

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PACT XPP SCHWEIZ AG,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 19-1006 (JDW)
)	
INTEL CORPORATION,)	
)	
Defendant.)	

INTEL CORPORATION’S MOTION TO COMPEL DISCOVERY

Intel Corporation (“Intel”) respectfully moves to compel PACT XPP Schweiz AG (“PACT”) to produce a witness in response to Intel’s 30(b)(6) deposition notice and put in place a discovery plan ensuring both sides a reasonable amount of deposition discovery.

Specifically, Intel moves for an Order (i) allowing each party to serve two Rule 30(b)(6) deposition notices at different points in fact discovery (i.e., an early deposition now covering the existence and location of key documents, and a second deposition later on the merits of the case), (ii) compelling PACT to produce a witness in response to Intel’s 30(b)(6) deposition notice served September 17, 2019 regarding document issues, and (iii) compelling PACT to make Mr. Vorbach—an inventor on all 12 asserted patents—available at two different points during discovery for the already-ordered 14-hours of deposition in his personal capacity. Intel requests this relief so it can defend itself against PACT’s claims.

The specific grounds for this motion are set forth in Intel’s brief, filed herewith.

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/s/ Brian P. Egan

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CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 7.1.1

Pursuant to D. Del. L.R. 7.1.1, I hereby certify that the parties made a good faith, reasonable effort to resolve the matters set forth in this motion, including oral communication involving Delaware counsel for the parties, but were unable to reach agreement.

/s/ Brian P. Egan

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[PROPOSED] ORDER ON INTEL CORPORATION’S MOTION TO COMPEL

Before the Court is Intel Corporation’s Motion to Compel. After consideration of same, the Court is of the opinion that it should be GRANTED.

IT IS HEREBY ORDERED that the Scheduling Order (D.I. 20) is hereby modified as follows:

1. The parties may serve up to two Rule 30(b)(6) notices that may occur at different points in the litigation.
2. Mr. Vorbach may be deposed in his personal capacity on non-consecutive days, during at least two different points in the case, each at a date and location mutually agreed by the parties.
3. Within 21 days of this Order, PACT XPP Schweiz is to produce a witness in response to Intel Corporation’s 30(b)(6) deposition notice, served on September 17, 2019, and as modified by Intel’s November 13, 2019 proposal, at a date and location mutually agreed by the parties.

Judge Joshua D. Wolson

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2020, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on January 3, 2020, upon the following in the manner indicated:

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