

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

JAWBONE INNOVATIONS, LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., ET AL.

Defendants.

NO. 2:21-CV-0186-JRG-RSP

**JOINT REPORT ON MEET AND CONFER REGARDING DISCOVERY MOTIONS
SET FOR HEARING ON SEPTEMBER 26, 2022**

The Samsung Defendants and Plaintiff Jawbone Innovations, LLC (“Plaintiff”) provide the following joint report regarding their meet and confer regarding the discovery motions set for hearing on September 26, 2022.

Lead and local counsel for both parties certify that they conducted a telephonic meet and confer on September 12, 2022 pursuant to Discovery Order ¶ 9(c) (Dkt. 39) in an effort to resolve the issues raised in the following motions:

Plaintiff Motions to Compel:

- Plaintiff’s motion to compel Samsung to produce documents related to Qualcomm (Dkt. 139);
- Plaintiff’s motion to compel Samsung to provide QACT (Dkt. 169);
- Plaintiff’s motion to compel supplemental responses to interrogatory nos. 15 and 20 (Dkt. 170); and

- Plaintiff's motion to compel 30(b)(6) testimony regarding topics 38, 40, 44, 45, and 55 (Dkt. 171).

Samsung Motions to Compel:

- Samsung's motion to compel supplemental responses to interrogatory nos. 1, 5, 16, and 18 (Dkt. 121);
- Samsung's motion to compel production of (1) Dr. Gregory Burnett's consulting agreement related to this case; and (2) marketing and financial documents related to Jawbone products (Dkt. 130); and
- Samsung's motion to compel Plaintiff to produce all payment agreements it has with any fact witness in this case, including with Michael Luna, as well as any such payment agreements that it enters into with any fact witnesses before trial (Dkt. 172).

The parties have worked to resolve their disputes and have done so with respect to the following:

- With respect to Plaintiff's motion to compel supplemental responses to interrogatory nos. 15 and 20 (Dkt. 170), Plaintiff's motion is resolved as to interrogatory no. 20.
- With respect to Plaintiff's motion to compel 30(b)(6) testimony regarding topics 38, 40, 44, 45, and 55 (Dkt. 171), Plaintiff's motion is resolved.
- With respect to Samsung's motion to compel supplemental responses to interrogatory nos. 1, 5, 16, and 18 (Dkt. 121), Plaintiff has confirmed that it has provided all responsive, non-privileged information and documents. Based on Plaintiff's confirmation, this motion is resolved.

- With respect to Samsung's motion to compel production of (1) Dr. Gregory Burnett's consulting agreement related to this case; and (2) marketing and financial documents related to Jawbone products (Dkt. 130), Plaintiff has produced Dr. Burnett's consulting agreement with Aliph Brands. Plaintiff has also confirmed that it has produced marketing and financial documents related to Jawbone products that it was able to locate after a reasonable search. Therefore, these aspects of Samsung's motion are resolved.
- With respect to Samsung's motion to compel (Dkt. 172), Plaintiff has produced Michael Luna's payment agreements with Plaintiff and Aliph Brands.

In view of the above, the following disputes remain:

- Plaintiff's motion to compel Samsung to produce documents relevant to Qualcomm (Dkt. 139);
- Plaintiff's motion to compel Samsung to provide QACT (Dkt. 169);
- Plaintiff's motion to compel a supplemental response to interrogatory no. 15 (Dkt. 170);
- Samsung's motion to compel Dr. Gregory Burnett's consulting agreement with counsel related to this case (Dkt. 130); and
- Samsung's motion to compel any forthcoming agreements between Plaintiff or related entities (e.g., Aliph Brands) and Plaintiff's fact witnesses (Dkt. 172).

The parties are continuing to attempt to resolve the issues raised by the remaining motions and will file an updated report if any additional disputes are resolved.

Dated: September 21, 2022

/s/ Alfred R. Fabricant

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Respectfully submitted,

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	<p><i>Attorneys for Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.</i></p>
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