

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HSM PORTFOLIO LLC and TECHNOLOGY
PROPERTIES LIMITED LLC,

Plaintiffs,

vs.

FUJITSU LIMITED, *et al.*,

Defendants.

C.A. No. 11-770-RGA

Recommendation and Order

Upon consideration of the Motion to Compel Complete Discovery Responses of Plaintiffs by STMicroelectronics, Inc. and STMicroelectronics N.V. (collectively, “STMicro”), the response thereto, and the parties’ submissions and arguments, it is ORDERED as follows:

Documents

Plaintiffs’ privilege log is due on October 6, 2014. On or before October 13, 2014, STMicro shall advise the Plaintiffs in writing of the documents, if any, that STMicro believes are being wrongfully withheld and are subject to production. For each document, STMicro shall state, with specificity, why it believes the document has been improperly withheld and is subject to production. On or before October 27, 2014, Plaintiffs shall submit a response which, in no more than one page, explains why they are not producing any document, as to which the work product or attorney/client privilege is claimed, citing the authorities on which they rely. The submission for each document should be on a separate page. The contested document at issue should be attached to the Special Master’s copy of the plaintiffs’ position paper for *in camera* inspection. STMicro may submit a response to Plaintiffs’ position by no later than November 10, 2014, which

is limited to one-page for each contested document, including authorities. Its submission for each document should be on a separate page.

In the event that Plaintiffs take the position that documents do not exist in response to any of STMicro's Document Requests 2, 4, 5, 6 and 8, Plaintiffs should submit a verified letter confirming that. Otherwise, Plaintiffs should supplement their responses identifying documents responsive to each of these requests. This letter and/or supplemental responses shall be provided to STMicro by October 6, 2014.

Interrogatories

Relative to the Plaintiffs' current Answers to Interrogatories 2, 3, 4, 5, 6 and 8, and Common Interrogatories 2, 3, 7 and 9, STMicro shall file a supplemental brief on or before October 6, 2014, to more specifically state why the interrogatory should be answered or further answered. It should do this in no more than one page per interrogatory, setting out its authority. Following receipt of STMicro's position, Plaintiffs have two weeks to either answer the interrogatory or object, in one page, setting out their authority. Again, submissions for each interrogatory should be on a separate page.

Depositions

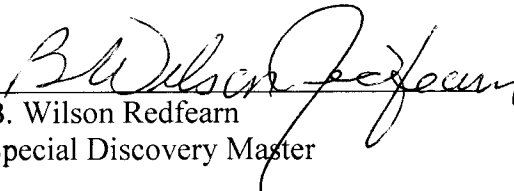
If this round of interrogatory or document production discovery requires STMicro to initiate deposition discovery because of a dispute over an issue of fact, for example, to determine the purpose for which a document was created, it has two weeks to schedule a time for the appropriate deposition limited to this purpose.

Rule 33(d)

If the plaintiffs have cited to Rule 33(d) in response to an Interrogatory listed above, they are hereby required to identify, by Bates number, the documents that are responsive to the particular interrogatory.

Meet and Confer

The parties are required to use their best efforts to meet and confer prior to the submission of any of these papers. Should any party refuse or fail to respond to a request to meet and confer within 3 business days, the other party may submit their papers and may detail their good faith efforts to meet and confer.


B. Wilson Redfearn
Special Discovery Master

September 26, 2014