

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

CYWEE GROUP LTD.,

Plaintiff

v.

SAMSUNG ELECTRONICS CO., LTD.  
AND SAMSUNG ELECTRONICS  
AMERICA, INC.,

Defendants.

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NO. 2:17-CV-00140-WCB-RSP

**DEFENDANTS SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG  
ELECTRONICS AMERICA, INC.'S OPPOSITION TO PLAINTIFF'S MOTION TO  
COMPEL FULLY RESPONSIVE ANSWERS TO DEPOSITION ON WRITTEN  
QUESTIONS**

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CyWee’s Motion to Compel demands extensive information never contemplated to be provided through this deposition on written questions. It should be denied for three reasons. First, a number of the questions seek highly detailed information not previously requested from or provided by Samsung Electronics Co., Ltd. (“SEC”). Such questions are beyond the Court-ordered scope of this deposition, which is the financial information already produced by SEC in this case. Moreover, these questions are more properly suited for interrogatories and therefore are an attempt to propound additional interrogatories after the close of fact discovery. Second, CyWee’s Motion raises questions that were never asked in the deposition on written questions. Third, the remaining alleged deficiencies are based on mischaracterizations—and even false recitations—of the deponent Mr. Kyuhyun Han’s responses. Accordingly, CyWee’s Motion to Compel further supplemental answers to these questions should be denied.

#### **I. STATEMENT OF RELEVANT FACTS**

CyWee filed two separate motions to compel asking for a deponent in Texas on SEC financial data and material cost files. Dkt. Nos. 136 at 3; 130 at 7. Samsung declined to produce deponents on this information because, among other reasons, CyWee delayed in asking for this information and fact discovery had closed. Dkt. Nos. 141 at 1–2; 135 at 3. Those requests were limited to topics on SEC financial information and not Samsung Electronics America, Inc. (“SEA”) financial information, and indeed CyWee had already deposed Mr. Sean Diaz on those topics. The Court heard argument on those motions to compel on August 10.

During the August 10 hearing, the Court was quite clear that the scope of the deposition on written questions was limited to questions on SEC financial information already produced in this case. The Court stated that the deposition would be “directed to the Samsung Korea financial information and drilling down into the components of the information that has been produced.”

8/10/2018 Hr’g. Tr. at 104:12–14. Counsel for Samsung, Chris Kennerly, clarified the scope of

this deposition, stating “I heard drilling into SAP system and getting more data, and I don’t think that that’s what we’re contemplating. We’ve produced the information. So what I would expect are questions about what we’ve produced,” to which the Court responded, “Right.” *Id.* at 106:4–8. The Court’s subsequent Order confirmed the limited scope of this deposition, stating “[w]ith respect to CyWee’s questions regarding the financial information of Samsung Electronics Co., Ltd., CyWee shall serve its questions . . . by August 17, 2018.” Dkt. No. 145 at 1.

CyWee, however, presented deposition questions that far exceeded the Court’s Order. CyWee included questions attempting to force Samsung to provide every individual cost for every Accused Product. CyWee also tried to retake its live deposition of SEA’s financial witness, Mr. Diaz, asking questions about SEA data as well.

Samsung made good faith efforts to provide the information requested, within the scope contemplated by the Court’s Order. Samsung’s witness, Mr. Kyuhyun Han, personally reviewed the SEC financial information produced in the case and responded to the questions. He testified that [REDACTED]. His responses were compiled and served on CyWee. Dkt. No. 164-8. CyWee, however, claimed it was not satisfied and complained about certain responses. Dkt. No. 164-2. Samsung made every attempt to resolve CyWee’s alleged concerns, and Mr. Han served supplemental answers to the deposition questions. Dkt. No. 164-3. CyWee still was not satisfied and filed the instant Motion to Compel.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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