

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

CPC PATENT TECHNOLOGIES PTY
LTD.,

Plaintiff

-v-

HMD GLOBAL OY,

Defendant.

§
§
§
§
§
§
§
§
§
§

CIVIL NO. 6:21-CV-00166-ADA

DISCOVERY AND SCHEDULING ORDER

The Court hereby resolves a discovery dispute submitted to the Court by email.


CPC seeks to compel HMD to supplement discovery responses related to products added late in the case. On June 21, 2022, HMD produced its licensing agreement with a third party that lists twenty-three HMD smartphones that use the accused third-party technology. Until this time, CPC could not have known the full list of HMD smartphones that utilize the third-party technology. Also, CPC seeks to add six smartphones only recently offered for sale on HMD's website.

CPC alleged infringement of the Nokia 9 PureView and any other "reasonably similar" Nokia device. CPC previously made multiple representations that it understood only the Nokia 9 and Nokia 8.3 5G to be in the case, but CPC made these representations without knowing from the third-party licensing agreement that other devices used the same accused technology. If HMD were to produce additional discovery, HMD will need about four months.

After considering the parties submissions, it is hereby **ORDERED** the parties shall meet and confer on a schedule extension by about four months and file a motion to enter an amended scheduling order. These proposed scheduling order shall allow CPC to amend its contentions to

identify specific accused HMD products by name; to allow HMD to (i) gather responsive information in its possession, custody, or control, and then supplement its discovery responses accordingly, (ii) promptly identify relevant ODMs and suppliers for the newly accused products so that CPC can seek third-party discovery from each as appropriate, and (iii) move for supplemental amendments to invalidity contentions if necessitated by changes to CPC's infringement contentions; and to allow both parties to complete all outstanding noticed depositions.

SIGNED this 22nd day of July, 2022.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE