

**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-RWS-RSP

**DEFENDANTS SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG
ELECTRONICS AMERICA, INC.’S MOTION TO STRIKE PLAINTIFF CYWEE
GROUP LTD.’S REPLY IN SUPPORT OF ITS MOTION TO COMPEL**

Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung”) respectfully request that the Court strike Plaintiff CyWee Group Ltd.’s Reply in Support of Motion to Compel Interrogatory Responses (Dkt. No. 52), filed on December 20, 2017. Under the Court’s June 3, 2016 Standing Order relating to Discovery Disputes, a party may not file a reply brief in support of a discovery motion (such as Plaintiff’s motion to compel here) absent a court order.¹ Plaintiff did not obtain or even request the Court’s permission to file its reply and refused to withdraw the reply when Samsung asked it to do so. (Decl. of S. Moseley in Support of Defendants’ Mot. to Strike CyWee’s Reply, Ex. A at 1.) Accordingly, Samsung respectfully requests that the Court strike that reply.

¹ For the same reasons set forth in Samsung’s Reply in Support of Motion to Strike Plaintiff CyWee Group Ltd.’s Motion to Compel, the Court’s Standing Order is fully applicable to this case. (Dkt. No. 54 at 2–3.)

DATED: January 9, 2018

Respectfully submitted,

By: /s/ Christopher W. Kennerly

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Attorneys for Defendants
SAMSUNG ELECTRONICS CO. LTD AND
SAMSUNG ELECTRONICS AMERICA,
INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on January 9, 2018. As of this date, all counsel of record had consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Christopher W. Kennerly
Christopher W. Kennerly

CERTIFICATE OF CONFERENCE

In accordance with Local Rule CV-7(h), I hereby certify that counsel for Defendants, Steven Moseley, met and conferred with counsel for Plaintiff, Will Ellerman, by telephone on January 4, 2018. Counsel for Defendants requested that CyWee withdraw its reply in support of its motion to compel because the Court's Standing Order does not allow a reply brief to be filed in support of a discovery motion. Counsel for Plaintiff refused to withdraw the reply and stated that it would oppose the relief requested herein, arguing without any basis that the Court's Standing Order does not apply because pre-trial matters in this case have been referred to Judge Payne and because the discovery order in this case does not preclude filing of a reply brief in support of a discovery motion.

/s/ Christopher W. Kennerly
Christopher W. Kennerly