

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

UNIVERSITY OF MASSACHUSETTS  
and CARMEL LABORATORIES, LLC,

Plaintiffs,

v.

L'ORÉAL USA, INC.,

Defendant.

C.A. No. 17-cv-868-CFC-SRF

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**MOTION TO RESOLVE DISCOVERY DISPUTE**

Pursuant to the Court's May 19, 2020 Oral Order, the Parties respectfully move this Court to address outstanding disputes regarding the following discovery matters during the June 23, 2020 teleconference:

Plaintiffs' Issues Raised during the May 18, 2020 Teleconference

- Defendant's refusal to review/produce documents returned from its "adenosine" and "75156" searches, or to run Plaintiffs' suggested limiting terms

L'Oréal USA's Issues Raised during the May 18, 2020 Teleconference

- N/A

New Issues Raised by Plaintiffs

- Defendant's failure to produce outstanding information regarding domestic sales of the Accused Products
- Defendant's failure to produce outstanding information regarding foreign sales of products containing adenosine that are developed, tested, and/or manufactured in the United States<sup>1</sup>

New Issues Raised by L'Oréal USA

- An order to remedy issues that arose during the June 10, 2020 deposition of Dennis Wyrzykowski relating to his 30(b)(1) and 30(b)(6) testimony and objections and

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<sup>1</sup> The parties dispute whether they have met and conferred on this request.

instructions made by Plaintiffs' counsel

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in verbal meet-and-confers by telephone on the following date: June 12, 2020.

Delaware Counsel for Plaintiffs:	Brian Farnan Farnan LLP
Lead Counsel for Plaintiffs:	Justin Nelson Tamar Lusztig Nick Carullo Susman Godfrey LLP
Delaware Counsel for Defendant:	Kate Mowery Richards Layton & Finger PA
Lead Counsel for Defendant:	Dennis Ellis Serli Polatoglu Browne George Ross LLP  Karthik Kasaraneni Paul Hastings LLP

The Parties request leave to submit briefing in accordance with Magistrate Judge Fallon's Standing Order on Discovery Matters addressing the foregoing discovery disputes. The Parties will continue to meet and confer in good faith and attempt to resolve these disputes in advance of the June 23, 2020 teleconference.

Dated: June 15, 2020

FARNAN LLP

/s/ Brian E. Farnan  
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Respectfully submitted,

Richards, Layton & Finger, P.A.

/s/ Katharine L. Mowery  
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