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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

IN RE NEO WIRELESS, LLC  
PATENT LITIG.

Case No. 2:22-md-03034-TGB

Hon. Terrence G. Berg



**DEFENDANTS' MOTION TO COMPEL  
PRODUCTION OF NEO'S LICENSING  
NEGOTIATIONS WITH AVANCI**

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### **CONCISE STATEMENT OF ISSUES PRESENTED**

1. Should plaintiff Neo Wireless LLC (“Neo”) be compelled to produce its patent licensing negotiations with third-party Avanci, LLC (“Avanci”) where:

- Avanci is the world’s largest automotive OEM patent licensing entity for 4G/LTE cellular patents, and Neo is asserting its patents against the Defendant automotive OEM’s 4G/LTE cellular technology;
- Each Defendant is a licensee of Avanci;
- Neo admitted in an interrogatory response that it was negotiating with Avanci to secure a patent license that would cover each of the asserted patents, each of the Defendants, and the alleged infringement asserted in this case;
- Avanci permitted at least one Defendant (Ford) to produce in discovery its patent license negotiations with Avanci; and
- Neo seeks damages in the form of a “reasonable royalty” under 35 U.S.C. §284 and the Federal Circuit has held that a patentee’s negotiations to license its asserted patents are squarely relevant to the reasonable royalty determination.

**Defendants’ answer:** Yes.

### **CONCURRENCE PURSUANT TO L.R. 7.1(a)**

Pursuant to L.R. 7.1(a), the parties met-and-conferred on numerous occasions regarding the relief sought in this Motion. The Court held a Status Conference on September 13, 2023 to discuss the parties’ discovery dispute, and authorized the Defendants to file this Motion.

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