

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT DELAWARE**

ARENDI S.A.R.L.,)	
)	
Plaintiff,)	C.A. No. 13-919-JLH
)	
v.)	
)	
GOOGLE LLC,)	
)	
Defendant.)	

**LETTER TO THE HONORABLE JENNIFER L. HALL FROM DAVID E. MOORE
REGARDING UPDATED DEPOSITION DESIGNATIONS**

OF COUNSEL:

POTTER ANDERSON & CORROON LLP

Robert W. Unikel
John Cotiguala
Matt Lind
PAUL HASTINGS LLP
71 South Wacker Drive, Suite 4500
Chicago, IL 60606
Tel: (312) 449-6000

David E. Moore (#3983)
Bindu A. Palapura (#5370)
Andrew L. Brown (#6766)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
Tel: (302) 984-6000
dmoore@potteranderson.com
bpalapura@potteranderson.com
abrown@potteranderson.com

Attorneys for Defendant Google LLC

Robert R. Laurenzi
Chad J. Peterman
PAUL HASTINGS LLP
200 Park Avenue
New York, NY 10166
Tel: (212) 318-6000

Ginger D. Anders
MUNGER, TOLLES & OLSON LLP
601 Massachusetts Avenue NW, Suite 500E
Washington, D.C. 20001
Tel: (202) 220-1100

Vincent Y. Ling
MUNGER, TOLLES & OLSON LLP
350 S. Grand Avenue, 50th Floor
Los Angeles, CA 90071
Tel: (213) 683-9100

Dated: April 25, 2023

April 25, 2023

Dear Judge Hall:

The parties have further streamlined the issues for resolution relating to the Anind Dey deposition designations, and so wish to provide the court with an updated joint submission reflecting their pending disputes. There are no longer any disputes with respect to the Miller designations or the Dey or Miller exhibits.

Accordingly, please find attached the updated Anind Dey deposition transcript, indicating Google's designations, Arendi's counter-designations, and the parties' objections and positions (Exhibit 1); and a spreadsheet listing the parties' current deposition designations, counter-designations, objections, and positions (Exhibit 2).

Notably, many, though not all, of the parties' objections are common across various deposition designations. To avoid burdening the Court with repetitive objections, the parties provide the following positions on those repeated objections:

Google

- Leading: Arendi did not raise this objection at deposition, either by not raising any form objection or by not specifying a "leading" objection giving counsel the opportunity to correct any deficiency, and the questions were proper.

Arendi

- Leading: Google's designations include leading questions that had a major impact on the testimony. Rule 611 is clear that leading questions can only be used with a witness who is adverse to or hostile to the questioning party. Mr. Dey is not adverse to Google, much less hostile. Arendi objected to Google's leading questions in the record, and they should be excluded as improper.

Respectfully,

/s/ David E. Moore

David E. Moore

DEM:nmt/10773066/12599.00040

Enclosures

cc: Clerk of the Court (via hand delivery)
Counsel of Record (via electronic mail)