

No. 21A-____

IN THE
Supreme Court of the United States

LUFTHANSA TECHNIK AG,

Applicant,

v.

THALES AVIONICS, INC.,

Respondent.

**APPLICATION FOR AN EXTENSION OF TIME TO FILE A
PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**

To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Ninth Circuit:

1. Under Supreme Court Rules 13.5, 22, and 30, petitioner Lufthansa Technik AG, through counsel, respectfully requests a 58-day extension of time, up to and including July 1, 2022, to file a petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit to review *In the Matter of the Application of Lufthansa Technik, AG, Petitioner, for an Order Pursuant to 28 U.S.C. 1782 to Take Discovery, Pursuant to the Federal Rules of Civil Procedure, of Respondent*, No. 20-56293. The United States Court of Appeals issued its decision on December 13, 2021. Appendix A. The United States Court of Appeals denied rehearing and rehearing en banc on February 3, 2022. Appendix B. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254. The time to file a petition for a

writ of certiorari will otherwise expire on May 4, 2022. The application is timely because it has been filed on or before 10 days before the date on which the petition is otherwise due.

2. The decision of the Ninth Circuit presents important and recurring questions about the standards for written and deposition discovery in United States courts to support patent litigation in foreign countries. Several federal circuit courts of appeals are in conflict regarding those standards, and thus whether they would have decided this case differently from the Ninth Circuit.

3. Good cause exists for this motion. Undersigned counsel Lawrence D. Rosenberg's ability to complete the petition without an extension has been made extremely difficult by in-patient surgery in late January 2022, which required a substantial hospital stay, and from which he has only recently recovered.

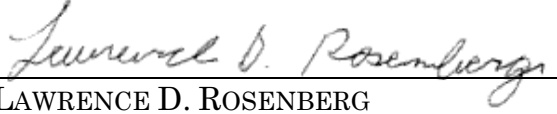
4. Mr. Rosenberg also has had recently, and will have in the coming weeks, significant professional commitments that would also make it extremely difficult to complete the petition without an extension. Mr. Rosenberg is lead counsel in this Court in *Campbell-Martin, et al. v. United States*, No. 21-1344, in which he filed a petition for a writ of certiorari on April 7, 2022, and in *Ojedokun v. United States*, No. 21-___, in which he is filing a petition for a writ of certiorari on April 22, 2022. Mr. Rosenberg is also lead counsel in *Citigroup Inc., et al. v. Villar*, No. 2:19-cv-05310-GW (C.D. Cal.), in which he has had several recent hearings and in which he must answer written discovery on April 25 and May 1, 2022, take depositions in May 2022, and brief summary judgment in June 2022. He is also lead

counsel in *United States v. Wilkerson*, No. 20-6010 (6th Cir.), in which he had oral argument on March 24, 2022. Mr. Rosenberg is also lead counsel in *United States v. Fallin*, No. 20-7702 (4th Cir.), in which in-person oral argument will take place on May 4, 2022. He is also lead counsel in *Lufthansa Technik v. Panasonic Avionics Corp.*, No. 2:17-cv-01453-JCC (W.D. Wash.), in which he is coordinating simultaneous document discovery from several parties, and in which he had to conduct a deposition in Seattle, Washington, on April 7, 2022, and conduct another deposition on April 13, 2022. Mr. Rosenberg is also lead counsel in *Antero Resources Corp. v. Irby*, Nos. 21-0119, 21-1021 (W. Va.), in which he had oral argument in the Supreme Court of Appeals of West Virginia on March 2, 2022, filed a brief in that Court in a related case on April 20, 2022, and has several upcoming filings in related cases in May and June 2022. He is also counsel in *Fatime Abdel-Fakhara v. State of Vermont*, No. 5:21-cv-198 (D. Vt.), in which he will be presenting oral argument in opposition to summary judgment on April 28, 2022. Mr. Rosenberg has been out of the country on vacation starting on April 13 and will return on April 25, 2022. He also will be out of the office on May 5–7 attending the American Bar Association Section of Litigation Annual Conference and Spring Leadership Meeting.

WHEREFORE, Lufthansa respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari for 58 days, up to and including July 1, 2022.

Dated: April 22, 2022

Respectfully submitted,

A handwritten signature in cursive script, reading "Lawrence D. Rosenberg", is written over a horizontal line.

LAWRENCE D. ROSENBERG

Counsel of Record

JONES DAY

51 Louisiana Avenue, N.W.

Washington, D.C. 20001

(202) 879-3939

ldrosenberg@jonesday.com

Counsel for Petitioner