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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE EX PARTE APPLICATION OF  
DAEDALUS PRIME, LLC,

Case No. [24-mc-80208-VKD](#)

Applicant,

**ORDER GRANTING AMENDED  
APPLICATION PURSUANT TO 28  
U.S.C. § 1782**

For an Order Pursuant to 28 U.S.C. § 1782  
Authorizing Discovery for Use in Foreign  
Proceedings.

Re: Dkt. No. 18

United States District Court  
Northern District of California

On September 16, 2024, the Court issued an order denying without prejudice Daedalus Prime LLC’s (“Daedalus Prime”) application for an order pursuant to 28 U.S.C. § 1782 authorizing service of a subpoena for documents and deposition testimony on MediaTek USA, Inc. (“MediaTek USA”). Dkt. No. 17. The Court concluded that Daedalus Prime’s application met the statutory criteria for an order authorizing service of the proposed subpoena, but that the factors that inform the Court’s exercise of its discretion under *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004) did not favor authorizing service of the subpoena. *Id.*


On September 23, 2024, Daedalus Prime filed an amended application seeking authorization to serve a modified subpoena on MediaTek USA. Dkt. No. 18; Dkt. No. 18-1; Dkt. No. 18-2. In the amended application, Daedalus Prime has revised its definition of “MediaTek” / “MediaTek USA” and has limited the document requests and deposition topics. *See* Dkt. No. 18-1; Dkt. No. 18-2. Daedalus Prime relies on its prior application and supporting materials, as well as a further declaration of its German counsel. *See* Dkt. No. 18; Dkt. No. 18-3.

With respect to Daedalus Prime’s original application, the Court directed MediaTek USA to file a response. However, with respect to the amended application, the Court concludes that the

1 interests of efficiency are best served by addressing the application on *ex parte* basis. In the  
2 exercise of its discretion, the Court concludes that Daedalus Prime’s amended application  
3 addresses the Court’s concerns sufficiently to permit service of the proposed amended subpoena  
4 on MediaTek USA. The subpoena shall comply with Rule 45 of the Federal Rules of Civil  
5 Procedure and with Civil Local Rule 30-1. In this order, the Court does not reconsider any of its  
6 prior findings, nor does it conclude that Daedalus Prime is entitled to obtain all of the discovery it  
7 seeks; rather, the Court authorizes service of the proposed subpoena. MediaTek USA may raise  
8 objections and, if those objections are not resolved by the parties following diligent efforts to  
9 reach agreement on any disputes, may exercise its due process rights by challenging the subpoena  
10 after it is issued via a motion to quash. *See In re: Ex Parte Application Varian Med. Sys. Int’l AG,*  
11 *Applicant*, No. 16-mc-80048-MEJ, 2016 WL 1161568, at \*2 (N.D. Cal. Mar. 24, 2016).<sup>1</sup>

12 IT IS SO ORDERED.

13 Dated: September 25, 2024

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16 Virginia K. DeMarchi  
17 United States Magistrate Judge  
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28 <sup>1</sup> If both parties agree, any disputes concerning the subpoena may be raised using the expedited  
discovery dispute resolution procedure described in Judge DeMarchi’s Standing Order for Civil  
Cases, <https://cand.uscourts.gov/standing-order-for-civil-cases-april-2024/>.