

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:22-cv-00979-DOC-KES

Date: June 29, 2023

Title: MGI DIGITAL TECHNOLOGY S.A. v. DUPLO U.S.A. CORPORATION

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Karlen Dubon
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANT:
None Present

**PROCEEDINGS (IN CHAMBERS): ORDER RESETTNG, AND FOR
DISCOVERY REGARDING,
PLAINTIFF’S MOTION TO APPEAL
SPECIAL MASTER ORDER NO. SM-5**

Before the Court are Plaintiff MGI’s Motion to Appeal the Special Master’s May 4, 2023 Order No. SM-5 Denying Plaintiff’s Motion to Compel the Production of Documents Showing Functionality and Formulation of Accused Infringing Products (Dkt. 96), Defendant Duplo’s opposition (Dkt. 102-1), and Plaintiff MGI’s reply (Dkt. 109).

The Special Master denied Plaintiff’s Motion to Compel the Production of Documents Showing Functionality and Formulation of Accused Infringing Products (Dkt. 65). *See* Dkt. 88, May 4, 2023 Special Master Order No. SM-5 (“SM-5”) (sealed version); *see also* Dkt. 91-1 (redacted version). The Special Master found that Defendant Duplo did not have possession, custody, or control of the documents sought by Plaintiff.

The Court heard arguments on Plaintiff’s Motion to Appeal (Dkt. 96) on June 26, 2023. As discussed on the record, the Court finds that additional information may assist the Court in addressing this dispute, including some of the discovery that the parties are currently in the process of scheduling. To expedite this process, the Court hereby:

MGI, EX2003
Duplo v. MGI
IPR2023-00936

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- (1) **RESETS** the close of fact discovery for **August 18, 2023**;
- (2) **ORDERS** a deposition of Peter Tu (former President of Defendant, identified by Plaintiff at the June 26, 2023 hearing) to occur on or before **July 28, 2023**;
- (3) **ORDERS** a Rule 30(b)(6) deposition of Defendant to occur on or before **July 28, 2023**, regarding at least the following (at the parties' discretion, additional Rule 30(b)(6) topics can be addressed in the same deposition):
 - (a) the relationship between Defendant and Duplo Corporation (Japan), the types of documents that Defendant obtains from Duplo Corporation (Japan), and the purposes for which Defendant uses such documents; and
 - (b) Defendant's range of printer service and repair operations.
- (4) **ORDERS** a deposition of one of Defendant's service technicians (to be identified by the parties, with assistance of the Special Master if needed) to occur on or before **July 31, 2023**;
- (5) **REQUESTS** that non-party Duplo Corporation (a Japanese company that holds a 28% ownership interest in Defendant, and for which Defendant is the exclusive distributor in the United States, as discussed in Special Master Order No. SM-5 (*see* Dkts. 88 & 91-1)) provide a Rule 30(b)(6) witness for deposition in the United States on or before **August 11, 2023**, regarding the relationship between Defendant and Duplo Corporation; and
- (6) **RESETS** the Motion to Appeal (Dkt. 96) for hearing on **August 28, 2023 at 8:30 AM**, and the parties may file simultaneous supplemental briefs on **August 21, 2023, by 5:00 P.M.**

The Clerk shall serve this minute order on the parties.

MINUTES FORM 11

Initials of Deputy Clerk: kdu

CIVIL-GEN