

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

T-MOBILE USA, INC.,

Plaintiff,

v.

HUAWEI DEVICE USA, INC., et al.,

Defendants.

CASE NO. C14-1351RAJ

MINUTE ORDER

The following minute order is made by the direction of the Court, the Honorable Richard A. Jones:

The Court held a telephonic conference addressing numerous issues raised by the Parties' discovery motions on July 28, 2016. Having heard from the Parties and having reviewed their submissions, the Court rules as follows:

1. The Court **DENIES** Defendants Huawei USA, Inc. and Huawei Technologies Co., Ltd.'s (collectively, "Huawei") Motion for Sanctions. Dkt. # 130.
  - a. To the extent Huawei requests an order prohibiting Plaintiff T-Mobile USA, Inc. ("T-Mobile") from presenting evidence derived from the logical image or forensic toolkit, it may present a motion *in limine* addressing that issue at the appropriate time.
2. The Court **GRANTS** Huawei's Motion for Leave to File Supplemental Brief. Dkt. # 149.

1           3. The Court **GRANTS in part and DENIES in part** T-Mobile's Motion to  
2           Compel. Dkt. # 132 & 138.

3           a. Huawei is ordered to produce or supplement their interrogatory  
4           responses regarding information about the sales of Huawei's devices  
5           and consumer returns of the products.

6           b. T-Mobile's request to compel production of TMSS information is  
7           denied.

8           c. Huawei is ordered to permit another inspection of its other testing  
9           robots, specifically the OptoFidelity and Putian robots. Huawei must  
10          also make the source code or software for those robots available to  
11          T-Mobile.

12          d. Huawei is ordered to produce sequence files associated with the  
13          OptoFidelity and Putian robots. The Parties must meet and confer to  
14          discuss whether similar files have been produced relating to the  
15          xDeviceRobot and where those files may be located in Huawei's  
16          productions.

17          4. The Court **GRANTS** Huawei's Motion to Compel. Dkt. # 134.

18          a. T-Mobile must designate another witness pursuant to Federal Rule of  
19          Civil Procedure 30(b)(6) to testify as to any communications T-Mobile  
20          has had with OptoFidelity and Deutsche Telekom AG regarding the  
21          allegations in this case.

22          b. T-Mobile must also disclose the identities of any other third parties it  
23          has communicated with regarding the subject matter of this case. The  
24          Parties should then meet and confer to discuss whether an additional  
25          Rule 30(b)(6) witness is necessary.

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1 c. T-Mobile must supplement its responses to Huawei's interrogatory nos.  
2 2, 7, 8, and 9. For its supplemental response to Huawei's interrogatory  
3 no. 9, T-Mobile need only supplement its responses for the first 17  
4 denied requests for admission.

5 5. The Court **GRANTS in part, DENIES in part, and delays ruling** on  
6 T-Mobile's second Motion to Compel. Dkt. # 179 & 183.

7 a. Huawei must make the 22 contested documents available to the Court  
8 for *in camera* review within **seven (7) business days of this Order**.

9 b. T-Mobile's request that the Court find that Huawei waived privilege as  
10 to the entire subject matter of its investigation is **denied**.

11 c. Emails between Huawei and third parties, including T-Mobile, are not  
12 protected by privileged. Specifically, documents with Privilege ID  
13 55-61, and 625 are not privileged. Beyond that, to the extent privilege  
14 existed, Huawei waived privilege for those documents.

15 d. The Court will address Huawei's claims for privilege as to the other  
16 documents that do not have a third party addressee. Those documents  
17 appear to be Privilege ID 36, 204, 211, 236-240, 245, and 249-253.

18 6. The Court **GRANTS** the Parties' Motions to Seal. Dkt. # 136, 163, 181, 190.

19  
20 DATED this 28th day of July, 2016.

21  
22 WILLIAM M. McCOOL,  
23 Clerk of the Court

24 /s/ Victoria Ericksen  
25 Deputy Clerk to Hon. Richard A. Jones  
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