

**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.,

Defendant.

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NO. 6:21-cv-00933-ADA

**DEFENDANTS' FIRST VENUE-RELATED REQUESTS FOR
PRODUCTION (NOS. 1 – 6)**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and the Rules and Orders of this Court, Defendants Dell Technologies Inc. and Dell Inc. (collectively, “Dell” or “Defendants”) hereby serves the following first set of requests for production on Plaintiff MyPAQ Holdings Ltd. (“MyPAQ” or “Plaintiff”). The requested documents are to be produced on April 4, 2022, at the offices of Baker Botts, L.L.P., 98 San Jacinto Blvd, Ste 1500, Austin, TX 78701 or at a location mutually agreed to. Each request should be answered separately and fully, in writing and under oath, within twenty days.

DEFINITIONS

1. The requests, as well as the instructions provided below, are subject to and incorporate the following definitions and instructions as used herein, regardless of whether upper- or lower-case letters are used:

2. “Austin Division” means the Austin Division of the United States District Court for the Western District of Texas, which comprises the following counties in Texas: Bastrop,

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Blanco, Burleson, Burnet, Caldwell, Gillespie, Hays, Kimble, Lampasas, Lee, Llano, Mason, McCulloch, San Saba, Travis, Washington and Williamson.

3. “Waco Division” means the Waco Division of the United States District Court for the Western District of Texas, which comprises the following counties in Texas: Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Leon, Limestone, McLennan, Milam, Robertson and Somervell.

4. “MyPAQ,” “You,” “Your,” or “Plaintiff” shall each mean and refer to plaintiff MyPAQ Holdings Ltd., including its agents, officers, directors, employees, consultants, representatives, attorneys, predecessors and successors in interest, subsidiaries, affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, members and related entities, and any other legal entities, whether foreign or domestic that are owned or controlled by MyPAQ Holdings Ltd., and all predecessors and successors in interest to such entities, and any entity owned in whole or in part by, affiliated with, or controlled in whole or in part by MyPAQ Holdings Ltd., as well as the agents, officers, directors, employees, consultants, representatives and attorneys of any such entities.

5. “Flex,” means Flex Ltd., including its agents, officers, directors, employees, consultants, representatives, attorneys, predecessors and successors in interest, subsidiaries, affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, members and related entities, and any other legal entities, whether foreign or domestic that are owned or controlled by Flex Ltd., and all predecessors and successors in interest to such entities, and any entity owned in whole or in part by, affiliated with, or controlled in whole or in part by Flex Ltd., as well as the agents, officers, directors, employees, consultants, representatives and attorneys of any such entities. To avoid any doubt and without limitation to the foregoing, “Flex” includes each of

Flextronics International USA, Inc., and ColdWatt, Inc.

6. The “Asserted Patents” or “Patents-in-Suit” shall mean U.S. Patent Nos. 7,675,759 and 8,477,514, both individually and collectively.

7. The “Named Inventors” shall include, both collectively or individually as appropriate in the context of the request, Daniel A. Artusi, Ross Fosler, and Allen F. Rozman, including their agents, representatives, and attorneys.

8. “Litigation” means the above-referenced action, No. 6:21-cv-00933-ADA, in the United States District Court for the Western District of Texas, Waco Division.

9. “Document(s)” shall be construed under the broadest possible construction under Federal Rule of Civil Procedure 34 and Federal Rule of Evidence 1001. The term shall include without limitation any written, recorded, graphic, or other matter, whether sent or received or made or used internally, however produced or reproduced and whatever the medium on which it was produced or reproduced (whether on paper, cards, charts, file, or printouts, tapes, discs, belts, video tapes, audiotapes, tape recordings, cassettes, or other types of voice recording or transcription, computer tapes, databases, e-mails, pictures, photographs, slides, films, microfilms, motion pictures, or any other medium), and any other tangible item or Thing of readable, recorded, or visual material of whatever nature including originals, drafts, and all non- identical copies of each Document (which, by reason of any variation, such as the presence of absence of handwritten notes or underlining, represents a distinct version). By way of example, the term “Document(s)” as used herein shall include: correspondence; blueprints; memoranda; notes; diaries; letters; telegraphs; telegrams; telexes; emails; metadata; minutes; agendas; contracts; reports; studies; checks; statements; receipts; returns; summaries; pamphlets; circulars; press releases; advertisements; books; inter-office and intra-office communications; handwritten or

typewritten notes; notations or summaries of telephone conversations, meetings, or conferences; bulletins; computer printouts; databases; teletypes; telefax; invoices; worksheets; photographs; tape recordings; patents and patent application materials; patent appraisals; printed publications; trademark applications; certificates of registration; opinions of counsel; memoranda of agreements; assignments; licenses; reports of or summaries of either negotiations within or without the corporation or preparations for such; and all other tangible items of readable, recorded, or visual material of any kind.

10. “Communication(s)” shall mean, without limitation, any transmittal, conveyance or exchange of a word, statement, fact, Thing, idea, Document, instruction, information, demand, question or other information by any medium, whether by written, oral or other means, including electronic communications and electronic mail.

11. “Person(s)” shall mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other legal entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys or other representatives acting on the person’s behalf.

12. “Thing(s)” shall include any tangible objects of any kind and nature other than a Document, including prototypes, models, and physical specimens thereof.

13. “Concerning” or “concerned” means constituting, containing, embodying, comprising, reflecting, identifying, stating, referring to, dealing with, commenting on, responding to, describing, evidencing, setting forth, relating to, regarding, analyzing, or is any way pertinent to.

14. The terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise

be construed to be outside of its scope.

15. The terms “any,” “all,” “every,” and “each” shall each mean and include the other.

16. The singular form of any word shall be deemed to include the plural. The plural form of any word shall be deemed to include the singular.

17. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

18. “Include” and “including” shall mean including without limitation.

INSTRUCTIONS

The following instructions shall apply to each of the Document Requests herein:

1. In responding to these requests, please furnish all information that is available to you or subject to your control, including information in the possession, custody, or control of your officers, directors, employees, representatives, consultants, agents, servants, attorneys, accountants, or any person who has served in any such role at any time, as well as corporate parents, subsidiaries, affiliates, divisions, predecessor companies or proprietorships, any joint venture to which you are a party, and other persons acting on your behalf. If you know of the existence, past or present, of any documents or things requested below, but are unable to produce such documents or things because they are not presently in your possession, custody, or control, you shall so state and shall identify such documents or things, and the person who has possession, custody or control of the Document or Thing.

2. You are to produce the original and each non-identical copy or draft of each Document, Communication, or Thing requested herein that is in Your possession, custody or control in its entirety, without abbreviation or redaction.

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

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Sync your system to PACER to automate legal marketing.