

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

MYPAQ HOLDINGS LTD.,
Plaintiff,

v.

DELL TECHNOLOGIES, INC. and
DELL INC.,
Defendants.

6:21-cv-00933-ADA

ORDER GRANTING EARLY DISCOVERY

Came on for consideration this date is Plaintiff MyPAQ Holdings Ltd.'s Request for Early Discovery. After careful consideration of the Motion, the Parties' arguments, and the applicable law, the Court will **ORDER** early discover as indicated below.

I. BACKGROUND

On September 10, 2021, MyPAQ filed a patent infringement complaint against Dell Technologies, Inc. and Dell Inc. (collectively, "Dell"), accusing it of infringing two patents through the manufacture, use, and sale of power adapters and converters. *See* ECF No. 22.

On January 20, 2022, MyPAQ and Dell approached the Court with a discovery dispute. Fact discovery had not yet opened at that point and is still not open. On January 26, 2022, the Court heard oral argument from MyPAQ and Dell (the "Parties") on that dispute (the "First Hearing"). MyPAQ requested the following discovery, which Dell refused to give:

1. documents sufficient to show the Dell devices made by each Taiwanese manufacturer;
2. documents sufficient to show the number of devices sold to Dell by each manufacturer and the amount Dell paid for those devices;
3. the contact information for Dell's primary liaison at each manufacturer; and

MyPAQ Exhibit 0000

4. all the OEM/Purchase Agreements with each manufacturer.

During that hearing, the Court granted Dell’s requested relief and indicated it would issue an order to that effect. Before the Court could do so, a dispute arose between the Parties as to the scope and timing of the ordered discovery. On February 7, 2022, MyPAQ sent the Court an amended list of information it was seeking from Dell. Specifically, it requested, “[f]or each foreign OEM manufacturer/supplier of fast charging devices (‘FCDs’):”

1. documents sufficient to identify each FCD supplied to Dell by each foreign manufacturer/supplier;
2. documents or information sufficient to show the number of each of the FCDs sold to Dell by each foreign manufacturer/supplier;
3. documents or information sufficient to disclose the amount Dell paid for each FCD supplied to Dell from a foreign manufacturer/supplier on a per unit and cumulative basis;
4. the contact information for Dell’s primary liaison at each foreign manufacturer/supplier of FCDs; and
5. All OEM/Purchase Agreements with each foreign manufacturer/supplier of FCDs (“Agreements”), including any appendices, schedules, exhibits or amendments.

On February 11, 2022, the Court held oral argument on MyPAQ’s amended requests (the “Second Hearing”).

II. ANALYSIS

A. Opening Discovery Early

This Court appreciates the hurdles and delay attending discovery in China, Taiwan, and many other foreign countries. MyPAQ represented, without opposition from Dell, that a good portion of the discovery in this Action will come from Dell’s manufacturers abroad, primarily in Taiwan. The Court does not wish discovery in Taiwan to govern the pace at which this Action will proceed. Any hope of avoiding that scenario means allowing MyPAQ to proceed promptly with discovery from Dell. With that party discovery, MyPAQ can undertake the letters rogatory gauntlet

MyPAQ Exhibit 0000

armed with tailored discovery requests for Dell's foreign manufacturers. Accordingly, MyPAQ is granted its request for early discovery.

B. Discovery Requests

MyPAQ is seeking documents sufficient to show the Dell devices made by each manufacturer. MyPAQ conceded at the First Hearing that Dell produced technical specifications, in accord with the initial-disclosure requirement, but Dell limited that production to the product numbers MyPAQ's Complaint expressly accuses. MyPAQ argued that it needs information on other Dell devices from Dell's foreign manufacturers because "if we find out later that there are other products that have similar circuitry or design that they haven't told us about, we'd have to go back to the manufacturer then to get the discovery." First Hearing Tr., ECF No. 35, at 11:24–12:2. The Court is receptive to that argument.

At the Second Hearing, MyPAQ narrowed its request to simply all FCDs from Dell's manufacturers. Dell indicated that it does not know what the term "FCD" means and thus MyPAQ's discovery request has an uncertain scope. MyPAQ then suggested that its request could be broadened to all charging devices and, as a practical matter, "the vast majority of them are going to be fast-charging devices because that's what consumers demand."

The Court finds this request likely to produce evidence relevant to infringement. The Court finds that limiting the request to "charging devices" does not produce the same ambiguity as FCD. The Court will also, however, limit this request to the three Taiwanese vendors Dell and MyPAQ have specifically identified. It will also limit the request in time. These limitations sufficiently diminish the burden on Dell.

MyPAQ also made similar requests as to the quantity and price of the charging devices, as well as OEM agreements related thereto. This information is at least relevant to damages. The

Court will place the same vendor and time limitations on these requests, finding that this sufficiently reduces the burden on Dell.

III. CONCLUSION


It is therefore **ORDERED** that Dell produce:

1. documents sufficient to identify each charging device supplied to Dell by the three identified Taiwanese manufacturer(s)/supplier(s);
2. documents or information sufficient to show the number of each of the charging devices sold to Dell by each identified manufacturer/supplier;
3. documents or information sufficient to disclose the amount Dell paid for each charging device supplied to Dell from the identified manufacturers/suppliers on a per unit and cumulative basis;
4. the contact information for Dell's primary liaison at each identified manufacturer/supplier; and
5. All OEM/Purchase Agreements with each identified manufacturer/supplier (the "Agreement(s)"), including any appendices, schedules, exhibits or amendments.

The relevant period for this discovery is from September 10, 2015 to the present (the "Period"), and any Agreements that cover sales during the Period should be included even if the execution date for that Agreement is earlier than the Period.

Dell is **ORDERED** to produce this discovery on a rolling basis and as fast as practicably possible. Dell has been on notice since at least the First Hearing that the Court was going to order this type of discovery. Dell's counsel represented at the Second Hearing that it was already in the process of gathering the relevant information. Dell has little excuse for delay. The Parties are instructed to provide a status update via email to this Court's clerk two weeks from the date of this Order.

SIGNED this 24th day of February, 2022.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE