

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

- 1. Sender:** Honorable James D. Peterson
United States District Judge
United States District Court
Western District of Wisconsin
120 N. Henry Street, Room 320
Madison, WI 53703
USA
- 2. Central authority of the Requested State:** China - Central Authority
International Legal Cooperation Center
Ministry of Justice of the People's Republic of
China
10, Chaoyangmen Nandajie, Chaoyang District
BEIJING 100020
- 3. Person to whom the executed request is
to be returned:** La Crosse Technology IP Holdings, LLC
c/o Frederic M. Meeker
BANNER & WITCOFF, LTD.
1100 13th Street, NW, Suite 1200
Washington, DC 20005
USA
- 4. Specification of the date by which the
requesting authority requires receipt of the
response to the Letter of Request:** August 1, 2014
- IN CONFORMITY WITH ARTICLE 3 OF THE CONVENTION, THE UNDERSIGNED
APPLICANT HAS THE HONOR TO SUBMIT THE FOLLOWING REQUEST:
- 5. a. Requesting judicial authority:** Honorable James D. Peterson
United States District Judge
United States District Court
Western District of Wisconsin
120 N. Henry Street, Room 320
Madison, WI 53703
USA
- b. To the competent authority of China:** China - Central Authority
International Legal Cooperation Center
Ministry of Justice of the People's Republic of

China
10, Chaoyangmen Nandajie, Chaoyang District
BEIJING 100020

c. Name of the case and any identifying number:

La Crosse Technology IP Holdings, LLC v. Ambient, LLC, pending in the Western District of Wisconsin, Case No. 13-cv-833

6. Names and addresses of the parties and their representatives:

a. Plaintiff:

La Crosse Technology IP Holdings, LLC
2809 South Losey Blvd
La Crosse, Wisconsin 54601
USA

Represented by:

Frederic M. Meeker
Jeffrey H. Chang
BANNER & WITCOFF, LTD.
1100 13th Street, NW, Suite 1200
Washington, DC 20005
USA

Michael J. Modl
Axley Brynerson, LLP
2 East Mifflin, Suite 200
Madison, WI 53703
USA

b. Defendant:

Ambient, LLC
1642 East Silverwood Drive
Phoenix, AZ 85048
USA

Represented by:

Marvin A. Glazer
CAHILL GLAZER PLC
2141 East Highland Ave., Suite 155
Phoenix, Arizona 85016-4762
USA

Erik H. Monson
Coyne, Schultz, Becker & Bauer, S.C.
150 East Gilman Street, Suite 1000
Madison, Wisconsin 53703
USA

7. a. Nature of the proceedings:

Patent infringement

b. Summary of complaint:

Plaintiff La Crosse Technology IP Holdings, LLC (“La Crosse”) is a holding company for holding intellectual property related to the business of La Crosse Technology, LTD. La Crosse Technology, LTD is a multinational manufacturer of weather stations and time devices founded in 1985 and based in La Crosse, Wisconsin. Defendant Ambient, LLC (“Ambient”) at least sells weather stations that compete with La Crosse Technology, LTD’s weather stations.

In pending civil action *La Crosse Technology IP Holdings, LLC v. Ambient, LLC*, Case No. 13-cv-833, La Crosse alleges that Ambient infringes several La Crosse patents by making, using, offering to sell, selling, and/or importing infringing weather stations (“Accused Products”). La Crosse has asserted 3 patents against Ambient in this lawsuit: United States Patent Nos. 5,978,738; 6,076,044; and RE43,903. These 3 patents are collectively referred to as the “Patents-in-Suit.”

Accused Products include, but are not limited to, the following model numbers:

1. WH2C
2. WH3C
3. WH5
4. WS-1171A
5. WS-1170
6. WS-1171
7. WS-1171-2-KIT
8. WS-COMBO1
9. WS-1172
10. WS-1172-C
11. WS-1173A
12. WS-1173A-2-KIT
13. WS-1175
14. WS-1175-C
15. WS-1175-2-KIT
16. WS-1175-X3-KIT
17. WS-1280

18. WS-1280-2-KIT
19. WS-1280-X3
20. WS-1285
21. WS-1285-2-KIT
22. WS-1285-X3-KIT
23. WS-2080
24. WS-2080-C
25. WS-2080-2-KIT
26. WS-2080-IP-KIT
27. WS-2080-WHUB3-KIT
28. WS-2080-WEATHERBRIDGE-KIT

c. Summary of defenses and counterclaims:

Ambient has filed counterclaims against La Crosse seeking a declaratory judgment of invalidity and non-infringement of each of La Crosse's Patents-in-Suit.

d. Other necessary information or documents:

Based on admissions by the Defendant Ambient, La Crosse believes that Fine Offset Electronics Co., Ltd. ("Fine Offset") conceived, designed, developed, reduced to practice, and introduced products accused of infringing the Patents-in-Suit.

Also based on admissions by Defendant Ambient, La Crosse believes that Henry Xu of Fine Offset has documents showing and knowledge of Ambient's infringement of the Patents-in-Suit.

8. a. Evidence to be obtained or other judicial act to be performed:

The evidence requested consists of certain documents related to specific subjects in the possession, custody, or control of the following persons:

Fine Offset Electronics Co., Ltd.
2/F., Building No. 3, Ping Shan Minqi
Industrial Park
Xili Town, Nanshan District, Shenzhen City
China

Henry Xu
Fine Offset Electronics Co., Ltd.
2/F., Building No. 3, Ping Shan Minqi
Industrial Park
Xili Town, Nanshan District, Shenzhen City

China

The subject matter of the documents or other property requested to be inspected and produced is set forth fully below in Paragraph 9.

b. Purpose of the evidence or judicial act sought:

Each of these persons, Henry Xu and Fine Offset, is believed to have material information relevant to the issue of infringement of La Crosse's Patents-in-Suit.

Further, documents in the possession, custody, or control of Henry Xu and/or Fine Offset are believed to include material information relevant to the issues of infringement of La Crosse's Patents-in-Suit.

9. Documents or other property to be inspected and produced:

1. documents sufficient to identify all persons involved with or responsible for the conception, design, development, reduction to practice, manufacturing, marketing, selling, introducing, and/or importing into the United States each Accused Product
2. documents relating to the conception, design, development, reduction to practice, manufacturing, marketing, selling, introducing, and/or importing into the United States each Accused Product
3. schematics, software or program code, block diagrams, technical drawings, engineering and product specifications, and/or component part lists sufficient to show the structure, manufacture, operation, and function of each Accused Product
4. product brochures and manuals, user and installation guides, correspondence, and/or other documents sufficient to show the structure, manufacture, operation, and function of each

Accused Product

5. documents sufficient to show Fine Offset's organizational and operational structures, and the identity of its officers and managers
6. documents relating to the Patents-in-Suit, including, but not limited to, any studies, analyses, consideration, discussions, or communications relating to the Patents-in-Suit
7. documents, including but not limited to emails, relating to Henry Xu's or Fine Offset's knowledge and/or awareness of the Patents-in-Suit, including, but not limited to, the circumstances under which Henry Xu or Fine Offset first learned of the existence of the Patents-in-Suit or the applications that ultimately issued as the Patents-in-Suit
8. copies of communications, including but not limited to emails, between 1. Henry Xu or Fine Offset and 2. Ed Edelman or Ambient, LLC regarding the Patents-in-Suit

10. Specification of privilege or duty to refuse to give evidence under the law of the State of origin:

1. Under the laws of the United States, a witness has a privilege to refuse to give evidence if the evidence discloses a confidential communication between that witness and an attorney for that witness that was made for the purpose of obtaining legal advice.
2. United States law also recognizes a privilege against criminal self-incrimination.
3. Outside the strict area of privilege, certain limited immunities are available that may place restriction on the giving of evidence, such as the limited protection of documents created as the

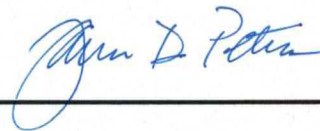
work product of attorneys during or in anticipation of litigation.

11. The fees and costs incurred which are reimbursable under the second paragraph of Article 14 or under Article 26 of the Convention will be borne by:

La Crosse Technology IP Holdings, LLC
c/o Frederic M. Meeker
BANNER & WITCOFF, LTD.
1100 13th Street, NW, Suite 1200
Washington, DC 20005
USA

DATE OF REQUEST

SIGNATURE AND SEAL OF THE REQUESTING AUTHORITY



Honorable James D. Peterson
United States District Judge
United States District Court
Western District of Wisconsin
120 N. Henry Street, Room 320
Madison, WI 53703
USA

