

EXHIBIT 1

From: [Murray, Katherine F.](#)
To: [Tamar Lusztiq](#); [Polatoglu, Serli](#); [Ellis, Dennis S.](#); [PH-UMASS v. L'Oreal USDC](#); ["Frederick Cottrell"](#); ["Jason Rawnsley"](#); ["Jeffrey Moyer"](#); [Palys, Joseph E.](#); ["Katharine Mowery"](#); [Modi, Naveen](#)
Cc: [Beatrice Franklin](#); [Bill Carmody](#); ["Brian Farnan"](#); [Justin A. Nelson](#); [Keeley Lombardo](#); ["Lucas L. Silva"](#); ["Matthew Lowrie"](#); [Rodney Polanco](#)
Subject: RE: UMass v. L'Oreal
Date: Wednesday, October 16, 2019 6:12:18 PM

Thank you Tamar,

Below is a slightly more detailed summary of our call so that we are all on the same page.

Rule 30(b)(6) Deposition Re: Access to L'Oréal S.A. materials

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We explained that L'Oréal USA cannot offer a witness to speak on this topic, as this information would be known to L'Oréal S.A., not L'Oréal USA. Nonetheless, we explained that, with respect to relevant documents, we are not going to insist that Plaintiffs proceed through the Hague to obtain documents from L'Oréal S.A. Rather, we will make all reasonable efforts to collect and produce any relevant documents maintained by L'Oréal S.A.

RFP No. 31 – Marketing Documents

We explained that this request, which seeks all marketing documents for any product containing adenosine, is overly burdensome, and L'Oréal USA would not be able to produce all those documents before trial, or even afterwards, as this would amount to hundreds of thousands, if not millions of pages. We proposed a more workable approach, wherein L'Oréal USA would provide targeted marketing materials for 30 products at a time, which would include product packaging and launch materials. As we explained, we believe the launch materials would be helpful as they identify the claims that have been cleared for each product. We do not know if each brand maintains such documents, but we agreed to produce them if they do exist. We also asked you to provide us with a list of any products Plaintiffs are particularly interested in so we can include those products in the first phase.

RFP No. 30 – Samples of Discontinued Products

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We agreed to look into whether L'Oréal USA keeps extra inventory of products no longer on the market. If that inventory includes more than one of any particular product sought by Plaintiffs, then we may provide a sample, but we should defer this discussion until after we produce the technical documents. In the meantime, we suggested that Plaintiffs obtain samples of products currently on the market by purchasing those products.

Supplemental Interrogatory Responses and Document Production

With respect to timing for the document production, as you note below, we explained that the technical documents would be produced first in the next few weeks, followed by the marketing materials for the first phase of products. Once those documents are produced, L'Oréal USA will supplement its interrogatory responses to provide the bates numbers for the documents that

support its interrogatory responses.

Kathy

From: Tamar Lusztig <TLusztig@susmangodfrey.com>
Sent: Wednesday, October 16, 2019 3:06 PM
To: Polatoglu, Serli <serlipolatoglu@paulhastings.com>; Ellis, Dennis S. <DennisEllis@paulhastings.com>; PH-UMASS v. L'Oreal USDC <PH-UMass-LOreal-USDC@paulhastings.com>; 'Frederick Cottrell' <cottrell@rlf.com>; 'Jason Rawnsley' <rawnsley@rlf.com>; 'Jeffrey Moyer' <moyer@rlf.com>; Palys, Joseph E. <josephpalys@paulhastings.com>; 'Katharine Mowery' <mowery@rlf.com>; Murray, Katherine F. <katherinemurray@paulhastings.com>; Modi, Naveen <naveenmodi@paulhastings.com>
Cc: Beatrice Franklin <BFranklin@susmangodfrey.com>; Bill Carmody <bcarmody@SusmanGodfrey.com>; 'Brian Farnan' <bfarnan@farnanlaw.com>; Justin A. Nelson <jnelson@SusmanGodfrey.com>; Keeley Lombardo <KLombardo@susmangodfrey.com>; 'Lucas I. Silva' <lsilva@foley.com>; 'Matthew Lowrie' <mlowrie@foley.com>; Rodney Polanco <RPolanco@susmangodfrey.com>
Subject: [EXT] RE: UMass v. L'Oreal

Counsel,

Thanks for your time earlier this week. Here's where we stand on the issues discussed on that call.

You said you'd make your first production—which will include “research and innovation” documents—2-3 weeks from now, and will then supplement your responses to our interrogatories 3, 5, and 6. Similarly, you said you'd be able to update your responses to our interrogatories no. 1 and 2 at that time.

With respect to RFPs no. 30 and 31, you will find out from your client whether your client has maintained (and can produce to us) product samples for discontinued products that are not publicly available, which we emailed you about recently. And you will start producing the “launch materials” for the accused products in about a month, on a rolling basis of approximately 30 products at a time. These launch materials should provide us with certain marketing information about the accused products.

With respect to discovery from L'Oréal S.A., you represented that you are able to and will collect relevant and responsive documents from L'Oréal S.A. and produce them to us, so that we will not need to pursue those materials directly from L'Oréal S.A. through the Hague. Based on that representation, we can agree to table our recently-served 30(b)(6) notice.

Thanks again. Please do let us know about the discontinued products as soon as you can.

-Tamar

From: Tamar Lusztig
Sent: Tuesday, October 8, 2019 12:11 PM
To: Polatoglu, Serli <serlipolatoglu@paulhastings.com>; Ellis, Dennis S. <DennisEllis@paulhastings.com>; PH-UMASS v. L'Oreal USDC <PH-UMass-L'Oreal-USDC@paulhastings.com>; 'Frederick Cottrell' <cottrell@rlf.com>; 'Jason Rawnsley' <rawnsley@rlf.com>; 'Jeffrey Moyer' <moyer@rlf.com>; Palys, Joseph E. <josephpalys@paulhastings.com>; 'Katharine Mowery' <mowery@rlf.com>; Murray, Katherine F. <katherinemurray@paulhastings.com>; Modi, Naveen <naveenmodi@paulhastings.com>
Cc: Beatrice Franklin <BFranklin@susmangodfrey.com>; Bill Carmody <bcarmody@SusmanGodfrey.com>; 'Brian Farnan' <bfarnan@farnanlaw.com>; Justin A. Nelson <jnelson@SusmanGodfrey.com>; Keeley Lombardo <KLombardo@susmangodfrey.com>; 'Lucas I. Silva' <lsilva@foley.com>; 'Matthew Lowrie' <mlowrie@foley.com>; Rodney Polanco <RPolanco@susmangodfrey.com>
Subject: RE: UMass v. L'Oreal

Serli, Wednesday is Yom Kippur. On Thursday we will be busy getting out our infringement contentions. If you are unavailable on Friday, we are free on Monday between 1 PM ET and 4:30 PM ET. Let us know when during that timeframe works for you. And, as I already requested, please let us know what you want to discuss on this call.

From: Polatoglu, Serli <serlipolatoglu@paulhastings.com>
Sent: Monday, October 7, 2019 8:25 PM
To: Tamar Lusztig <TLusztig@susmangodfrey.com>; Ellis, Dennis S. <DennisEllis@paulhastings.com>; PH-UMASS v. L'Oreal USDC <PH-UMass-L'Oreal-USDC@paulhastings.com>; 'Frederick Cottrell' <cottrell@rlf.com>; 'Jason Rawnsley' <rawnsley@rlf.com>; 'Jeffrey Moyer' <moyer@rlf.com>; Palys, Joseph E. <josephpalys@paulhastings.com>; 'Katharine Mowery' <mowery@rlf.com>; Murray, Katherine F. <katherinemurray@paulhastings.com>; Modi, Naveen <naveenmodi@paulhastings.com>
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Subject: RE: UMass v. L'Oreal

Tamar,

Unfortunately, that time will not work for us. If you are unavailable on Wednesday or Thursday, we will have to schedule the call for Monday the 14th.

Best,
-Serli

From: Tamar Lusztig <TLusztig@susmangodfrey.com>
Sent: Monday, October 7, 2019 2:40 PM

To: Polatoglu, Serli <serlipolatoglu@paulhastings.com>; Ellis, Dennis S. <DennisEllis@paulhastings.com>; PH-UMASS v. L'Oreal USDC <PH-UMass-L'Oreal-USDC@paulhastings.com>; 'Frederick Cottrell' <cottrell@rlf.com>; 'Jason Rawnsley' <rawnsley@rlf.com>; 'Jeffrey Moyer' <moyer@rlf.com>; Palys, Joseph E. <josephpalys@paulhastings.com>; 'Katharine Mowery' <mowery@rlf.com>; Murray, Katherine F. <katherinemurray@paulhastings.com>; Modi, Naveen <naveenmodi@paulhastings.com>
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Subject: [EXT] RE: UMass v. L'Oreal

Serli, it looks like we misread our calendars and need to do this call at 4 PM ET on Friday. We'll circulate the calendar invite for then.

From: Tamar Lusztig
Sent: Monday, October 7, 2019 1:16 PM
To: Polatoglu, Serli <serlipolatoglu@paulhastings.com>; Ellis, Dennis S. <DennisEllis@paulhastings.com>; PH-UMASS v. L'Oreal USDC <PH-UMass-L'Oreal-USDC@paulhastings.com>; 'Frederick Cottrell' <cottrell@rlf.com>; 'Jason Rawnsley' <rawnsley@rlf.com>; 'Jeffrey Moyer' <moyer@rlf.com>; Palys, Joseph E. <josephpalys@paulhastings.com>; 'Katharine Mowery' <mowery@rlf.com>; Murray, Katherine F. <katherinemurray@paulhastings.com>; Modi, Naveen <naveenmodi@paulhastings.com>
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Subject: RE: UMass v. L'Oreal

Serli,

We need to know which discovery responses you are agreeing to supplement in order to forgo a motion to compel. That said, since there seems to be something you want to discuss with respect to this issue, we are free to discuss it again with you on Friday at 3 PM ET. We'll circulate a calendar invite with a conference line. Please let us know before that call what "additional issues" you have run into so that we can prepare to address them, and let us know on or before Friday's call which discovery responses you are agreeing to supplement.

-Tamar

From: Polatoglu, Serli <serlipolatoglu@paulhastings.com>
Sent: Sunday, October 6, 2019 10:52 PM

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