

1 William Christopher Carmody
(Admitted *pro hac vice*)
2 Jacob W. Buchdahl
(Admitted *pro hac vice*)
3 SUSMAN GODFREY L.L.P.
4 560 Lexington Avenue, 15th Floor
New York, New York 10022
5 Telephone: (212) 336-8330
Facsimile: (212) 336-8340
6 Email: bcarmody@susmangodfrey.com
7 Email: jbuchdahl@susmangodfrey.com

8 Marc M. Seltzer (54534)
SUSMAN GODFREY L.L.P.
9 1901 Avenue of the Stars, Suite 950
Los Angeles, CA 90067-6029
10 Telephone: (310) 789-3100
Facsimile: (310) 789-3150
11 Email: mseltzer@susmangodfrey.com

12 [Additional counsel listed below signature line]
13 *Attorneys for Defendants*

14 **UNITED STATES DISTRICT COURT**
15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 VIASAT, INC.,
17 Plaintiff,
18 vs.
19 SPACE SYSTEMS/LORAL, INC.,
LORAL SPACE &
COMMUNICATIONS INC.,
20 Defendants/Counterclaim
Plaintiffs.

Case No. 3:12-cv-00260-H-WVG

Hon. Marilyn L. Huff

**[PUBLIC-REDACTED-
CORRECTED]**

**DECLARATION OF AMANDA K.
BONN IN SUPPORT OF
DEFENDANT SPACE
SYSTEMS/LORAL, LLC'S
OPPOSITION TO MOTION FOR
PERMANENT INJUNCTION**

1 I, Amanda K. Bonn, an attorney admitted to practice law in the State of
2 California, hereby declare under penalty of perjury that the following is true and
3 correct:

4 1. I am a member of good standing of the State Bar of California.

5 2. I am an associate attorney at the law firm of Susman Godfrey L.L.P.,
6 counsel for the Defendants in the above-captioned action. I submit this Declaration
7 in support of Defendant Space Systems/Loral, LLC's ("SS/L") Opposition to
8 Plaintiff's Motion for Permanent Injunction.

9 3. ViaSat, Inc. has filed two patent infringement lawsuits against SS/L in
10 the Southern District of California. The first is the above-captioned action. The
11 second was filed on September 5, 2013. The second lawsuit alleges infringement
12 against SS/L's ongoing satellite projects, including two NBN satellites, Jupiter-2,
13 and Eutelsat 65W. The second lawsuit involves a different set of ViaSat patents
14 than the ones asserted in the above-captioned action. The second lawsuit does not
15 assert U.S. Patents Nos. 8,107,875; 8,010,043; or 8,068,827.

16 4. At trial in this matter, Dr. Slottje did not testify that ViaSat suffered
17 irreparable injury due to SS/L's alleged patent infringement. In the trial transcript,
18 there are no references to diminished or lost market share, impaired brand
19 recognition, lost economies of scale, or any other type of injury that is not
20 compensable by money damages.

1 5. On September 16, 2013, the Court in the above-captioned case
2 appointed Dr. Michael Rice as technical advisor to assist with the resolution of
3 Plaintiffs' Motion to Compel Defendants to produce capacity tools. On November
4 8, 2103, in compliance with the Court's Order, Dr. Rice lodged with the Court a
5 written report detailing his exhaustive comparison of the computer code of the
6 ViaSat capacity measurement tool with SS/L's capacity measurement tool for
7 Jupiter-1. [REDACTED]

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 6. Attached hereto as **Exhibit A** is a true and correct copy of a Tentative
13 Order Denying Plaintiffs' Motion to Compel Defendants to Produce Copies of
14 Capacity Tools Used on High Capacity Satellites, issued by Magistrate Judge Gallo
15 in this matter on November 10, 2013.

16
17 I declare under penalty of perjury that the foregoing is true and correct.

18 Executed this 11th Day of July, 2014.

19
20 
21 Amanda K. Bonn