

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

TRUSUN TECHNOLOGIES, LLC D/B/A  
TRUSOLIS TECHNOLOGIES;  
THE JOHNSTON FAMILY TRUST; AND  
JOHN F. JOHNSTON,

Plaintiffs,

v.

EATON CORPORATION;  
COOPER LIGHTING, LLC d/b/a  
COOPER LIGHTING SOLUTIONS; AND  
SIGNIFY HOLDING B.V.,

Defendants.

Civil Action No. 6:19-CV-00656-ADA

**REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE  
(LETTER ROGATORY) TO OBTAIN TESTIMONY FROM RADU GOIA**

TO: The Ontario Superior Court of Justice

Toronto, Ontario, Canada

GREETINGS:

The United States District Court, Western District of Texas, Waco Division (the “Requesting Court”) presents its compliments to the appropriate judicial authority of the Superior Court of Justice, Ontario, Canada, and requests international judicial assistance to obtain evidence to be used in civil proceedings before this Court in the above captioned matters.

WHEREAS, there is an action pending in this Court, entitled as above (the “Action”); and

WHEREAS, this Court is of the opinion that a non-party, Radu Goia, a resident of Toronto, Ontario, may have evidence: (1) relevant to the issues raised by the pleadings herein; (2) necessary

at trial and that will be adduced at trial if admissible; (3) not otherwise obtainable by this Court; and (4) in the interests of doing justice in this case; and

WHEREAS, this Court further is of the opinion that the Order sought herein is not contrary to Canadian public policy, the documents sought are identifiable with reasonable specificity, the Order sought is necessary to further the interest of justice and allow Eaton Corporation (“Eaton”), Cooper Lighting, LLC (“Cooper”), and Signify Holding B.V. (“Signify”) to further their case and to obtain the discovery required from Radu Goia for use in the pre-trial phase and at trial, and the Order sought is not unduly burdensome.

THEREFORE, the following relief is requested within your jurisdiction:

1. It is respectfully requested that, in the interests of justice, you compel Radu Goia, by your usual and proper process, to attend a deposition before an official examiner or a reporting service named by the examining party in Toronto, Ontario on a date prior to July 15, 2021, or as soon thereafter as is reasonably possible to further the rogatory also in light of possible delays experienced by the Court and the Recipient due to COVID-19, with counsel for the parties to the Actions electing whether to appear in person, by phone, or by video-conferencing, relevant to the issues in the Action that are identified hereto in Schedule A.

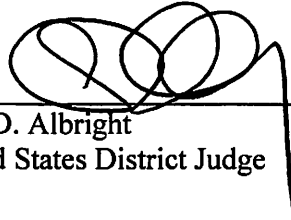
2. It is further requested that the evidence given at the foregoing deposition be transcribed, and that certified copies of the transcripts of the evidence of the deponent, together with all documents produced prior to or at the deposition, be provided to the attorneys for the Plaintiffs and Eaton, Cooper, and Signify.

3. It is further requested that the reasonable costs, expenses, and/or attorney's fees incurred by Goia in complying with your order compelling attendance and examination at

deposition(s) be paid in an amount as agreed upon by the parties, failing which, they be assessed and awarded as determined by you, the Ontario Superior Court of Justice.

This Letter Rogatory is signed and sealed by Order of the Court made on the date set forth below.

SIGNED this 22 day of MARCH, 2021



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Alan D. Albright  
United States District Judge



A true copy of the original, I certify.  
Clerk, U.S. District Court

By L Diaz  
March 23, 2021 Deputy

Dated: March 17, 2021

Respectfully submitted,

**PERKINS COIE LLP**

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**ATTORNEYS FOR DEFENDANTS  
EATON CORPORATION,  
COOPER LIGHTING, LLC, AND  
SIGNIFY HOLDING B.V.**

## SCHEDULE A

### DEFINITIONS

The following definitions are applicable herein:

1. The terms “Goia,” “you,” and “your” mean and refer to Radu Goia.
2. “Action” refers to the lawsuit filed in the Western District of Texas, captioned *TruSun Tech., LLC et al. v. Eaton Corp. et al.*, No. 6:19-CV-00656-ADA (W.D. Tex.).
3. “Asserted Patent” refers to United States Patent No. 8,188,685.
4. “Signify Patents-in-Suit” refers to U.S. Patent Nos. 9,657,930; 10,051,709; 10,085,317; 10,098,201; 10,143,053; 10,161,577; 10,161,619; 10,201,057; 10,251,225; 9,188,307; 9,189,996; 9,730,302; 9,759,418; 9,800,431; 9,857,066; 9,888,545; 9,736,904; 9,408,271; 10,154,560; 10,182,485; 10,539,310; 10,371,345; 10,502,399; 10,517,153; 10,470,270; 10,136,501; 10,492,266; 10,117,303; 10,502,400; 10,631,377; and 10,701,778.
5. “Eaton” refers to Eaton Corporation, defendant and counterclaimant in the action.
6. “Cooper” refers to Cooper Lighting, LLC, defendant and counterclaimant in the action.
7. “Signify” refers to Signify Holding B.V., defendant and counterclaimant in the action.
8. “Johnston” refers to John F. Johnston, plaintiff and counter-defendant in the action.
9. “ProTerra” refers to ProTerra LED, Inc., ProTerra Lighting (US), Inc. and/or ProTerra LED International, Inc.
10. “Ephesus” refers to Ephesus Lighting, Inc. and/or Ephesus Technologies, LLC.
11. “InnovatUS” refers to InnovatUS, LLC.

12. "ProTerra LED lighting products" refers all light emitting diode products designed, produced, or offered for sale by ProTerra prior to June 10, 2010, including at least LED Roadway and Parking Lot Lights, LED Office Retrofit Kits, LED Flat Panel Fixtures, and LED Bay Lights.

13. "And" and "or" shall be given their ordinary meanings as well as mean "and/or."

14. The singular includes the plural and vice versa. The masculine includes the feminine gender and neutral genders. The past tense includes the present tense where the clear meaning is not distorted by change of tense.

**MATTERS UPON WHICH THE WITNESS IS TO BE EXAMINED**

**TOPIC NO. 1:**

The scope of your employment with ProTerra, including the dates you were employed by ProTerra, your role at ProTerra, and tasks you undertook in your capacity as a ProTerra employee.

**TOPIC NO. 2:**

Your involvement in and knowledge of the design and development of High Bay LED lighting systems by ProTerra and Johnston.

**TOPIC NO. 3:**

Your involvement in and knowledge of the design and construction of heat sinks for ProTerra LED lighting products.

**TOPIC NO. 4:**

Your involvement in and knowledge of the design and use of LED lenses by ProTerra and Johnston.

**TOPIC NO. 5:**

Your involvement in and knowledge of the use of voltage control to control the LED output in ProTerra LED lighting products.

**TOPIC NO. 6:**

Your involvement in and knowledge of the use of thermal or heat management in ProTerra LED lighting products.

**TOPIC NO. 7:**

Technical documents relating to light emitting diode products, including without limitation the ProTerra LED lighting products, that were created by you, in whole or in part, in the course of

your employment at ProTerra, including, for example, technical specifications, design drawings, or physical prototypes.

**TOPIC NO. 8:**

Technical information relating to light emitting diode products, including without limitation the ProTerra LED lighting products, that were created by you and provided to Ephesus in 2011, including, for example, technical specifications, design drawings, or physical prototypes.

**TOPIC NO. 9:**

The scope of your involvement with InnovatUS, including dates you were employed by InnovatUS, your role at InnovatUS, and tasks you undertook on behalf of InnovatUS, if any.

**TOPIC NO. 10:**

Your knowledge of any patents relating to light emitting diode technologies derived from work done by you for Johnston, ProTerra, InnovatUS, and/or Ephesus.

**TOPIC NO. 11:**

The design and development of the technology disclosed in the Asserted Patent.

**TOPIC NO. 12:**

The factual basis for Johnston's allegation that he contributed to the Signify Patents-in-Suit in his First Interrogatory Response. *See* Attachment 1 to these Requests. (Plaintiffs' First Supplemental Objections and Responses to Defendant Signify Holding B.V.'s First Set of Interrogatories, served January 8, 2021, at No. 1, pp. 5-33).