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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

Richard L. Chang,

Plaintiff;

v.

Biosuccess Biotech Co. Ltd., et al.

Defendants.

Biosuccess Biotech, Co. Ltd.,

Counterclaimant;

v.

Richard L. Chang et al.,

Counterclaim Defendants.

Case No. 2:13-cv-01340-JAK-AN

Order Ruling on Plaintiff's Evidentiary Objections to Declarations Filed in Support of Defendant's Opposition to Plaintiff's Motion for Summary Judgment (Dkt. 132)

Evidence	Grounds for Objection	Ruling
1. Declaration of Enoch Liang Exhibits A–I [Dkt 116-2]	Plaintiff objects to these exhibits under the Parol Evidence Rule and as irrelevant under the Federal Rules of Evidence, Rule 401.	Overruled
2. Declaration of Zheng Tao Han (Entire declaration) [Dkt. 116-3]	Plaintiff objects to this declaration in its entirety under the Parol Evidence Rule, and as irrelevant under the Federal Rules of Evidence, Rule 401.	Overruled
3. Declaration of Fred Chi-Ming Wu (Entire declaration) [Dkt. 116-4]	Plaintiff objects to this declaration in its entirety under the Parol Evidence Rule, and as irrelevant under the Federal Rules of Evidence, Rule 401.	Overruled
4. Declaration of Fred Chi-Ming Wu [Dkt. 116-4] ¶ 5. To my knowledge, Biosuccess is one of the first companies to perform such	Plaintiff objects to this paragraph due to its lack of foundation regarding the uses of the phrase "market." (Fed. R. Evid. 602.) Plaintiff further	Sustained; irrelevant.

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extensive research in the area of TPA. Biosuccess's ability to establish and maintain its position as the market leader in the area of TPA research is a result of years of clinical research under the guidance of Prof. Zhengtao Han ("Prof. Han"). As a result, Biosuccess has developed years of clinical research data that form the basis for its submissions to the FDA and USPTO. Prof. Han currently is the lead researcher of TPA treatment for Biosuccess.	objects to the use of the phrase "to my knowledge" as wholly insufficient.	
5. Declaration of Fred Chi-Ming Wu [Dkt. 116-4] ¶ 13. In late August 2006 after I returned to Taiwan from my mid-August trip to New Jersey, I (on behalf of Biosuccess) sent Mr. Chang and Prof. Han several drafts of the patent assignment agreement. It had been understood by the parties that Mr. Chang and Prof. Han were going to *jointly* assign their intellectual	Plaintiff objects to this paragraph as lacking in foundation for Professor Chang's and Professor Han's state of mind. (Fed. R. Evid. 602.)	Sustained

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property rights in TPA to Biosuccess, and that Mr. Chang and Prof. Han would become founding shareholders, directors, and officers of Biosuccess. Attached as **Exhibit D and E** are true and correct copies of emails (and attachments) that I sent to Mr. Chang and Prof. Han in late Aug. 2006 attaching the patent assignment agreement.		
6. Declaration of Fred Chi-Ming Wu [Dkt. 116-4] ¶ 31. If the Sept. 2011 Assignment was actually executed in August 2006, it would have listed the previous address for Biosuccess, which was "7F-1, No. 577, Lin-Sen N. Rd., Taipei, Taiwan," where Biosuccess was based until mid-2007. In fact, the October 2006 Assignment (which was signed in October 2006) did list the "Lin-Sen North" address. **See Exhibit F** (listing Biosuccess's office address as "7F-1, No. 577, Lin-	Plaintiff objects to this paragraph as speculative.	Sustained; argument.

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Sen North Rd., Taipei, Taiwan 10460, R.O.C."). **See also Exhibit C** (listing same Lin-Sen North Road address).		

IT IS SO ORDERED.

Dated: April 21, 2014

HON. JOHN A. KRONSTADT
UNITED STATES DISTRICT COURT JUDGE

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