

**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

**PLAINTIFFS' FIRST NOTICE OF RULE 30(b)(6)
DEPOSITION TO DEFENDANT L'OREAL USA, INC.**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, on or before October 18, 2019 and at a mutually agreeable location, counsel for Plaintiffs University of Massachusetts and Carmel Laboratories, LLC will take the deposition(s) of the designated representative(s) of Defendant L'Oréal USA ("L'Oréal"), able to testify fully as to the topics listed in Schedules A and B. The deposition(s) will continue from day to day until completed. The deposition(s) will be taken before a duly qualified notary public or other officer authorized by law to administer oaths. The deposition will be recorded by video and stenographic means. The deposition may be used to preserve testimony for trial, to obtain discovery, and for any other purpose authorized by the Federal Rules of Civil Procedure.

By September 23, 2019 L'Oréal shall provide a written designation of the name(s) and position(s) of the one or more officers, directors, or managing agents, or other person(s) who will be produced to testify on its behalf concerning the topics and matters set forth in Schedules A and B. Pursuant to Federal Rule of Civil Procedure 30(b)(6), the person(s) designated by

L'Oréal should be prepared to testify to such matters known or reasonably available to L'Oréal as set forth in Schedules A and B.

Dated: September 20, 2019

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

Brian E. Farnan (Bar No. 4089)
Michael J. Farnan (Bar No. 5165)
919 North Market Street, 12th Floor
Wilmington, DE 19801
Telephone: (302) 777-0300
Facsimile: (302) 777-0301
bfarnan@farnanlaw.com
mfarnan@farnanlaw.com

Of Counsel:

William Christopher Carmody
Tamar E. Lusztig
Beatrice C. Franklin
SUSMAN GODFREY L.L.P.
1301 Avenue of the Americas, 32nd Floor
New York, NY 10019
Telephone: (212) 336-8330
Facsimile: (212) 336-8340
bcarmody@susmangodfrey.com
tlusztig@susmangodfrey.com
bfranklin@susmangodfrey.com

Justin A. Nelson
SUSMAN GODFREY L.L.P.
1000 Louisiana Street, Suite 5100
Houston, Texas 77002
Telephone: (713) 651-9366
Facsimile: (713) 654-6666
jnelson@susmangodfrey.com

*Attorneys for University of Massachusetts
and Carmel Laboratories, LLC*

Matthew B. Lowrie
FOLEY & LARDNER LLP
111 Huntington Avenue, Suite 2600
Boston, MA 02199
Telephone: (617) 342-4000
Facsimile: (617) 342-4001
mlowrie@foley.com

Attorneys for Carmel Laboratories, LLC

COMMONWEALTH OF MASSACHUSETTS,

By its attorney,

MAURA HEALEY
ATTORNEY GENERAL

By: William Christopher Carmody
William Christopher Carmody
Special Assistant Attorney General
SUSMAN GODFREY L.L.P.
1301 Avenue of the Americas, 32nd Floor
New York, NY 10019
Telephone: (212) 336-8330
Facsimile: (212) 336-8340
bcarmody@susmangodfrey.com

Attorney for University of Massachusetts

SCHEDULE A

DEFINITIONS

The deposition topics are subject to and incorporate the following definitions:

1. The term “UMass” refers to the University of Massachusetts, including any of its past and present affiliates, operating divisions, campuses, subsidiaries, directors, officers, agents, employees, representatives, and all persons acting on its behalf.
2. The term “Carmel Labs” refers to Carmel Laboratories, LLC, including any of its past and present affiliates, operating divisions, parent corporations, subsidiaries, directors, officers, agents, employees, representatives, and all persons acting on its behalf.
3. The terms “Defendant,” “You,” “Your,” or “L’Oréal” shall refer to defendant L’Oréal USA, Inc., and shall include L’Oréal S.A. as well as L’Oréal USA Inc.’s parent, subsidiaries, affiliates, divisions, successors or assignees, and their respective officers, directors, employees, consultants, representatives, and agents.
4. The term “Present Lawsuit” refers to the case styled *University of Massachusetts, et al. v. L’Oréal USA, Inc.*, Case No. 1:17-cv-00868-CFC-SRF, pending in the United States District Court for the District of Delaware.
5. The term “Document” or “Documents” is used in the broadest sense permitted by the Federal Rules of Civil Procedure and means the original (or any copy when originals are not available) and any drafts or non-identical copies thereof, whether different from the original because of interlineations, receipt stamp, notation of copy sent or received or otherwise, of any email, instant message, voicemail, book, pamphlet, periodical, letter, report, note, memorandum, record, minutes, calendar or diary entry, transcript, study, compilation, analysis, tabulation, map, diagram, drawing, plan, picture, summary, working

paper, chart, paper, graph index, data sheet, data processing card, computer printout, summary of a computer printout, tape, contract, agreement, lease, ledger, journal, balance sheet, account, invoice, purchase order, receipt, billing record, financial data, financial statement, file, diary, film, trip tickets, telex, teletype or other messages, telegram, expense vouchers, instructions, bulletins or any other writing or recording of information, as well as all tape recordings, computer tapes, discs and other electronic or mechanical recordings, however produced, maintained or reproduced, including information stored in or generated by a computer whether or not ever printed out or displayed, within the possession, custody or control of plaintiff or any of its officers, directors, employees, attorneys, or other agents and/or representatives.

6. The term “Person” means natural person, corporation, firm, company, sole proprietorship, partnership, joint venture, association, institute, or other business, legal or governmental entity or association, including any directors, officers, employees, agents or representatives thereof.
7. The term “Agreement” means a contract, agreement, arrangement, or understanding, formal or informal, oral or written, between two or more persons.
8. The term “Communication” refers to any transfer of information, oral or written, be it in the form of facts, ideas, inquiries, opinions or otherwise, by any means, at any time or place, under any circumstances, and is not limited to transfers between persons, but includes other transfers, such as records and memoranda to the file.
9. The phrase “Relating To” means discussing, describing, referring to, pertaining to, containing, analyzing, studying, reporting on, commenting on, evidencing, constituting, setting forth, considering, recommending, concerning, or pertaining to, in whole or in part.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.