

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

Before the Honorable Bryan F. Moore
Administrative Law Judge

In the Matter of

CERTAIN REPLACEMENT
AUTOMOTIVE LAMPS

Investigation No. 337-TA-1291

JOINT DISCOVERY CROSS-USE STIPULATION

Complainants Kia Corporation and Kia America, Inc. (collectively, “Complainants” or “Kia”) and Respondents TYC Brother Industrial Co., Ltd. and Genera Corporation (collectively, “the TYC Respondents”) (altogether, “the Kia and TYC Parties”) hereby file the following Joint Discovery Cross-Use Stipulation (the “Stipulation”).

WHEREAS the Kia and TYC Parties are parties to the above-captioned investigation (the “1291 Investigation”);

WHEREAS Kia Corporation and the TYC Respondents are also parties to *Kia Corp. v. TYC Brother Industrial Co., Ltd., et al.*, Case No. 8:21-CV-00966-JLS-ADS (C.D. Cal.);

WHEREAS Hyundai Motor Company and the TYC Respondents are parties to *Hyundai Motor Co. v. TYC Brother Industrial Co., Ltd., et al.*, Case No. 8:21-CV-00959-JLS-ADS;

WHEREAS *Kia Corp. v. TYC Brother Industrial Co., Ltd., et al.*, Case No. 8:21-CV-00966-JLS-ADS (C.D. Cal.) and *Hyundai Motor Co. v. TYC Brother Industrial Co., Ltd., et al.*, Case No. 8:21-CV-00959-JLS-ADS are referred to herein collectively as the “C.D. Cal. Actions”;

WHEREAS Kia and Respondents LKQ Corporation and Keystone Automotive Industries, Inc. (collectively, “LKQ”) are parties to *LKQ Corp. et al. v. Kia America, Inc. et al.*, Case No.

1:21-cv-03166 (N.D. Ill.), and Hyundai Motor America and Hyundai Motor Co. and LKQ are parties to *LKQ Corp. et al. v. Hyundai Motor America, Inc. et al.*, Case No. 1:21-cv-03167 (N.D. Ill.) (the “N.D. Ill. Actions”);

WHEREAS Kia and the TYC Parties seek to minimize the costs and burdens of duplicative discovery between the 1291 Investigation, the C.D. Cal. Actions, and the N.D. Ill. Actions (collectively, the “Related Litigations”).

The Kia and TYC Parties HEREBY stipulate and agree to the following terms governing the production and use of confidential business information in the Related Litigations:

1. The Kia and TYC Parties agree that the use in the C.D. Cal. Actions and N.D. Ill. Actions of confidential business information of Kia and the TYC Respondents, whether in the form of documents, source code, testimony (fact or expert), and written discovery (collectively, “Cross-Use Information”), that was produced by any of Kia and the TYC Respondents in this Investigation shall not constitute a violation of the Protective Order entered in the Investigation (the “ITC Protective Order”); provided, however, that such confidential business information will be subject to any protective order entered in the Related Litigations in which it is used.¹ The Kia and TYC Parties agree not to object to such use as a violation of the ITC Protective Order. The Kia and TYC Parties reserve all other objections to Cross-Use Information, including but not limited to authenticity, admissibility, and relevance. The fact that an exhibit was produced or admitted in one Related Litigations does not mean that it is relevant to or admissible in the other Related Litigations.

¹ For purposes of clarity, confidential business information obtained from a third party is not subject to this cross-use agreement. For further clarity, Kia represents that documents that were produced in this Investigation: (i) with the designations KIA 100137-100142 and KIA 100154 were produced by third-party SL and are not subject to this cross-use agreement; and (ii) with the designations KIA 102031-102032, KIA 104145, and KIA 101970-102029 were produced by third party MPA and are not subject to this cross-use agreement.

2. Documents produced in the 1291 Investigation shall be deemed produced in the C.D. Cal. Actions, and vice versa.

3. Kia may produce the confidential business information of the TYC Respondents to counsel for LKQ in the N.D. Ill. Actions, and such information will be designated as HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY unless the TYC Respondents agree otherwise. All confidential business information of Kia and the TYC Respondents subject to cross-use in the C.D. Cal. Actions must be designated as HIGHLY CONFIDENTIAL – ATTORNEYS EYES ONLY unless Kia and the TYC Respondents agree otherwise.

4. All confidential business information subject to cross-use under this Stipulation will be governed by the protective order entered in the Related Litigation in which the information is being used.

To the extent that Cross-Use Information includes any third-party confidential information, such third-party confidential information produced in one Related Litigation may not be used in the other Related Litigations pursuant to this Stipulation unless the applicable third party provides permission to so use the information. The producing party will work in good faith to obtain such permission.

IT IS SO STIPULATED.

DATED: March 8, 2022

/s/ Edward J. Naidich

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