

EXHIBIT WW

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April 19, 2022

By E-mail

Elise M. Baumgarten
Williams & Connolly LLP
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Re: Venue Discovery in *Gentex Corp. et al. v. Meta Platforms, Inc. et al.*, No. 6:21-cv-00755-ADA (W.D. Tex.)

Dear Elise:

I write in response to your letter dated April 11, 2022 regarding ongoing deficiencies in Plaintiffs' venue discovery responses.

A. Interrogatory 1 / RFP 1

Your representation that "Gentex has produced all documents that are currently in its possession, custody, or control, that are responsive to RFP No. 1" is not correct. For example, Plaintiffs are withholding Mr. Foxlin's consulting agreement, which is an "Agreement[]" between Plaintiffs and any Person identified in Plaintiff's response to Defendants' venue-related interrogatories" called for by RFP 1 (and that agreement is responsive to RFP 1 regardless of Plaintiffs' incorrect contention that it is not relevant to venue¹).

Gentex's continued refusal to produce this consulting agreement is troubling, particularly in view of Plaintiffs' prior representation that it would produce "a copy of Mr. Foxlin's agreement related to the venue inquiry" and "agreements between Plaintiffs and any potential fact witnesses that relate to whether a potential fact witness may appear at trial." Mr. Foxlin's fact declaration is not an "agreement" and does not satisfy Gentex's representation that it would produce all

¹ Your contention that Mr. Foxlin's consulting agreement is irrelevant to venue is incorrect. For example, if Mr. Foxlin was paid in order to provide a declaration that he is purportedly "willing to travel *voluntarily*" to Texas and that it would purportedly not be unduly burdensome for him to do so, Defendants have the right to know the amount he is being paid to make such representations, and to show the Court that Mr. Foxlin's statement regarding "voluntary" travel and burden was provided in exchange for such payment.

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agreements in response to RFP 1. Please confirm whether Mr. Foxlin is being compensated in accordance with his consulting agreement and, if so, how much and by whom.

You indicated that Mr. Foxlin's agreement(s) would be produced by April 1, but it has been weeks and it still has not been produced. Please provide what you agreed to provide by April 20—not limited to Mr. Foxlin's consulting agreements and including *all* “agreements between Plaintiffs and any potential fact witnesses that relate to whether a potential fact witness may appear at trial.” Otherwise, please provide a time for lead counsel to confer on that date.

Additionally, Gentex's purported reservation of the right to use information that is not disclosed during the venue discovery period is contrary to Fed. R. Civ. P. 26(e)(1): “A party who has made a disclosure under Rule 26(a)—or who has responded to an interrogatory, request for production, or request for admission—*must* supplement or correct its disclosure or response: (A) in a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect...” Defendants reserve all rights and remedies, including the right to move to strike Plaintiffs' reliance on any improperly withheld information.

B. Interrogatories 2-3

We understand that Plaintiffs' position is that discovery into people and documents that “are located outside of Texas and California” are not “relevant to venue discovery and requests for such information are overbroad [and] unduly burdensome.” Please confirm by April 20 that Plaintiffs likewise do not seek discovery from Defendants regarding people or documents located outside of Texas or California.

C. Interrogatory 4

We understand Plaintiffs to be representing that no individuals or entities based in Texas currently have, have previously had, or have ever been offered any rights to any of the asserted patents. Please let us know if our understanding is incorrect. Additionally, we understand that Plaintiffs are not aware of any individuals associated with the parties listed in Interrogatory 4 that are located in California; please confirm whether any such individuals are located within 100 miles of the N.D. Cal. courthouses or are located near California generally.

As to those entities that Plaintiffs admit have had or been offered an interest in the asserted patents, Plaintiffs continue to refuse to provide any information on specific individuals, instead providing only names of companies and law firms. Please let us know the basis for your continued refusal to provide information on the identity of individuals responsive to this discovery request (while at the same time demanding such granular information from Defendants), and please provide times on April 20 for lead counsel to confer on this issue.

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D. RFP 2

As with Interrogatory 1 and RFP 1, Plaintiffs appear to be improperly withholding information merely because it is public, contrary to FRCP 26(e). As a result, Meta will not be able to provide during the venue discovery period all the information that it may rely on in order to rebut the information that Plaintiffs are improperly withholding, and we understand that Gentex is willingly foregoing any ability to seek discovery into information that Meta provides outside the venue discovery period in rebuttal to such information. And again, Defendants reserve all other rights and remedies, including the right to move to strike Plaintiffs' reliance on any such information.

Given the pending close of the venue discovery period and the extended length of time Plaintiffs have had to respond to Defendants' discovery requests, please provide the requested information and documents by April 20, or provide times for lead counsel to confer on that date, as requested above. We look forward to hearing from you.

Sincerely,

/s/ Joshua Glucoft

Joshua Glucoft

cc: All counsel of record