

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

MONTEREY RESEARCH, LLC,
Plaintiff,

vs.

QUALCOMM INCORPORATED,
QUALCOMM TECHNOLOGIES, INC., and
QUALCOMM CDMA TECHNOLOGIES
ASIA-PACIFIC PTE LTD.,

Defendants.

Civil Action No. 19-2083-NIQA-LAS

MONTEREY RESEARCH, LLC,
Plaintiff,

vs.

NANYA TECHNOLOGY
CORPORATION, NANYA
TECHNOLOGY CORPORATION, U.S.A.,
and NANYA TECHNOLOGY
CORPORATION DELAWARE,

Defendants.

Civil Action No. 19-2090-NIQA-LAS

MONTEREY RESEARCH, LLC,
Plaintiff,

vs.

ADVANCED MICRO DEVICES INC.,
Defendant.

Civil Action No. 19-2149-NIQA-LAS

MONTEREY RESEARCH, LLC,

Plaintiff,

vs.

STMICROELECTRONICS N.V and
STMICROELECTRONICS, INC.,

Defendants.

Civil Action No. 20-0089-NIQA-LAS

MONTEREY RESEARCH, LLC,

Plaintiff,

vs.

MARVELL TECHNOLOGY GROUP LTD.,
MARVELL INTERNATIONAL LTD.,
MARVELL ASIA PTE LTD., and
MARVELL SEMICONDUCTOR, INC.

Defendants.

Civil Action No. 20-0158-NIQA-LAS

PROPOSED RULE 26(F) REPORT AND DISCOVERY PLAN

Counsel for plaintiff and defendants jointly submit this report concerning their meet and confer pursuant to Rule 26(f) of the Federal Rules of Civil Procedure. On May 6, May 8, and May 12, 2020, via telephone conference call, the following counsel conferred on the topics outlined in this report and discovery plan:

- a) Plaintiff Monterey Research, LLC (“Monterey”): Jonas McDavit, Jordan Malz, Edward Geist, Michael Wueste, Ryan Thorne, Amy Wann, and Brian Farnan.
- b) Defendants Advanced Micro Devices, Inc.: Vincent Zhou, Ben Haber, and Alexandra Ewing.
- c) Defendants Marvell Technology Group Ltd., Marvell International Ltd., Marvell Asia Pte Ltd., and Marvell Semiconductor, Inc.: Eric Lancaster and Jack Blumenfeld.

- d) Defendants Nanya Technology Corporation, Nanya Technology Corporation, U.S.A., and Nanya Technology Corporation Delaware: Peter Wied and Karen Pascale.
- e) Defendants Qualcomm Incorporated, Qualcomm Technologies, Inc., and Qualcomm CDMA Technologies Asia-Pacific Pte Ltd.: Nathan Hamstra, Daniel Schwartz, and Karen Keller.
- f) Defendants STMicroelectronics N.V. and STMicroelectronics, Inc.: Jeff Moyer, Christine Haynes, and Tyler Bowen.

Through the meet and confer process, the parties have reached agreement on all but three issues: (1) the date for the substantial completion of document production, and (2) the amount of deposition hours, and (3) the total number of words for all claim construction briefs. In discussing those three issues below, the parties have set forth in side-by-side format their respective proposals and reasoning.

NATURE OF CLAIMS, DEFENSES, AND COUNTERCLAIMS

The above-captioned cases involve patent infringement of alleged inventions in the following technology areas: semiconductors, circuits, and the products that incorporate them. Monterey is seeking relief from the Court for Defendants' alleged infringement of Monterey's Patents. Defendants assert either that the asserted patents are not infringed by Defendants, or the asserted patents are invalid.

INITIAL DISCLOSURES

The parties have agreed to exchange initial disclosures pursuant to Rule 26(a)(1) within 21 Days of the entry of the Scheduling Order.

JOINDER OF OTHER PARTIES AND AMENDMENT OF PLEADINGS

The parties have agreed to file all motions to join other parties, and to amend or supplement the pleadings, by April 30, 2021.

DISCOVERY

The parties have agreed to proceed on formal discovery procedures in accordance with the Proposed Scheduling Order attached to this report. Since this case involves patent validity and infringement claims, the attached Proposed Scheduling Order contains patent-specific deadlines in accordance with the Delaware Local Rules, Judge Connolly's Model Scheduling Order For Patent Cases In Which Infringement Is Alleged, dated April 22, 2019, and the parties' agreements.

The attached Proposed Scheduling Order contains further details concerning the parties' positions on various additional scheduling and discovery items. The parties have agreed on the following issues with respect to discovery.

- a) Coordination: The parties will make best efforts to coordinate discovery across the five above-captioned cases to minimize the burdens of discovery on all parties and on the Court.
- b) Protective Order: The parties will submit a protective order to the Court by June 1, 2020. This protective order will contain provisions related to handling of source code. Any protective order will comply with Paragraph 11 of the attached Proposed Scheduling Order.
- c) Common Interrogatories: A maximum of fifteen (15) common interrogatories are permitted for Plaintiff towards all Defendants and fifteen (15) common interrogatories are permitted from all Defendants collectively towards Plaintiff.

- d) Individual Interrogatories: The parties may exchange up to an additional fifteen (15) individual interrogatories between Plaintiff and each Defendant Group.¹
- e) Requests for Admission: The parties may exchange up to twenty (20) individual requests for admission between Plaintiff and each Defendant Group.
- f) Requests for Admission, Authenticity: If a party does not agree to stipulate to the authenticity of documents, there is no limitation on the number of requests for admission relating to the authenticity of documents.
- g) Close of Fact Discovery: All fact discovery in the above-captioned cases shall be initiated so that it will be completed on or before August 9, 2021.

The parties have not yet reached agreement on the following two discovery issues: (1) the date for the substantial completion of document production and (2) the amount of deposition hours.

A. Substantial Completion of Document Production

The parties set forth below their respective proposals on the date for the substantial completion of document production.

¹ A Defendant Group is all entities in a single case brought by Plaintiff. For example, the Qualcomm Defendant Group would contain Qualcomm Incorporated, Qualcomm Technologies, Inc., and Qualcomm CDMA Technologies Asia-Pacific Pte Ltd.

Note: STMicroelectronics N.V. has moved to dismiss the complaint against it for lack of personal jurisdiction pursuant to Federal Rule of Civil Procedure (“Rule”) 12 (b) (2). (C.A. No. 20-0089 – NIQA-LAS (D.I. 25)). Accordingly, STMicroelectronics N.V. objects to participating in any aspect of this litigation, including the meet and confer process contemplated by Rule 26 and submission of the Rule 26 (f) Report and the Proposed Scheduling Order until the motion to dismiss is resolved. Marvell Semiconductor, Inc. will be moving to dismiss under Rule 12(b)(3) for improper venue and the remaining Marvell entities will be moving to dismiss under Rule 12(b)(2) for lack of personal jurisdiction. The Marvell entities object to participating in any aspect of this litigation, including the meet and confer process contemplated by Rule 26 and submission of the Rule 26(f) Report and the Proposed Scheduling Order, until their motions to dismiss are resolved.

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