

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

OPTRONIC SCIENCES LLC,

Plaintiff,

V.

BOE TECHNOLOGY GROUP CO., LTD.,

Defendants.

CASE NO. 2:23-CV-00549-JRG

**NON-PARTY AUO CORPORATION AMERICA’S OBJECTIONS TO BOE
TECHNOLOGY GROUP, LTD.’S SUBPOENA
TO TESTIFY AND REQUESTS FOR DOCUMENTS**

Pursuant to Federal Rules of Civil Procedure 26 and 45, non-party AUO Corporation America (“AUOA”) through its counsel serves its Objections to BOE Technology Group, Ltd.’s (“BOE”) Subpoena to Testify and Requests for Documents.

GENERAL OBJECTIONS

The following general objections to the Subpoena (the “General Objections”) apply to each document request therein (the “Document Requests,” and each a “Document Request” or a “Request”) and are incorporated by reference into each specific objection included herein.

1. AUOA objects to the Document Requests to the extent they seek information or documents, including drafts, that were prepared for or in anticipation of litigation, constitute attorney work product, contain privileged attorney-client communications, or any other applicable privilege or immunity from discovery, including documents protected under a joint privilege, common interest, or community of interest agreement.

2. AUOA objects to the Document Requests to the extent that they seek documents or information from AUOA that belong to or are also in the possession of Optronix Sciences, and are therefore more appropriately sought pursuant to Federal Rule of Civil Procedure 34 from Optronix Sciences.

3. AUOA objects to the Document Requests to the extent that they seek documents or information that belong to AUOA, that BOE has previously sought from AUOA, and to which AUOA has previously objected.

4. AUOA objects to the Document Requests as vexatious and designed to harass AUOA.

5. AUOA objects to the Document Requests to the extent that they are overly broad, vague, ambiguous and/or irrelevant, not proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence, to the extent they do not relate to, concern, or likely relate to or concern, any relevant information or matter in dispute.

6. AUOA objects to the Document Requests to the extent that they, or any of them, impose disproportionate costs and/or burdens on AUOA, taking into account, among them other things, the unreasonably cumulative or duplicative nature of the Document Requests; BOE's ability to obtain the requested information from some other source that is more convenient, less burdensome, and less expensive to AUOA; the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the issues at stake in the litigation.

7. AUOA reserves the right to amend or supplement any objection to the Document Requests as it may deem to be appropriate or necessary.

8. Any objection to a Request is not a representation that responsive documents in fact exist.

9. AUOA objects to the subpoena under Rule 45(c) in requiring compliance at a place more than 100 miles from AUOA's place of business, and AUOA shall not provide witness for remote deposition, unless agreed to by AUOA.

10. All General Objections are intended to apply to each Discovery Request, where relevant, whether restated in the specific objection to that Discovery Request or not.

OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

1. AUOA objects generally to the "Definitions" and "Instructions" sections of BOE's Requests to the extent they seek to impose obligations and requirements greater than or different from those imposed by the Federal Rules of Civil Procedure and/or the Local Rules of the United States District Court for the Eastern District of Texas (the "Local Rules").

2. AUOA specifically objects to BOE's definition of "AUO," "You," and "Your" as overly broad, unduly burdensome, and disproportional to the needs of the case, particularly to the extent it includes entities that include "predecessors-in-interest, parents, subsidiaries, and affiliates" which AUOA. has no possession, custody or control of these other entities' documents. AUOA shall respond to the subpoena based on the information and documents within the possession, custody and control of AUOA only.

3. AUOA specifically objects to BOE's definition of "'OS" and "BOE' mean Optronix Sciences LLC" as overly broad, unduly burdensome, and disproportional to the needs of the case, particularly to the extent it includes entities for which AUOA has no custody or control of the entities' documents, and no information as to the identify of these parties.

SPECIFIC OBJECTIONS TO DOCUMENT REQUESTS

REQUEST FOR PRODUCTION NO. 1:

All communications between AUO and OS regarding the Asserted Patents, BOE, or this Litigation.

OBJECTION TO REQUEST FOR PRODUCTION NO. 1:

AUOA reincorporates its General Objections and Specific Objections to Definitions and Instructions as if specifically alleged herein.

AUOA specifically objects to this Request to the extent it calls for production of documents, things and communications that are protected by the attorney-client privilege, work product doctrine, or any other applicable privilege or immunity from discovery, including documents protected under a joint privilege, common interest, or community of interest agreement.

AUOA specifically objects to the use of the phrases “[a]ll communications” as vague, ambiguous, overly broad, unduly burdensome on a non-party, disproportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence.

AUOA further objects to this Request as unduly burdensome on a third party to the extent it seeks documents that are also in the possession of parties.

Subject to its General and Specific objections, AUOA responds that it has no communications between AUOA and OS within its possession, custody or control.

REQUEST FOR PRODUCTION NO. 2:

All agreements that grant any rights or interests in any of the Asserted Patents.

OBJECTION TO REQUEST FOR PRODUCTION NO. 2:

AUOA reincorporates its General Objections and Specific Objections to Definitions and Instructions as if specifically alleged herein.

AUOA specifically objects to this Request to the extent it calls for production of documents, things and communications that are protected by the attorney-client privilege, work product doctrine, or any other applicable privilege or immunity from discovery, including documents protected under a joint privilege, common interest, or community of interest agreement.

AUOA specifically objects to the use of the phrases “[a]ll agreements” as vague, ambiguous, overly broad, unduly burdensome on a non-party, disproportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence.

AUOA further objects to this Request as unduly burdensome on a third party to the extent it seeks documents that are also in the possession of parties.

AUOA specifically objects to this Request as duplicative or subsumed within BOE’s Request for Production to AUOA No.1. The Request is therefore unduly burdensome on a third party to the extent it seeks communications with AUOA.

Subject to its General and Specific objections, AUOA responds that it has no agreements that grant any rights or interests in any of the Asserted Patents within its possession, custody or control.

REQUEST FOR PRODUCTION NO. 3:

All documents that constitute, refer or relate to any invention disclosure for any of the Asserted Patents.

OBJECTION TO REQUEST FOR PRODUCTION NO. 3:

AUOA reincorporates its General Objections and Specific Objections to Definitions and Instructions as if specifically alleged herein.

AUOA specifically objects to the use of the phrase “all documents that constitute, refer or relate to” as vague, ambiguous, overly broad, unduly burdensome on a non-party,

disproportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence.

AUOA objects to the Request as overly broad, unduly burdensome, and not proportional to the needs of the case.

AUOA specifically objects to this Request to the extent the requested documents could have been requested from plaintiff prior to the issuance of a subpoena to a non-party because the documents concern transactions between AUOA and a non-party. The Request is therefore unduly burdensome on a third party and disproportionate to the needs of the case.

Subject to its General and Specific objections, AUOA responds that it has no documents that constitute, refer or relate to any invention disclosure for any of the Asserted Patents within its possession, custody or control.

REQUEST FOR PRODUCTION NO. 4:

All documents that constitute, refer or relate to any valuation or offer to sell any of the Asserted Patents.

OBJECTION TO REQUEST FOR PRODUCTION NO. 4:

AUOA reincorporates its General Objections and Specific Objections to Definitions and Instructions as if specifically alleged herein.

AUOA specifically objects to this Request to the extent it calls for production of documents, things and communications that are protected by the attorney-client privilege, work product doctrine, or any other applicable privilege or immunity from discovery, including documents protected under a joint privilege, common interest, or community of interest agreement.

AUOA specifically objects to this Request as overly broad, unduly burdensome, and not

proportional to the needs of the case to the extent the requested documents are not relevant to any issue in this case and not likely to lead to discoverable evidence.

Subject to its General and Specific objections, AUOA responds that it has no documents that constitute, refer or relate to any valuation or offer to sell any of the Asserted Patents within its possession, custody or control.

REQUEST FOR PRODUCTION NO. 5:

All documents relating to Your efforts to enforce Your rights to the Asserted Patents.

OBJECTION TO REQUEST FOR PRODUCTION NO. 5:

AUOA reincorporates its General Objections and Specific Objections to Definitions and Instructions as if specifically alleged herein.

AUOA specifically objects to this Request to the extent it calls for production of documents, things and communications that are protected by the attorney-client privilege, work product doctrine, or any other applicable privilege or immunity from discovery, including documents protected under a joint privilege, common interest, or community of interest agreement.

AUOA specifically objects to the use of the phrases “[a]ll documents” as vague, ambiguous, overly broad, unduly burdensome on a non-party, disproportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence.

AUOA further objects to this Request as unduly burdensome on a third party to the extent it seeks documents that are also in the possession of parties.

Subject to its General and Specific objections, AUOA responds that it has made no efforts to enforce the Asserted Patents, and AUOA has no rights in the Asserted Patents, and therefore has no requested documents within its possession, custody or control.

REQUEST FOR PRODUCTION NO. 6:

All documents and things showing the complete chain of title of each of the Asserted Patents, including all inventor assignments and subsequent assignments of the Asserted Patents.

OBJECTION TO REQUEST FOR PRODUCTION NO. 6:

AUOA reincorporates its General Objections and Specific Objections to Definitions and Instructions as if specifically alleged herein.

AUOA specifically objects to this Request to the extent it calls for production of documents, things and communications that are protected by the attorney-client privilege, work product doctrine, or any other applicable privilege or immunity from discovery, including documents protected under a joint privilege, common interest, or community of interest agreement.

AUOA specifically objects to the use of the phrases “[a]ll documents” as vague, ambiguous, overly broad, unduly burdensome on a non-party, disproportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence.

AUOA further objects to this Request as unduly burdensome on a third party to the extent it seeks documents that are also in the possession of parties.

Subject to its General and Specific objections, AUOA responds that it has no documents and things showing the complete chain of title of each of the Asserted Patents, including all inventor assignments and subsequent assignments of the Asserted Patents, within its possession, custody or control.

SPECIFIC OBJECTIONS TO DEPOSITION TOPICS

TOPIC NO.1:

Any communications regarding the Asserted Patents or this Litigation.

OBJECTION TO TOPIC NO.1:

AUOA incorporates by reference its General Objections as though fully set forth herein. AUOA additionally objects to this Topic to the extent it seeks information not maintained by AUOA in the ordinary course of business.

AUOA specifically objects to this Topic to the extent it calls for testimony on information that is protected by the attorney-client privilege, work product doctrine, or any other applicable privilege or immunity from discovery, including documents protected under a joint privilege, common interest, or community of interest agreement.

AUOA objects to this Topic as it seeks information that is confidential, proprietary, and/or a trade secret of AUOA. AUOA objects that this topic as overly broad, unduly burdensome, and not proportional to the needs of the case as it is not limited in scope to a relevant time. AUOA objects to this Topic as vague, ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it is not geographically limited and encompasses activity outside of the United States. Subject to and without waiving any general or specific objections, AUOA responds that it's willing to meet and confer regarding this Topic.

Subject to its General and Specific objections, AUOA responds that it has no information within its possession, custody or control regarding any communications regarding the Asserted Patents or this Litigation and, therefore, objects to, and will not be producing a witness to, testify regarding this topic.

TOPICNO.2:

Any agreements relating to the Asserted Patents.

OBJECTION TO TOPICNO.2:

AUOA incorporates by reference its General Objections as though fully set forth herein. AUOA additionally objects to this Topic to the extent it seeks information not maintained by AUOA in the ordinary course of business.

AUOA specifically objects to this Topic to the extent it calls for testimony on information that is protected by the attorney-client privilege, work product doctrine, or any other applicable privilege or immunity from discovery, including documents protected under a joint privilege, common interest, or community of interest agreement.

AUOA objects to this Topic as it seeks information that is confidential, proprietary, and/or a trade secret of AUOA. AUOA objects that this topic as overly broad, unduly burdensome, and not proportional to the needs of the case as it is not limited in scope to a relevant time. AUOA objects to this Topic as vague, ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it is not geographically limited and encompasses activity outside of the United States. Subject to and without waiving any general or specific objections, AUOA responds that it's willing to meet and confer regarding this Topic.

Subject to its General and Specific objections, AUOA responds that it has no information within its possession, custody or control regarding any agreements relating to the Asserted Patents and, therefore, objects to, and will not be producing a witness to, testify regarding this topic.

TOPICNO.3:

Any attempts to sell, license, or enforce rights to the Asserted Patents.

OBJECTION TO TOPIC NO.3:

AUOA incorporates by reference its General Objections as though fully set forth herein. AUOA additionally objects to this Topic to the extent it seeks information not maintained by AUOA in the ordinary course of business.

AUOA specifically objects to this Topic to the extent it calls for testimony on information that is protected by the attorney-client privilege, work product doctrine, or any other applicable privilege or immunity from discovery, including documents protected under a joint privilege, common interest, or community of interest agreement.

AUOA objects to this Topic as it seeks information that is confidential, proprietary, and/or a trade secret of AUOA. AUOA objects that this topic as overly broad, unduly burdensome, and not proportional to the needs of the case as it is not limited in scope to a relevant time. AUOA objects to this Topic as vague, ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it is not geographically limited and encompasses activity outside of the United States. Subject to and without waiving any general or specific objections, AUOA responds that it's willing to meet and confer regarding this Topic.

Subject to its General and Specific objections, AUOA responds that it has no information within its possession, custody or control regarding any attempts to sell, license, or enforce rights to the Asserted Patents and, therefore, objects to, and will not be producing a witness to, testify regarding this topic.

TOPICNO.4:

Your efforts to identify, locate and produce the Documents requested above.

OBJECTION TO TOPIC NO. 4:

AUOA incorporates by reference its General Objections as though fully set forth herein. AUOA additionally objects to this Topic to the extent it seeks information not maintained by AUOA in the ordinary course of business.

AUOA specifically objects to this Topic to the extent it calls for testimony on information that is protected by the attorney-client privilege, work product doctrine, or any other applicable privilege or immunity from discovery, including documents protected under a joint privilege, common interest, or community of interest agreement.

AUOA objects to this Topic as it seeks information that is confidential, proprietary, and/or a trade secret of AUOA. AUOA objects that this topic is overly broad, unduly burdensome, and not proportional to the needs of the case as it is not limited in scope to a relevant time. AUOA objects to this Topic as vague, ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it is not geographically limited and encompasses activity outside of the United States. Subject to and without waiving any general or specific objections, AUOA responds that it's willing to meet and confer regarding this Topic.

Subject to its General and Specific objections, AUOA responds that it has no information or documents responsive to any of the Documents requested above, and therefore, objects to, and will not be producing a witness to, testify regarding this topic.

Dated: December 24, 2024

Respectfully submitted,

/s/ M. Craig Tyler

M. Craig Tyler (Lead Attorney), Bar No. 794762
CTyler@perkinscoie.com
PERKINS COIE LLP
405 Colorado Street, Suite 1700
Austin, Texas 78701
Phone: 737.256.6113
Facsimile: 737.256.6300

**ATTORNEY FOR NON-PARTY AUO
CORPORATION AMERICA**

CERTIFICATE OF SERVICE

The undersigned certifies that on December 24, 2024, a true and correct copy of the above document was served on counsel for BOE via e-mail as follows:

John Guaragna
john.guaragna@us.dlapiper.com
303 Colorado St., Ste 3000
Austin, Texas 78701-4653

/s/ M. Craig Tyler
M. Craig Tyler