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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA
PHOENIX DIVISION

VPR Brands, LP,

Plaintiff/Counterclaim
Defendant,

v.

Jupiter Research, LLC,

Defendant/Counterclaim
Plaintiff.

No. CV-20-02185-PHX-DJH

**JOINT NOTICE OF DISCOVERY
DISPUTE**

Summary of the Dispute**Plaintiff's Issues:**

1. VPR seeks leave to compel Jupiter to supplement its responses to VPR's Requests for Admissions Nos. 1, 2, 3, 6, 7 and 8 as well as well VPR's Interrogatory No. 6.

2. The parties agreed on claim construction and filed a proposed order agreeing on the definitions of the claim terms, stating that "none of the parties' previously identified 'claims requiring construction' remain in dispute." (ECF 29-1).

3. As of March 10, 2022, Jupiter did not supplement its discovery responses. The parties met and conferred for a second time regarding Jupiter's supplemental discovery responses. Jupiter refuses to supplement the discovery until the court rules on its motion to stay and the claim construction order. VPR amended its Initial Disclosures to remove Mr. Pan since counsel remains unable to confirm Mr. Pan's ability and willingness to participate in this matter. Mr. Pan resides in China.

Defendant's Issues:

4. Jupiter seeks leave to compel production of Goucheng Pan. Jupiter served a Notice of Deposition for Mr. Pan on January 7, 2022. On March 2, 2022, VPR amended its Rule 26 Initial Disclosures to remove the inventor Goucheng Pan as an available witness. VPR refuses to produce Mr. Pan for the noticed deposition.

5. Jupiter seeks leave to compel production of infringement contentions with claim charts for all allegedly infringing products. On March 2, 2022, VPR supplemented its responses to Jupiter's Interrogatories Nos. 2 and 9 with claim charts allegedly mapping 5 Jupiter products: however, VPR still asserts 21 products are allegedly infringing. Jupiter has requested claim charts for all products allegedly infringing claims 13 -15. Jupiter cannot prepare expert reports without a claim construction order and claim charts for all allegedly infringing products. The parties

are at an impasse.

6. Further, if the Court wishes to, the parties consent to an assignment of a Magistrate Judge for the resolution of all discovery related issues in this case.

Statement of compliance with Local Rule 7.2(j)

Counsel for the parties have met and conferred on multiple occasions in an attempt to resolve the above identified matters at issue through personal consultation and sincere effort and have reached an impasse.

Dated: March 14, 2022

Respectfully submitted,

/s/ Eliezer Lekht

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