

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

Brook + Whittle LTD,

*Plaintiff,*

v.

Nestlé USA, Inc., Fuji Seal International, Inc.,

*Defendants.*

CASE NO. 2:24-CV-00735-JRG-RSP

**JURY TRIAL DEMANDED**

**PLAINTIFF’S UNOPPOSED MOTION TO WITHDRAW PLAINTIFF’S  
MOTION TO COMPEL (DKT. 53)**

Plaintiff Brook + Whittle LTD (“B+W”) submits this unopposed motion to withdraw its Motion to Compel Defendant Fuji Seal International, Inc. to Produce Documents in its Control (“Motion to Compel”) (Dkt. 53) without prejudice. After the parties filed their Joint Status Report (Dkt. 58), they resolved the dispute underlying the motion to compel without Court intervention, including because Defendant Fuji Seal International, Inc. agreed to produce documents in the possession, custody, and/or control of its wholly owned subsidiary, American Fuji Seal, Inc., beginning the week of April 7, 2025. Accordingly, B+W respectfully requests to withdraw its Motion to Compel without prejudice and to vacate the hearing date set for April 22, 2025.

Counsel for B+W met and conferred with counsel for Fuji, who confirmed that Fuji is not opposed to the relief sought in this Motion.

Respectfully submitted,

/s/ Brandon H. Brown

Brandon H. Brown, P.C.

California State Bar No. 266347

B+W EX2014  
American Fuji Seal v. Brook + Whittle  
IPR2025-01176

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*Brook + Whittle LTD*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 9, 2025, the foregoing was filed electronically in compliance with Local Rule CV-5(a) and served via electronic mail on all counsel of record who have consented to electronic service.

/s/ Brandon H. Brown

Brandon H. Brown

**CERTIFICATE OF CONFERENCE**

I hereby certify that counsel has complied with the meet and confer requirement of Local Rule CV-7(h). Counsel for Fuji confirmed that Fuji does not oppose the relief sought in this motion.

/s/ Brandon H. Brown

Brandon H. Brown  
Lead Counsel

/s/ Andrea Fair

Andrea Fair  
Local Counsel