

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CIVIL ACTION NO. 1:22-cv-22706-RNS

BELL NORTHERN RESEARCH, LLC,

Plaintiff

v.

HMD AMERICA, INC.; HMD GLOBAL OY;
SHENZHEN CHINO-E COMMUNICATION
CO., LTD.; HON HAI PRECISION
INDUSTRY CO., LTD; TINNO MOBILE
TECHNOLOGY CORP.; SHENZHEN
TINNO MOBILE CO., LTD.; TINNO USA,
INC.; UNISOC TECHNOLOGIES CO., LTD.;
SPREADTRUM COMMUNICATIONS USA,
INC.; WINGTECH TECHNOLOGY CO.,
LTD.; WINGTECH INTERNATIONAL,
INC.; HUAQIN CO., LTD; BEST BUY CO.,
INC.; BEST BUY STORES L.P.; TARGET
CORP.; WALMART INC.

Defendants.

Defendants.

**DEFENDANTS HMD AMERICA, INC. AND HMD GLOBAL OY'S
INTERIM RESPONSE TO PLAINTIFF'S UNOPPOSED MOTION TO DISMISS
WITHOUT PREJUDICE DEFENDANTS HON HAI PRECISION INDUSTRY CO. LTD
AND SPREADTRUM COMMUNICATIONS USA, INC.**

Defendants HMD America, Inc. ("HMD America") and HMD Global Oy ("HMD Global" and, collectively with HMD America, "HMD") file this interim response to Plaintiff's Unopposed Motion to Dismiss Without Prejudice Defendants Hon Hai Precision Industry Co. Ltd and Spreadtrum Communications USA, Inc. (ECF No. 126) (the "Motion").

The Motion was captioned as "unopposed," but Plaintiff Bell Northern Research, LLC ("Plaintiff") did not meet-and-confer, in accordance with Local Rule 7.1(a)(3), with all the parties who may be affected by the dismissal prior to filing the Motion, including at least the parties

represented by the undersigned counsel (HMD America, HMD Global, Best Buy Co., Inc., Best Buy Stores L.P., Target Corp., and Walmart, Inc.). Moreover, HMD submits that a dismissal of Hon Hai Precision Industry Co. Ltd (“Hon Hai”) and Spreadtrum Communications USA, Inc. (“Spreadtrum”) without prejudice may affect the rights of all the remaining Defendants in the case insofar as Hon Hai and Spreadtrum are implicated in one or more of the accused products.¹ Because all the parties, including HMD, have not had an opportunity to confer with Plaintiff on the effect of a dismissal without prejudice of Hon Hai and Spreadtrum, HMD requests that the Court reserve ruling on the Motion until all parties are given the opportunity to meet and confer and respond, if necessary, within the fourteen days provided for in the Local Rules.

Dated: February 1, 2023

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Respectfully submitted,

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**Attorneys for Defendants HMD America Inc.
and HMD Global Oy**

¹ HMD notes that Plaintiff’s Motion, brought under Federal Rule of Civil Procedure 41(a)(2), appears to be an attempt to avoid an adjudication on the merits as to Hon Hai. If the Motion is granted, this would be the second dismissal of this action as against Hon Hai. See ECF Nos. 55 and 57, Civil Action No. 22-cv-21035-SCOLA.