifeScan's inspection, LifeScan
10 inspected and numbered lancets with inspection number 200 to 278, several of which
11 had previously been labelled by counsel for Facet. Attached as **Exhibit 1** is a true
12 and accurate spreadsheet of each numbered lancet (excluding duplicates and boxes,
13 such as meters, that did not contain lancets) with a picture and description of each.

14 5. Attached as **Exhibit 2** is a true and accurate copy of excerpts of
15 LifeScan, Inc.'s Supplemental Invalidity Contentions dated April 1, 2023.

16 6. Attached as **Exhibit 3** is a true and accurate copy of excerpts of the
17 Corrected Expert Report of Sam Rosenfarb dated June 20, 2023.

18 7. Attached as **Exhibit 4** is a true and accurate copy of the Facet
19 spreadsheet produced as FACET_567317.

20 8. Attached as **Exhibit 5** is a true and accurate copy of the Cilag's 2008
21 agreement produced as FACET_1052688.

22 9. Attached as **Exhibit 6** is a true and accurate copy of a Gemco Medical
23 Product Catalog from 2013, produced as FACET_1061370.

24 10. Attached as **Exhibit 7** is a true and accurate copy of a 2009 study
25 entitled "Comparison of Lancing Devices for Self-Monitoring of Blood Glucose
26 Regarding Lancing Pain," produced as LSI0000223085.

1 11. Attached as **Exhibit 8** is a true and accurate copy of a September 11,
2 2017 email from Yasuhiko Matsuda to Mark Dolan, produced as LSI0000079425.
3 Attached to that email is an August 23, 2017 letter to Mr. Matsuda, produced as
4 LSI0000079467, attached hereto as **Exhibit 9**.

5 12. Attached as **Exhibit 10** is a true and accurate copy of a lancet
6 spreadsheet produced as FACET_545842.

7 13. Attached as **Exhibit 11** is a true and accurate copy of a Facet document
8 entitled "Texas Freestyle 28G Lancet: Effects of Needle Length Tolerance Change
9 on Lancet Performance," produced as FACET_1072662.

10 14. Attached as **Exhibit 12** is a true and accurate copy of LifeScan's
11 Second Set of Requests for Admission, dated September 7, 2023.

12 15. Attached as **Exhibit 13** is a true and accurate copy of LifeScan's Third
13 Set of Interrogatories, dated September 7, 2023.

14 16. Attached as **Exhibit 14** is a true and accurate copy of LifeScan's
15 Seventh Set of Requests for Production, dated September 7, 2023.

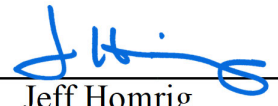
16 17. After the inspection, the parties met and conferred on a trial schedule,
17 wherein LifeScan requested an extended fact discovery period through the end of
18 2023 to serve new discovery requests and retake depositions, an extended period to
19 redo expert reports and file summary judgment motions, and trial in Spring 2024.

20 18. Attached as **Exhibit 15** is a true and accurate copy of Ryan Banks'
21 August 29, 2023 email to counsel for LifeScan.

22 I declare under penalty of perjury under the laws of the United States of
23 America that the foregoing is true and correct.

1 Executed on September 13, 2023 in Austin, Texas.

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3 Respectfully submitted,

4
5 By: 
6 Jeff Homrig