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UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF OREGON

NEW MEDIUM LLC, AV  
 TECHNOLOGIES LLC, J. CARL  
 COOPER, PIXEL INSTRUMENTS  
 CORPORATION, IP INNOVATION LLC,  
 and TECHNOLOGY LICENSING  
 CORPORATION,

Plaintiffs,

v.

BARCO N.V., MIRANDA  
 TECHNOLOGIES, TOSHIBA  
 CORPORATION, TOSHIBA AMERICA  
 CONSUMER PRODUCTS, L.L.C., and  
 SYNTAX-BRILLIAN CORPORATION,

Defendants.

Misc. No. 3:07-mc-09201  
 Civil Action No. 05 C 5620\*

\*In the United States District Court For the  
 Northern District of Illinois, Eastern  
 Division

Judge Amy St. Eve  
 Magistrate Judge Cole

JURY TRIAL DEMANDED

MEMORANDUM IN OPPOSITION OF  
 NON-PARTY PIXELWORKS, INC.'S  
 MOTION TO QUASH DEPOSITION  
 SUBPOENA AND MOTION FOR  
 SANCTIONS AND CROSS-MOTION TO  
 COMPEL DEPOSITION TESTIMONY

Plaintiffs IP Innovation LLC, and Technology Licensing Corporation (collectively  
 “TLC” or “Plaintiffs”) hereby submit the following Memorandum in Opposition of Non-Party  
 Page 1 -- MEMORANDUM IN OPPOSITION OF NON-PARTY PIXELWORKS, INC.'S MOTION

Pixelworks, Inc.'s Motion to Quash Deposition Subpoena and Motion for Sanctions. In its Memorandum, Pixelworks has thrown in everything, including the kitchen sink. However, other than sweeping accusations and digs at TLC's attorneys, Pixelworks fails to provide any concrete examples or law supporting its motion, and thus has not met its burden. Additionally, Pixelworks has already interjected itself into this case, yet apparently seeks to avoid its obligations under the Federal Rules of Civil Procedure. Therefore, TLC respectfully requests the Court to deny Pixelworks' motion to quash.

## **I. BACKGROUND**

This is a patent infringement lawsuit dealing generally with image quality of television displays. On September 13, 2006, TLC filed its Third Amended Complaint in the above captioned case in the Northern District of Illinois, adding Syntax-Brilliant Corporation as a defendant to the lawsuit. During discovery, TLC learned that Pixelworks supplies integrated controller (IC) chips (also known as video processing chips) to defendant Syntax-Brilliant Corporation for use in some of its Olevia branded televisions. Pixelworks states on its web site that "Our DNX video processing technology dramatically improves the quality of video images by combining multiple enhancement techniques to deliver clear, natural-looking standard and high-definition video images." Thus, TLC believes the operation, functionality, and design of such chips is relevant to its infringement position. Syntax-Brilliant has taken the position that it does not have this type of information about the chips. (See Exhibit 1, p. 2, ¶ 3; Exhibit 2, Syntax-Brilliant's Responses to Document Request Nos. 5, 6, 7, 8, 9, 10, 15, 31, 32 ("...seeking documents that are in the possession, custody, and control of third party chip suppliers and

maintained as confidential by those entities. Plaintiffs are in as good a position as SBC to obtain such documents from the chip suppliers.”).

TLC initially served Pixelworks with a subpoena seeking documents on March 15, 2007. Pixelworks objected and refused to produce documents until after a pending motion for partial summary judgment (which was filed by Syntax-Brilliant) was decided. Judge St. Eve, in the Northern District of Illinois, has since ruled against Syntax-Brilliant on that motion. At that time, as here, Pixelworks stated that the parties’ current Protective Order was inadequate, even though it specifically has a provision to provide documents on an “attorneys eyes only” basis, which specifically excludes in-house counsel. (Exhibit 3, ¶ 8). In any event, TLC and IPI have no in-house counsel. To date, TLC has received no documents responsive to its document subpoena to Pixelworks.<sup>1</sup> Compounding matters, Syntax-Brilliant has insisted that it does not have the documents sought by TLC – that they are with Pixelworks. (See Exhibit 1, p. 2, ¶ 3, Exhibit 2).

On August 15, 2007, TLC served a deposition subpoena on Pixelworks, seeking deposition testimony related to the integrated controller chips it supplies to Syntax-Brilliant, including the functionality, operation, and design of such chips. Contrary to Pixelworks’ assertion, TLC specified the three patents at issue, identified the allegedly infringing Syntax-Brilliant products, and to the best of its ability, identified the Pixelworks chips in Schedule A of the subpoena. (See Exhibit 4, Schedule A, ¶ ¶ K, L). Pixelworks then served a bevy of objections (See Exhibit 5), and the parties conferred on August 27, 2007. At that time, TLC offered to move the date of the deposition, and offered to attempt to narrow the topics if and when Pixelworks produced documents responsive to the earlier subpoena. Pixelworks refused.

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<sup>1</sup> Two of Pixelworks’ competitors, ATI and Silicon Optix, whose chips are also used in Syntax-Brilliant televisions did produce documents in response to their respective subpoenas.

Pixelworks offered no solution, nor did it offer to provide limited testimony on any of the Topics. It simply filed this motion to quash.

On August 30, 2007, TLC's counsel deposed Syntax-Brilliant's 30(b)(6) witness. During the witness's testimony, he verified and confirmed that the documents and testimony sought by TLC were not in possession of Syntax-Brilliant, and would have to be provided by someone at Pixelworks. TLC also received in Syntax-Brilliant's document production a seven page Declaration captioned with this case title and dated August 3, 2007 by a Pixelworks employee, Neil Woodall, addressing the functionality of the Pixelworks chips. (Exhibit 6<sup>2</sup>). This Declaration makes clear that Pixelworks has reviewed the patents-in-suit.

## II. ARGUMENT

Under Federal Rule of Civil Procedure 45, a court may quash or modify a subpoena if it (1) fails to allow a reasonable time for compliance; (2) requires a person who is not a party to travel more than 100 miles from where the person resides; (3) requires disclosure of privileged or protected matter; or (4) subjects a person to undue burden. Pixelworks seeks to quash this subpoena for reasons (1), (3), and (4), in addition to a vast list of other reasons. "Modification of a subpoena is generally preferred to outright quashing." Linder v. National Sec. Agency, 94 F.3d 693, 698 (D.C. Cir. 1996). The party who moves to quash a subpoena has the burden of persuasion under Rule 45(c)(3). See Moon v. SCP Pool Corp., 232 F.R.D. 633, 636 (C.D. Cal. 2005). This is a heavy burden. Northrop Corp. v. McDonnell Douglas Corp., 751 F.2d 395, 403 (D.C. Cir. 1984)

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<sup>2</sup> Based on the Protective Order (attached as Exhibit 3), TLC has filed an accompanying Motion to File Exhibits 6, 8, and 9 Under Seal.

**A. Failing to Include the Method for Recording the Testimony Is Not Fatal**

Pixelworks has failed to cite a single case where solely excluding the method for recording the testimony caused the subpoena to be invalid. In both CF&I Steel Corp. v. Mitsui & Co. (U.S.A.), Inc., 713 F.2d 494, 496 (9th Cir. 1983) and In re Stratosphere Corp. Securities Litigation, 183 F.R.D. 684, 687 (D. Nev. 1999), the parties had failed to pay witness and mileage fees, not failed to include the method for recording the testimony pursuant to Rule 45(a)(2)(b). In fact, TLC has been unable to find a single case where a party raised this issue. TLC used civil form AO88 in drafting the subpoena, included the location and place, and did not realize that the form was not in compliance with Rule 45. TLC will, however, be recording the deposition stenographically and videographically.

**B. There Is No Requirement to Confer Prior to Serving a Subpoena**

Pixelworks argues that TLC should have contacted its counsel prior to serving the subpoena. However, Pixelworks is not a party to this action. TLC has been unable to find a single case where a local rule requiring the parties to confer prior to noticing a deposition was extended to situations where a subpoena *ad testificandum* was served on a third party. Apparently Pixelworks cannot find one either, because they failed to cite a single case in support of this statement. In fact, nowhere in Fed. R. Civ. Proc. 45 is there a requirement to “confer” prior to issuing a subpoena.

**C. Pixelworks Had Reasonable Time for Compliance**

Pixelworks argues that the subpoena “fail[ed] to allow reasonable time for compliance” in accordance with Fed. R. Civ. P. 45(c)(3)(A). The subpoena was served on August 15, 2007, and provided a deposition date of September 5, 2007 – a full three weeks. Pixelworks provides

sweeping generalizations, but points to no specific reason why it could not be prepared in three weeks' time for a simple deposition. Additionally, during the parties' telephone discussion on August 27, 2007, TLC's attorneys volunteered to move the date if Pixelworks preferred. Instead, Pixelworks filed this motion to quash.

Pixelworks also cannot point to a single case stating that three weeks is not a reasonable time to prepare for a deposition. In fact, three weeks is more than enough, and more than is even required in other jurisdiction's local rules: "Service of subpoenas at least 10 days before the deposition or production is customary, but not mandatory." San Francisco Bay Area Rapid Transit Dist. v. Spencer, 2006 U.S. Dist. LEXIS 81677, at \*13 (9th Cir. 2006) (Exhibit 7) citing Schwarzer, Tashime & Wagstaffe, Fed. Civ. Pro. Before Trial (The Rutter Group 2006) § 11:2277; see also E.D. Va., L.R. 45(f) (deposition subpoena must be served at least 11 days before deposition).

**D. The Subpoena is Not Facially Overbroad and Unduly Burdensome**

The broad scope of discovery as set forth in Fed. R. Civ. P. 26 is "based on the general principle that . . . wide access to relevant facts serves the integrity and fairness of the judicial process by promoting the search for the truth." Rivera v. Nibco, Inc., 384 F.3d 822, 824 (9th Cir. 2004) (internal citation omitted). A party may therefore seek discovery into any matter that is not privileged but which is reasonably calculated to lead to the discovery of admissible evidence. Fed. R. Civ. P. 26(b)(1).

Upon timely motion a court may quash or modify a subpoena if it "requires disclosure of privileged or other protected matter and no exception or waiver applies" or if it "subjects a person to undue burden." Fed. R. Civ. P. 45(c)(3)(A)(iii-iv). If a showing of undue burden is

made, "the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C)." Fed. R. Civ. P. 45(d)(1)(D). Factors a court may use include: determining whether the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. Fed. R. Civ. P. 26(b)(2)(C)(iii).

Courts have broad discretion to determine whether a subpoena is unduly burdensome. See Exxon Shipping Co. v. U.S. Dep't of Interior, 34 F.3d 774, 779 (9th Cir. 1994). Again, the moving party bears the burden of establishing that a subpoena is unduly burdensome. See F.D.I.C. v. Garner, 126 F.3d 1138, 1146 (9th Cir. 1997). Pixelworks has not met this burden.

**1. The Topics Are Relevant to the Underlying Claims**

Pixelworks' arguments that TLC's topics are overbroad and unduly burdensome is a transparent attempt to yet again avoid providing the information TLC seeks. If, in fact, as Pixelworks admits, the PW-106 is the only chip supplied to Syntax-Brilliant, and is only used in a "relatively small number" of Syntax-Brilliant's products, then Pixelworks' accusations about the burden and overbreadth of the subpoena are without merit.

Pixelworks argues that Topics 1, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, and 14 are overbroad because they seek information regarding any Pixelworks chips, whether or not used by Syntax-Brilliant. This is blatantly untrue. Each of these Topics is specifically limited to either the Relevant Products, which are Syntax-Brilliant products, or are otherwise limited to Syntax-Brilliant.

With reference to Topic 16, TLC is still attempting to determine which parts of the Syntax-Brilliant television sets include the allegedly infringing technology (i.e., is it within the chip?), and how that functionality works. This Topic is specifically limited to technology relevant to the lawsuit (“relating generally to improvements in the visual display of digital image data or de-interlacing technology.”) Licenses to patents held by third parties can further assist TLC in determining what functionality is being used inside the chip, and how that functionality works.

With reference to Topic 17, which relates to indemnification obligations, it is indeed relevant whether Pixelworks has any indemnification obligations when it supplies its chips to other companies. Syntax-Brilliant uses Pixelworks chips within at least some of its Olevia branded televisions.

With reference to Topic 18, which relates to current or past litigation involving Pixelworks, again, this topic is again limited to any patent litigation generally related to the technology in this lawsuit (i.e. “relating generally to improvements in the visual display of digital image data.”) If Pixelworks has been involved with such litigation, its position regarding the functionality of its chips is indeed relevant to this lawsuit.

Pixelworks’ assertion that TLC is on a “fishing expedition” to gather facts to use against Pixelworks in future litigation is flat out inappropriate and insulting to TLC’s attorneys. Such conduct would be in violation of the Protective Order (See Exhibit 3, ¶ 14). This sort of overreaction to genuine and good faith discovery requests is par for the course with Pixelworks.



**2. All Topics are Automatically Limited to the Past Four Years**

Pixelworks' assertion that TLC "made no effort to limit the topics to a relevant time period" is yet another smokescreen. Syntax-Brilliant Corporation itself alleges it has only been in business since May 2003, so all topics are automatically limited to the past four years. Pixelworks cites Theofel v. Farey-Jones, 359 F.3d 1066, 1071 (9th Cir. 2003), which is completely distinguishable – there, the documents requested were "all copies of emails sent or received by anyone" with no limitation on time or scope. Additionally, Theofel does not stand for the proposition that "[t]opics that lack time limitations are facially overbroad." (Pixelworks Brief at 8). All of the Topics have been limited to the technology at issue in the lawsuit, and via process of elimination, the past four years.

**3. The Information Sought is Only Available from Pixelworks**

Based on both Syntax-Brilliant and Pixelworks' stonewalling, TLC has received very little information on the functionality of the Pixelworks chips. Both Syntax-Brilliant and Pixelworks are engaged in a game of finger pointing at the other, and directing TLC to get the information from the other party. (See Exhibit 1, p. 2, ¶ 3; Exhibit 2, Syntax-Brilliant's Responses to Document Request Nos. 5, 6, 7, 8, 9, 10, 15, 31, 32 ("...seeking documents that are in the possession, custody, and control of third party chip suppliers and maintained as confidential by those entities. Plaintiffs are in as good a position as SBC to obtain such documents from the chip suppliers.")).

On August 30, 2007, TLC's counsel deposed Syntax-Brilliant's 30(b)(6) witness. During his testimony, he verified and confirmed that the documents and testimony sought by TLC were not in possession of Syntax-Brilliant, and would have to be provided by someone at Pixelworks,

particularly testimony and documents referring to the internal algorithms and functionality of the Pixelworks chips. (See Exhibit 8). In fact, Pixelworks asserts in its Motion to Quash that the information sought by TLC is “confidential,” “proprietary,” and “actively...protect[ed]” by Pixelworks, which only verifies that this information cannot be gotten from Syntax-Brilliant.

Syntax-Brilliant’s contention interrogatory responses, however, repeatedly refer TLC to its various third party chip suppliers. (Exhibit 9, pp. 13, 14, 15). Syntax-Brilliant also identifies specific claim elements it alleges are missing, but refuses to state how its accused products work, again arguing that TLC must get that information from Pixelworks. (Exhibit 9, p. 15). TLC also received in Syntax-Brilliant’s document production a Declaration, captioned for this lawsuit and dated August 3, 2007 by a Pixelworks employee named Neil Woodall addressing the functionality of the Pixelworks chips. (Exhibit 6). This leads TLC to believe that Pixelworks and Syntax-Brilliant have been in communication about this lawsuit and have deliberately been attempting to avoid revealing necessary information to this litigation. Furthermore, by providing such a Declaration to Syntax-Brilliant, Pixelworks has deliberately interjected itself into this lawsuit, without providing TLC the opportunity to cross-examine. The game Syntax-Brilliant is playing here is obvious: Pixelworks provides Syntax-Brilliant a voluntary declaration to help them both gang up on TLC, while stonewalling against any attempt to test or cross-examine such voluntary testimony. Such gamesmanship should not be encouraged. Finally, on its web site, Pixelworks states that it “Our system-on-chip ICs include embedded microprocessors and digital signal circuitry that provide the 'intelligence' which allow advanced display systems to optimize incoming signals and produce high-quality images.” TLC seeks to find out what this “intelligence” is – information that only Pixelworks has.

In addition, there are two sides to every story. Topics 4, 7, 8, 11, and 12 seek Pixelworks' perspective of the chip selection process and incorporation of the selected chips into the Relevant Products.

4. **The Topics Do Not Seek Unretained Expert Testimony, Only Pixelworks Testimony About its Own Products and Technologies**

Pixelworks next asserts that Topics 1, 2, and 14 seek expert testimony because they seek information about the benefits and advantages of Pixelworks' products, the "benefits of resolution enhancement technology, adaptive comb filters and/or controller chips which perform resolution enhancement, smoothing or interpolation, or include adaptive comb filtering or video noise reduction," and information on any competitive analysis of other companies' chips performed by Pixelworks. TLC is not seeking "expert" testimony on these Topics. TLC is seeking Pixelworks' testimony on the benefits of its own products (and product features) and comparisons it has done with its competitors. Pixelworks states on its web site that "We have a suite of technologies for advanced televisions which we call DNX -- Digital Natural Expression™. Our DNX video processing technology dramatically improves the quality of video images by combining multiple enhancement techniques to deliver clear, natural-looking standard and high-definition video images." Surely someone at Pixelworks can speak about the benefits of this type of technology.

E. **The Topics Are Described With Reasonable Particularity**

Pixelworks next asserts that the Topics do not describe what TLC is seeking with "reasonable particularity." Pixelworks knows exactly what TLC is seeking, particularly in light of the Declaration one of its employees signed in conjunction with Syntax-Brilliant. (Exhibit 6).

1. **The Use of “including but not limited to” Is Not Fatal When Additional Information is Provided**

It is true that Topics 1, 3, 8, 9, 10, 11, and 12 use the phrase “including, but not limited to.” However, it is not used as a blanket statement. Following that phrase in each Topic is an example of the type of information TLC is seeking – i.e. the PW-106 IC, or any other Pixelworks IC used in the Relevant Products. (TLC believed that the only Pixelworks chip used was the PW-106, but recently discovered that the PW-328 was used as well.) Pixelworks’ claim that it “cannot possibly identify the outer limits of this definition” is fallacious. Schedule A makes abundantly clear both in the Definitions and in the Topics provided that TLC is interested in integrated chips supplied by Pixelworks to Syntax-Brilliant, and used in Syntax-Brilliant’s televisions. Providing such specific example information after a “including, but not limited to” clause has been found to be “reasonably particular” under Rule 30(b)(6). E.g. Heartland Surgical Specialty Hosp., LLC v. Midwest Division, Inc., 2007 U.S. Dist. LEXIS 26552, \*16 (April 9, 2007) (Exhibit 10); Union Pac. R.R. Co. v. Larkin, 2005 U.S. Dist. LEXIS 13816, at \*2-\*3 (D. N.M. April 5, 2005) (Exhibit 11).

2. **The Terms Used Require No Speculation, Particularly for a Technology Company**

Pixelworks next attempts to claim that it doesn’t know what the terms “function,” “compatible,” “features,” and “potentially compatible” mean with respect to its technology. Pixelworks states on its website that it is a “fabless semiconductor company that designs, develops and markets system-on-chip semiconductors and software for the advanced display industry, including advanced televisions, multimedia projectors and LCD panels. Our system-on-chip semiconductors provide the “intelligence” for these new types of displays and devices by

processing and optimizing video and computer graphic signals to produce high-quality images.” A press release available on Pixelworks’ web site proudly touts the “image processing functions,” of its new PW-106 and PW328 image processor ICs, including their “advanced features” and worldwide “compatib[ility].” (Exhibit 12). That the same words Pixelworks purports to not understand, which are indeed common expressions used in the industry, are used in its own press releases reveal yet another smokescreen.

**F. The Protective Order Will Protect the Confidential and Proprietary Information**

Pixelworks further seeks to prevent adhering to the subpoena on the basis that its information is “confidential” and “proprietary.” However, “information is not shielded from discovery on the sole basis that such information is confidential.” Williams v. Board of County Comm’rs, 2000 U.S. Dist. LEXIS 8986, at \*16 (D. Kan. June 21, 2000) (Exhibit 13). TLC’s attorneys have offered to both view documents and take testimony from Pixelworks on an outside counsel’s eyes only basis. Furthermore, the parties in the case have a protective order which addresses Pixelworks’ concerns, and allows for documents and testimony to be marked as Attorneys’ Eyes Only. Paragraph 8 of the Protective Order further defines who may see such documents: “(a) counsel of record for the parties, and associate attorneys and paralegals and clerical employees or other outside counsel assisting such counsel, except for any in-house counsel for the non-producing party.” (See Exhibit 3). Pixelworks does not explain why this clause is not sufficient, nor has it offered an alternative protective order. Tellingly, two of Pixelworks’ competitors who were also subpoenaed for documents produced documents.

**G. The Information Sought is Not Privileged**

Topic 6 seeks “Communications by or between Pixelworks, its attorneys, or agents and SBC or its attorneys or agents regarding this lawsuit, any subpoena in this litigation, any or all of U.S. Patent Nos. 5,424,780, 6,529,637 B1, and 6,870,964 B1, or Mr. J. Carl Cooper.” Pixelworks asserts that this information is privileged. However, Pixelworks is a third party to this litigation, and it fails to explain how any of its communications with Syntax-Brilliant pertaining to this lawsuit, subpoena, or the patents-in-suit are privileged. See e.g. Oak Industries v. Zenith Industries, 1988 U.S. Dist. LEXIS 7985 , at \*9-10 (N.D. Ill. July 27, 1998) (Exhibit 14) (“Zenith argues that it need not produce a Rule 30(b)(6) witness because its discussions with potential buyers of its consumer electronics group are irrelevant to this case. We agree that discussions unrelated to the patents at issue in this case are irrelevant. However, any statements made by Zenith employees concerning the patents at issue are relevant. Zenith nevertheless contends that any such relevant statements are protected by the attorney-client privilege because they must have been based on "opinion of counsel." Even assuming that such statements were the product of Oak's legal counsel and protected by the attorney-client privilege, Zenith waived the privilege by disclosing such information to the potential buyers of its consumer electronics group.”)

Further, when it is alleged that the information requested by subpoena is protected by privilege, that claim must be supported with a "description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim." Fed. R. Civ. P. 45(d)(2)(A). Pixelworks has not done so.

### III. SANCTIONS ARE NOT APPROPRIATE

Rule 45(c)(1) directs a district court on whose behalf a subpoena has been issued to impose sanctions on a party or attorney who breaches his duty to "take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena." The authorities make it clear that a finding that a party secured a subpoena in bad faith, or for an improper purpose (e.g., merely to harass or annoy either the target of the subpoena or another party to the litigation), or in reckless disregard of the rights of others under Federal Rule of Civil Procedure 45, would be a sufficient basis for concluding that the party causing the subpoena to issue had breached its duty under Rule 45(c). Highfields Capital Mgmt., L.P. v. Doe, 2005 U.S. Dist. LEXIS 29680 , \*4-5 (N.D. Cal. June 1, 2005) (Exhibit 15).

Pixelworks alleges that the subpoena is "abusively drawn." However, this situation is completely distinguishable from the two cases cited by Pixelworks which awarded sanctions. In Theofel v. Farey-Jones, 359 F.3d 1066, 1071 (9th Cir. 2003) the documents requested were "all copies of emails sent or received by anyone" with no limitation on time or scope. Mattel Inc. v. Walking Mountain Products, 353 F.3d 792, 813 (9th Cir. 2003), too, sought overbroad information that was irrelevant to its goal of impeaching an expert. Each of the Topics specified by TLC are related specifically to the technology at issue in the lawsuit, and to Pixelworks' relationship and supply of such technology to Syntax-Brilliant. Further, this is a subpoena for one day of deposition testimony, which includes 18 Topics – hardly an overbroad or burdensome number, or one which could be said to recklessly disregard Pixelworks' rights. Additionally, TLC offered to (1) work with Pixelworks to find another date; and (2) narrow the topics if and when Pixelworks produced documents responsive to TLC's earlier subpoena. Pixelworks asserts

that it “afforded [TLC] the opportunity to correct their mistakes.” However, other than the litany of objections provided, Pixelworks offered no compromise to TLC.

**IV. CONCLUSION**

For the foregoing reasons, TLC respectfully requests this Court to deny Pixelworks’ motion to quash, and order Pixelworks to make a witness available for deposition.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

The undersigned attorney of record hereby certifies that a copy of the foregoing **MEMORANDUM IN OPPOSITION OF NON-PARTY PIXELWORKS, INC.'S MOTION TO QUASH DEPOSITION SUBPOENA AND MOTION FOR SANCTIONS** was served on the following parties on September 6, 2007 via first class mail:

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