

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

BillJCo, LLC,

Plaintiff,

v.

Cisco Systems, Inc.,

Defendant.

Case No. 2:21-cv-181

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BillJCo, LLC,

Plaintiff,

v.

Hewlett Packard Enterprise Company, Aruba  
Networks, LLC

Defendants.

Case No. 2:21-cv-00183

**BILLJCO'S MOTION TO COMPEL**

Plaintiff BillJCo, LLC (“BillJCo”) moves the Court for an Order compelling Defendants Hewlett Packard Enterprise Company (“HPE”) and Aruba Networks, LLC (“Aruba,” and collectively the “HP Defendants”) to amend and supplement their discovery. Specifically, BillJCo asks the Court to an order compelling the HP Defendants to:

[REDACTED]

These documents are clearly relevant to BillJCo’s damages and should have been disclosed two months ago by the date for substantial completion of document production (January 21, 2022). But the HP Defendants did not produce any ESI prior to that date and instead dumped over 3,700 emails and documents from [REDACTED] approximately 36 hours before his scheduled 30(b)(6) deposition on March 16, 2022, just five days before the discovery deadline. BillJCo was significantly prejudiced by this late disclosure since [REDACTED] was supposed to testify regarding

[REDACTED]

Included in the HP Defendants’ last second production were several documents [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**I. BACKGROUND**

**A. The Court’s Discovery Order and the HP Defendants’ Incomplete Discovery Disclosures**

Per the Court’s October 25, 2021 Discovery Order, the parties were ordered to produce all documents in their possession “relevant to the pleaded claims or defenses in this action” “[w]ithout awaiting a discovery request,” and the date for substantial completion of production was set as January 21, 2022. (Dkt. 46.)

In a letter to HP Defendants’ lead counsel dated October 21, 2021, counsel for BillJCo specifically requested [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] BillJCo reiterated these requests in a letter dated February 18, 2022, and specifically requested documents related to [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**1. The HP Defendants’ answer to Interrogatory No. 1 is incomplete.**

On January 6, 2022, BillJCo served its first set of interrogatories to the HP Defendants, which included the following:

[REDACTED]

The HP Defendants’ answer to interrogatory No. 1 [REDACTED]

[REDACTED]

[REDACTED]. He testified:

[REDACTED]

(Ex. A (Excerpt, [REDACTED].))

In addition, at 7:18 p.m. Central time on March 16, approximately 36 hours before [REDACTED] deposition, the HP Defendants produced 3,729 emails from [REDACTED] files, principally emails and attachments. [REDACTED]

[REDACTED]

Further, Aruba’s website indicates that not only do the 300, 500, and 600 series implement iBeacon, but so do several other product lines, including the 360 series, 370EX series, 370 series, 387 series, 560EX series, 560 series, 518 series, and 570 series. (See Aruba “Outdoor and ruggedized access points”, <https://www.arubanetworks.com/products/wireless/access-points/outdoor-ruggedized-access-points/#wpcf-wi-fi-standard=7> (list of products with Wi-Fi 6 (802.11ax) Wireless Standard) (last visited Mar. 21, 2022); id., <https://www.arubanetworks.com/products/wireless/access-points/outdoor-ruggedized-access-points/#wpcf-wi-fi-standard=1> (list of products with BLE Wireless Standard) (last visited Mar. 21, 2022)). [REDACTED]

[REDACTED]

**2. The HP Defendants failed to produce financial information with regard to the Undisclosed Products and the Meridian Products.**

In addition to failing to adequately respond to interrogatory No. 1, the HP Defendants also failed to produce any of the requested sales, revenue, or profit information related to the Undisclosed Products.

The HP Defendants also failed to produce financial information relating to its Meridian subscription service, a key product that allows customers to configure the infringing products.

[REDACTED]

**3. The HP Defendants failed to produce any sales forecasts whatsoever.**

[REDACTED]

The HP Defendants have nevertheless failed to produce any documents or information related to their forecasted sales of the Accused Products, the Undisclosed Products, and the Meridian Products notwithstanding the relevance of that information and BillJCo’s repeated requests.

**II. ARGUMENT**

The Discovery Order requires parties, “[to] produce or permit the inspection of all documents, electronically stored information, and tangible things in the possession, custody, or control of the party that are relevant to the pleaded claims or defenses involved in this action...”

(Dkt. 24 at 3.) This Court “adheres to a policy of liberal discovery.” *ICON Health & Fitness, Inc.*

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