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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ANCORA TECHNOLOGIES,) Docket No. A 20-CA-034 ADA
INC.)
)
vs.) Austin, Texas
)
LG ELECTRONICS, INC.,)
LG ELECTRONICS USA, INC.,)
SAMSUNG ELECTRONICS)
AMERICA, INC., SAMSUNG)
ELECTRONICS CO., LTD.) October 15, 2020

TRANSCRIPT OF TELEPHONIC DISCOVERY HEARING
BEFORE THE HONORABLE ALAN D. ALBRIGHT

APPEARANCES:

For the Plaintiff: Mr. Andres Healy
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1 **(Appearances Continued:)**

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25 Proceedings reported by computerized stenography,
transcript produced by computer-aided transcription.

16:31:12 1 THE COURT: Good afternoon. It's Alan Albright.
16:31:12 2 Suzanne, would you call the case, please.

16:31:15 3 THE CLERK: Sure.

16:31:16 4 For telephonic discovery hearing in Civil Action
16:31:18 5 1:20-CV-34, styled, Ancora Technologies, Incorporated vs.
16:31:24 6 LG Electronics, Incorporated, LG Electronics U.S.A.,
16:31:28 7 Samsung Electronics America, Incorporated, Samsung
16:31:31 8 Electronics Company, Limited, and that's it.

16:31:37 9 THE COURT: If I could hear announcements from
16:31:39 10 counsel first for plaintiff and then, from defendant.

16:31:48 11 MR. BUNT: Your Honor, this is Chris Bunt and
16:31:50 12 Charley Ainsworth, along with Andres Healy and Steve
16:31:53 13 Seigel for the plaintiff, and we're ready to proceed.

16:31:55 14 THE COURT: Okay.

16:32:00 15 MR. HEALY: Good afternoon, your Honor.

16:32:00 16 MR. CARTER: Good afternoon, your Honor.

16:32:02 17 This is Winn Carter for LG Electronics, and I
16:32:04 18 have with me Collin Park, Elizabeth Chiaviello and Tom
16:32:09 19 Davis.

16:32:10 20 THE COURT: Okeydokey. I have in front of me
16:32:15 21 three issues: LG's alleged refusal to obtain and produce
16:32:23 22 requested documents and testimony; LG's response to
16:32:28 23 Ancora's Interrogatory No. 3, and; LG's non-production or
16:32:33 24 alleged non-production of requested technical documents,
16:32:37 25 including specifications and others.

16:32:39 1 Let's start with LG's alleged refusal to obtain
16:32:46 2 and produce requested documents related to its affiliate,
16:32:49 3 LG CNS. And I'll hear from counsel for plaintiff first.

16:32:58 4 MR. HEALY: Absolutely, your Honor. This is Mr.
16:33:00 5 Healy, Susman Godfrey.

16:33:01 6 If your Honor would indulge me, I was hoping to
16:33:02 7 start with the technical document issue first. They sort
16:33:05 8 of relate a little bit better, but I'm happy to start
16:33:06 9 wherever your Honor prefers.

16:33:07 10 THE COURT: I'm happy -- we're going to have to
16:33:09 11 do all of them. I'm happy to do any of them in whatever
16:33:11 12 order you think makes sense.

16:33:13 13 MR. HEALY: Thank you, your Honor.

16:33:14 14 Starting first with the technical document issue,
16:33:16 15 I'd just -- very briefly, some context. More than two
16:33:19 16 months ago, we had a hearing with your Honor on August
16:33:22 17 10th. At that hearing, we discussed the fact that LG had
16:33:25 18 yet to produce a single technical document related to the
16:33:30 19 accused over-the-air, OTA, update functionality that's at
16:33:34 20 issue in this case and what was requested the Court was
16:33:38 21 simple. We asked the Court to order LG to perform ESI
16:33:41 22 searches and to find and produce all of the technical
16:33:44 23 documents that at least we are due, and I think your Honor
16:33:48 24 somewhat agreed with us, it should have produced back in
16:33:51 25 March.

16:33:52 1 In response, LG told the Court that running those
16:33:55 2 searches and producing all of those documents would just
16:33:58 3 be too burdensome. And so, this court settled on a
16:34:01 4 compromise. Your Honor said -- and I'm quoting your Honor
16:34:05 5 at page 21 and 22 of the transcript, which we provided as
16:34:08 6 Exhibit 1. Your Honor said it shared our concerns, but
16:34:12 7 nonetheless, it was going to, quote, give LG an
16:34:15 8 opportunity to lessen the burden, end quote, that LG was
16:34:20 9 claiming before it went to the extent of ordering the
16:34:26 10 relief that we, the plaintiff, had requested.

16:34:27 11 Your Honor told us, Ancora, to identify ten
16:34:30 12 products, after which LG was to produce all of the
16:34:32 13 technical materials we had requested for those ten
16:34:35 14 products. And I'm sure your Honor recalls, you then said
16:34:39 15 if there was a great difference between those materials,
16:34:43 16 you know, that we could come back and ask for more. But
16:34:46 17 the idea was to treat those ten products as representative
16:34:49 18 and try and cut down on the burden that LG was claiming.

16:34:53 19 We, Ancora, did what the Court ordered. We
16:34:56 20 identified ten products the following day, and then, we
16:34:59 21 waited and we waited some more and we're still waiting.
16:35:04 22 We've yet to receive a single document. Not one. And
16:35:08 23 then, instead, after telling after weeks that it was
16:35:11 24 working on our requests, including when we followed up
16:35:13 25 with Barry Taylor with specific document names, I think

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