

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

NEONODE SMARTPHONE LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 6:20-cv-00505-ADA

JURY TRIAL DEMANDED

**AMENDED LETTER OF REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE
PURSUANT TO THE HAGUE CONVENTION OF 18 MARCH 1970 ON THE TAKING
OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS, AND RESPONSE
TO THE STOCKHOLM DISTRICT COURT'S ADVISORY LETTER**

RESPONSE TO THE STOCKHOLM DISTRICT COURT'S ADVISORY LETTER

The United States District Court for the Western District of Texas presents its compliments to the Ministry of Justice and has the honor of responding to the Advisory Letter from the Stockholm District Court dated June 30, 2021 ("the Advisory Letter"), regarding this Court's request for assistance in obtaining evidence for use at trial in the above-captioned matter.

On March 10, 2021, this Court issued a Request for International Judicial Assistance Pursuant to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters ("the Convention"), signed by this Court and dated March 10, 2021 in a civil matter venued before it, entitled Neonode Smartphone LLC v. Apple Inc., Case No. 20-cv-005505-ADA ("the Request").

On or about June 30, 2021, this Court received the Advisory Letter, informing this Court that the Stockholm District Court's initial assessment of the Request was that it was "issued for the purpose of obtaining pre-trial discovery of documents, as defined in the Swedish Government's declaration pursuant to article 23 of the Convention."

Neonode Smartphone LLC ("Neonode"), the plaintiff in the proceedings before this Court, has provided this Court with the amendments and clarifications set forth herein concerning the document production as to which assistance is sought by this Court. This Court hereby clarifies and substantially narrows the requested scope of document production sought in the Request accordingly. Among other things, Neonode has withdrawn all requests for production of documents directed to Thomas Eriksson, and has withdrawn most of the requests for production of documents directed to Magnus Goertz and narrowed those few (three) that remain. The narrowed scope of documents sought by this Court is reflected in an Amended Request set forth below and in Attachments A and B attached hereto.

Neonode stresses the urgency of obtaining the requested testimony and documents due to the pendency of an Inter Partes Review proceeding in the United States Patent and Trademark Office to cancel the claims of the '879 and '993 patents, which has a deadline for submission of evidence obtained in Sweden of January 12, 2022. This Court respectfully asks that the Stockholm District Court handle this matter in as expeditious a fashion as possible.

This Court respectfully responds to the opportunity from the District Court of Stockholm to address the issue, as follows:

I. TESTIMONY

The Request and Amended Request, as indicated in Sections 8(a)(1) and (3), includes a Request to Compel Testimony from Mr. Goertz and from Mr. Eriksson, set out in Attachment B to the Request. The Advisory Letter from the District Court of Stockholm does not identify any issues with the testimony from Mr. Goertz and Mr. Eriksson in relation to pre-trial discovery of documents, or otherwise.

To clarify, the testimony requested concerning the issues referenced in Section 8(c) of the Request and Amended Request should be seen as testimony given outside of the main hearing. It is necessary due to practical problems in having and enforcing the two witnesses (Mr. Goertz and Mr. Eriksson) to appear in a court in the United States, in particular during the ongoing disruptions resulting from the COVID-19 pandemic.

The topics for as to which testimony is sought have been set out, as per Article 3(f) of the Convention, in Section 8 and Exhibit A of the Request and Amended Request. The facts and circumstances sought to be proven by the testimony sought from Mr. Goertz and Mr. Eriksson have been set out in detail in section 8(b) of the Request and Amended Request. These facts and

circumstances are relevant to potentially dispositive issues in the proceedings before this Court, including the validity of the patents asserted in this proceeding.

As per the final subsection of Section 8 in the Request and Amended Request, this Court has found that the information sought by the testimony of Mr. Goertz and Mr. Eriksson, such as information concerning Mr. Goertz's conception and development of the inventions claimed in the patents at issue in the proceeding before this Court, is unavailable from other sources. This Court seeks assistance compelling the testimony of Mr. Goertz and Mr. Eriksson for use at trial, and also for use at trial in the pending Inter Partes Review proceeding in the United States Patent and Trademark Office to cancel the claims of the '879 and '993 patents, which has a deadline for submission of evidence obtained in Sweden of January 12, 2022.

II. THE PRODUCTION OF DOCUMENTS

The Request, as indicated in Sections 8(a)(2) and (4), includes a Request for Production of Documents and Physical Evidence by Mr. Goertz and Mr. Eriksson as set forth in Attachment B. The Amended Request, as indicated below, retains a Request for Production of Documents by Mr. Goertz, but withdraws the Request for Production of Documents by Mr. Eriksson.

The Convention states in Article 1 that the requesting authority by means of a Letter of Request may request the competent authority in the other state "to obtain evidence, or to perform some other judicial act". The Swedish translation of the corresponding quote says "*upptagande av bevis eller annan till rättegången hörande åtgärd*".

Article 3(d) and (g) of the Convention provides that the request shall specify "the evidence to be obtained or other judicial act to be performed" and "the documents or other property, real or personal, to be inspected". The Swedish translation of the corresponding quote says "*den åtgärd som ska vidtas*" and "*den handling eller egendom i övrigt, fast eller lös, som skall granskas*".

To produce a document or other physical evidence (real or personal property) within an ongoing trial are methods well within the Swedish Code of Judicial Procedure, see in particular Chapter 38 § 2 and Chapter 39 § 1 therein. Any such production outside of the main hearing is governed inter alia in Chapter 38 § 6 and Chapter 39 § 2 of the said Code.

As per the final subsection of Section 8 in the Request and Amended Request, this Court has found that the documents sought from Mr. Goertz and Mr. Eriksson, such as those evidencing Mr. Goertz's conception and development of the inventions claimed in the patents at issue in the proceeding before this Court, are unavailable from other sources.

When Sweden accepted the 1970 Hague convention, it expressly exempted "Letters of Request issued for the purpose of obtaining pre-trial discovery of documents as known in common law countries". According to Swedish background legislative materials, by that Sweden meant to exclude "proceedings under which a party before the initiation of the proceedings may get access to documents held by the counter party"¹ (emphasis added).

This exemption could not create any problems here, since the Request and Amended Request are made within the on-going proceedings before this Court, as stated in the Request and above.

In 1980,² Sweden made an additional declaration to its earlier exemption and stated, as quoted in the statement from the District Court of Stockholm, that it excluded Letters of Request which require a person:

- To state what documents relevant to the proceedings to which the Letter of Request are, or have been, in his possession, custody or power, or

¹ Prop 1974:95, middle of page 78.

² Swedish agreements with foreign powers, SÖ 1980:28.

- To produce any documents other than particular documents specified in the Letter of Request, which are likely to be in his possession, custody or power.

The Request and Amended Request do not, in Attachment B, require either Mr. Goertz or Mr. Eriksson to state what documents are, or have been, in their respective possession, custody or power. The first part of Sweden’s 1980 exemption therefore does not preclude the Request from being granted.

A. The Request for Production of Documents has been Significantly Narrowed

At Neonode’s request, this Court hereby clarifies and narrows the requested items as indicated in Attachment B hereto, to only three items (Items 1-3). First, this Court withdraws all requests for documents addressed to Thomas Eriksson. In that regard, this Court withdraws item 8(a)(4) of the Request. Second, with respect to requests directed to Magnus Goertz, the table below outlines the changes from original Attachment B to the current Attachment B attached hereto:

Item (Original Attachment B)	Change	New Item (Current Attachment B)
No. 1	Narrowed to omit Exhibit 3.	No. 1
No. 2	Withdrawn.	
No. 3	Narrowed to omit schematics and design documents, and to otherwise clarify and simplify the request.	No. 2
No. 4	Withdrawn.	
No. 5	Withdrawn.	

No. 6	Withdrawn.	
No. 7	Withdrawn.	
No. 8	Withdrawn.	
No. 9	Narrowed to omit schematics and design documents, and to otherwise clarify and simplify the request.	No. 3
No. 10	Withdrawn.	
No. 11	Withdrawn.	
No. 12	Withdrawn.	
No. 13	Withdrawn.	
No. 14	Withdrawn.	

B. Particular Documents

The documents referred to in Item 1 are defined with specificity. Exemplars of the documents sought in Item 1 are attached to this Amended Request (as Exhibits 1-2 to Attachment B). Item 1 of Attachment B is therefore permissible under the wording of the second part of the 1980 exemption (and to the rules governing documentary evidence production in Chapter 38 of the Swedish Code of Judicial Procedure.

Guidance under Swedish law for Items 2-3 of Attachment B hereto is given in the Swedish Supreme court case NJA 1998 sid 590 (I). In that case the Supreme Court of Sweden stated "the documents in the bank's credit file should prove that the credit was repaid at the alleged point in time", further clarified as "the credit file with content" (office translation and emphasis added).

The Supreme Court concluded that there should be no difficulties to determine which documents that are included in “the bank’s credit file.”

Based on the guidance above from the Supreme Court of Sweden, this Court hereby narrows and clarifies the scope of the requested documents so as to more plainly satisfy the requirements of Swedish law and the statements of the Supreme Court of Sweden.

The documents sought in Items 2-3 of Attachment B (revised from Item 9 of Attachment B to the original Request) are clearly specified in line with the Swedish Supreme Court case NJA 1998 sid 590. Thereby the first requirement under i) the applicable Hague Convention, as specified in the 1980 exemption, and ii) the ordinary procedural rules in Sweden concerning document production (“edition” as per Chapter 38 § 2 under the Swedish Judicial Code) are fulfilled. The additional requirements are that the evidence on issue has significance as evidence and is likely to be in the target for the request’s possession, custody or power. In Attachment B, evidential themes proving the evidential significance for each evidence have been expressly set out. The significance as evidence is clear. With regard to the likelihood for possession, custody or power, the following can be said.

C. Likelihood of Possession

Under the Swedish Supreme Court Case NJA 2020 s 664, Section 10, it is enough for possession that a person in a physical or comparable way has access, in order for something to be in the possession, custody or power of that person. Similar access to electronic documents or information shall normally be considered possession.

Mr. Goertz certainly has possession of the documents recited in Item 1 because, per the representation of counsel for Neonode Smartphone LLC, he provided Exhibits 1-2 to a Neonode representative, indicating that they were stored on his computer. Mr. Goertz likely has the

documents recited in Items 2-3 because he has already indicated that he kept these types of documents as shown by Exhibits 1-2 of Item 1.

The Request is allowable under US law. The request should not be seen as seeking “pre-trial discovery” within the meaning of Sweden’s exemption, since the proceedings have begun and are ongoing.

D. Conclusion

As per the Swedish Code (1946:816) on evidence taking for foreign courts, § 8 section 2, any request from a foreign state court shall be accepted if the request is not incompatible with Swedish law and would not be impossible to grant due to the order for evidence taking at Swedish courts or for practical reasons impossible to carry out correctly.³ These exemptions are not at issue for the Amended Request, as clarified in this Response.

SUMMARY

First, this Court requests that the Stockholm District Court enforce the request for testimony contained in Attachment A to the Amended Request (duplicated in its original form as Attachment A hereto). Attachment A contains a request for testimony only. The Advisory Letter does not express any objection regarding enforceability of Attachment A.

Second, this Court requests that the Stockholm District Court enforce the requests for production of documents, contained in Attachment B hereto, and as clarified and narrowed by this Court, since they are of the same kind as requests for production of documentary evidence under Swedish law (*Sve. rättsord*) as per Chapter 38 § 2 (and Chapter 39 § 2) of the Swedish Code of Judicial Procedure.

³ Reference also to *Sve. rättsord* § 86 and forward and 117 and forward.

CHANGE OF SWEDISH COUNSEL

At Sections 6 and 13 of the Request, Neonode identified Swedish counsel to communicate with the Swedish authorities regarding this matter. Neonode has informed this Court that it has changed Swedish counsel. This Court hereby identifies Neonode's current Swedish counsel:

Bengt Bolin, Advokatfirman Lindahl, PO Box 1203, SE-751 42 Uppsala Sweden. E-mail address: bengt.bolin@lindahl.se, phone: +46 708 161874.

**AMENDED LETTER OF REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE
PURSUANT TO THE HAGUE CONVENTION OF 18 MARCH 1970 ON THE TAKING
OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS**

To facilitate the review process for the Swedish authority, this Court provides below an Amended Request, including Attachments A and B and Exhibits 1-3 thereto. The Amended Request differs from the original Request only in (i) the date set forth in Section 4 for the requested testimony and production of documents, (ii) identification of Neonode's Swedish counsel in Sections 6 and 13, and (iii) withdrawal of the document production request directed to Mr. Eriksson in Section 8(a).

1.	Sender	Office of the Clerk United States District Court for the Western District of Texas, Waco Division 800 Franklin Avenue, Room 301 Waco, Texas 76701 United States of America Phone: (254) 750-1510
2.	Central Authority of the Requested State	Division for Criminal Cases and International Judicial Co-operation Ministry of Justice SE-103 33 Stockholm, Sweden Telephone: +46 8 405 45 00 Facsimile: +46 8 405 46 76 E-mail: in.birs@doj.se
3.	Persons to whom the executed request is to be returned	Philip J. Graves (CA State Bar No. 153441) HAGENS BERMAN SOBOL SHAPIRO LLP 301 North Lake Avenue, Suite 920

		<p>Pasadena, CA 91101 Telephone: (213) 330-7147 Facsimile: (213) 330-7152 Email: philipg@hbsslaw.com</p> <p>On Behalf Of:</p> <p>Office of the Clerk United States District Court for the Western District of Texas, Waco Division 800 Franklin Avenue, Room 301 Waco, Texas 76701 United States of America Phone: (254) 750-1510</p>
4.	Date by which the requesting authority requires receipt of the response to the Letter of Request:	Plaintiff requests that the requested materials be produced and the testimony be provided by November 30, 2021, because the materials and testimony are relevant to an expedited proceeding that the defendants have filed in the United States Patent and Trademark Office seeking cancellation of certain claims of the Patents in Suit (defined below).
In conformity with Article 3 of the Convention, the undersigned applicant, the United States District Court for the Western District of Texas, respectfully submits the following request:		
5.	a. Requesting judicial authority (article 3, a)	United States District Court for the Western District of Texas, Waco Division 800 Franklin Avenue, Room 301 Waco, Texas 76701 United States of America Phone: (254) 750-1510
	b. To the competent authority of Sweden (article 3, b)	Division for Criminal Cases and International Judicial Co-operation Ministry of Justice SE-103 33 Stockholm, Sweden Telephone: +46 8 405 45 00 Facsimile: +46 8 405 46 76 in.birs@just.gov.se
	c. Name of the case and any identifying number	<i>Neomode Smartphone LLC v. Apple Inc.</i> Civil Action File Number 6:20-cv-505-ADA
6.	Name and addresses of the parties and their representatives (including representatives in the requested country)	
	Plaintiff	Neomode Smartphone LLC 30 N. Gould Street, Suite R Sheridan, WY 82801

	Representatives	<p>Philip J. Graves (CA State Bar No. 153441) HAGENS BERMAN SOBOL SHAPIRO LLP 301 North Lake Avenue, Suite 920 Pasadena, CA 91101 Telephone: (213) 330-7147 Facsimile: (213) 330-7152 Email: philipg@hbsslaw.com</p> <p>Bengt Bolin Advokatfirman Lindahl PO Box 1203 SE-751 42 Uppsala Sweden E-mail: bengt.bolin@lindahl.se Phone: +46 708 161874</p>
	Defendant	<p>Apple Inc. One Infinite Loop Cupertino, CA 95014</p>
	Representatives	<p>Betty H. Chen Fish & Richardson PC 111 Congress Avenue, Suite 810 Austin, TX 78701 Telephone: (512) 472-5070 Fax: (512) 320-8935 Email: Bchen@fr.com</p>
7.	a. Nature of the proceedings (article 3, c)	The nature of the litigation from which the Requests stem is a complaint of patent infringement involving U.S. Patent Nos. 8,095,879 and 8,812,993 ("the Patents in Suit").
	b. Summary of complaint	The complaint alleges that Apple has infringed and continues to infringe the Patents in Suit by making, using, selling, offering for sale and importing into the United States iPhones and iPads (a) presenting a user interface that includes the Home Bar or Control Bar, or (b) running iOS 13 and later versions of iOS, or (c) running iOS 8 and later versions of iOS as well as a third party keyboard application offering swipe-typing functionality. Plaintiff seeks an award of damages sufficient to compensate for Apple's infringement, attorneys' fees, and additional remedies.
8.	a. Evidence to be obtained or other judicial act to be performed (article 3, d)	The nature of the proceeding being requested at this time is (1) a Request to Compel Testimony from Magnus Goertz on the topics set forth in Attachment A, (2) a Request for Production of Documents and Physical Evidence by Magnus Goertz as set forth in Attachment B, and (3) a Request to Compel Testimony from Björn Thomas Eriksson on the topics set forth in

		Attachment A.
	b. Purpose of the judicial act sought	<p>The evidence sought is requested in the interests of justice, since the testimony of Magnus Goertz and Björn Thomas Eriksson and the documents in their possession that are requested to be produced are relevant evidence for the claims by Plaintiff against Defendant.</p> <p>Magnus Goertz is the inventor of the patents at issue in this litigation, U.S. Patent Nos. 8,095,879 and 8,812,993 ("the Patents in Suit"). Mr. Goertz and Mr. Eriksson founded and managed several related companies in Sweden, beginning in the year 2000, to develop and commercialize a mobile phone that would integrate an innovative gestural user interface with touch screen technology. Messrs. Goertz and Eriksson referred to this user interface as the "Neno" user interface, and it is the subject of the Patents in Suit. They succeeded in developing and marketing a mobile phone under the brand "Neonode" during the 2000's, which incorporated the Neno user interface technology. By early 2002 Messrs. Goertz and Eriksson had developed a prototype of the Neonode mobile phone that incorporated the Neno user interface technology claimed by the Patents in Suit. Mr. Eriksson demonstrated the prototype, and distributed product literature describing the Neno user interface, at the March 2002 CeBit trade show in Germany.</p> <p>After the CeBit trade show, Messrs. Goertz and Eriksson continued their work on the Neonode mobile phone. They unveiled a more fully developed version of their phone – the Neonode N1 – at a press conference in Stockholm in December 2002.</p> <p>This is evidence that Mr. Goertz had conceived of and had diligently worked to reduce the patented technology to practice long before he filed the application to which the Patents in Suit claim priority, on December 10, 2002. This evidence will show that the Patents in Suit are entitled to priority over at least one of the "prior art" references that Apple contends render the Patents in Suit invalid.</p> <p>In more detail, Mr. Goertz and Mr. Eriksson have knowledge and documents in their possession that are</p>

	<p>relevant to material evidentiary issues in the above-referenced litigation, including (i) the dates on which Mr. Goertz conceived of the inventions claimed in the patents, and his efforts to diligently reduce his invention to practice; (ii) the activities of Mr. Goertz and Mr. Eriksson in connection with the March 2002 CeBit trade show in Germany, at which a prototype of a Neonode mobile phone was displayed; (iii) the activities of Messrs. Goertz and Eriksson in connection with the December 2002 press conference in Stockholm, at which a more fully developed prototype of the Neonode mobile phone was demonstrated; (iv) secondary considerations of nonobviousness tending to prove that the Patents in Suit are not invalid, such as (a) sales of the Neonode mobile phone, including the large number of pre-orders for the device, (b) industry praise for the groundbreaking Neonode mobile phone incorporating the patented technology, or (c) an unmet need in the industry for a mobile phone with the functionality of the Neno user interface; (v) communications between Mr. Goertz and Mr. Eriksson, on the one hand, and Defendant Apple, on the other, concerning the patented technology and the patents in suit, which will show that Defendant knew of the Patents in Suit yet proceeded to infringe despite this knowledge, thereby entitling Plaintiff to recover for a broader scope of infringing conduct and to greater damages; (vi) communications between Mr. Goertz and Mr. Eriksson, on the one hand, and Samsung Electronics Co., Ltd. and its affiliates, on the other, concerning the patented technology and the patents in suit, which will help to establish the value of the Patents in Suit for the purpose of determining a reasonable royalty for Defendant's infringement; (vii) the July 13, 2005 Research & Development and License Agreement between Neonode Sweden AB and Samsung Electronics Co., Ltd., which will help to establish the value of the Patents in Suit for the purpose of determining a reasonable royalty for Defendant's infringement; and (viii) the business entities that Mr. Goertz and Mr. Eriksson established to facilitate their efforts to commercialize the patented technology, and the assignments of rights in the Patents in Suit to and among those entities, which establishes the chain of title to ownership of the Patents in Suit.</p>
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		<p>Plaintiff requests that the documents be produced in their native or original format, including metadata indicating the author and dates of creation and modification, because such metadata is necessary evidence proving the identity of the author of the document and the dates the document was created and last modified. Such evidence shows the time period in which Mr. Goertz and Mr. Eriksson developed the Neno user interface, and the Neonode mobile phone that incorporated the Neno technology claimed in the Patents in Suit.</p> <p>The knowledge and information and the documents in the possession of Mr. Goertz and Mr. Eriksson are unavailable from other sources.</p>
9.	Identity and address of any person to be examined (Article 3, e)	<p>Magnus Goertz Personal id. No. 690626-0077 Valhallavägen 5 Lidingö 181 32 SWEDEN</p> <p>Björn Thomas Eriksson Personal id. No. 700414-0054 Narvavägen 20 Stockholm 115 22 SWEDEN</p>
10.	Questions to be put to the persons to be examined or statement of the subject matter about which they are to be examined (Article 3, f)	See Attachment A
11.	Documents or other property to be inspected (Article 3, (g))	See Attachment B
12.	Requirement that the Evidence be Given on Oath or Affirmation (Art. 3(h))	The witnesses should be examined under oath or affirmation as permissible under Swedish law.
13.	Special methods or procedure to be followed (Art. 3(i) and 9)	<p>This Letter of Request includes the following requests:</p> <ul style="list-style-type: none"> • That this Letter of Request be granted and the evidence-taking proceeding be performed; • That attorneys for the Plaintiff be permitted to ask the witness questions set forth in Attachment A including additional questions that are related to the subject matter set forth in Attachment A;

	<ul style="list-style-type: none"> • That representatives of the parties be permitted to examine and/or cross-examine the witness; • That the testimony be taken remotely via video link via a videoconferencing application, and recorded; • That the testimony shall be transcribed and recorded by whatever method is permissible under Swedish law and the transcribed testimony be returned to the representatives of the parties; • That an authorized interpreter for each side be present for the examination who shall translate the questions and oral testimony between Swedish and English; • That the examinations take place as soon as possible at dates and times as may be determined in accordance with Swedish law with advance notice to the parties representatives identified in Section 6 above; • That the competent judicial authority apply the appropriate measures of compulsion if any of the witnesses fails to appear or fails to provide the requested documents; and • That, to the extent that multiple examination dates are necessary to complete the taking of evidence sought in Attachment A, the examinations are scheduled on consecutive days or as close to each other as reasonably practicable. <p>In the event the evidence cannot be taken in the manner or location requested, it is to be taken in such a manner or location as provided by local law. To the extent any request in this section is deemed incompatible with Swedish principles of procedural law, it is to be disregarded.</p> <p>Plaintiff has engaged the following counsel to assist with this process, and the relevant authorities in Sweden are authorized and requested to communicate directly with them concerning this process:</p> <p>Bengt Bolin Advokatfirman Lindahl PO Box 1203 SE-751 42 Uppsala Sweden E-mail: bengt.bolin@lindahl.se Phone: +46 708 161874</p>
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14.	Request for information of time and place for the execution of the Request pursuant to Article 7 of the Convention	It is requested that United States counsel for the Plaintiff at the address set forth in paragraph 6 above, should be contacted for any information relating to the execution of this Letter of Request.
15.	Request for Attendance of Participation of Judicial Personnel of the Requesting Authority at the Execution of the Letter of Request (Art. 8)	No attendance of judicial personnel is requested.
16.	Specification of Privilege or Duty to Refuse to Give Evidence Under the Law of the State of Origin (Art. 11 (b))	The privilege or duty of the witness(es) to refuse to give evidence shall, in addition to what follows from the Swedish Procedural Code (<i>Rättegångsbalken</i>), include the right to withhold evidence if giving such evidence would (1) subject them to a real and appreciable danger of criminal liability in the United States, or (2) disclose a confidential and privileged communication between them and their respective attorneys.
17.	Fees and costs (Art. 14 and 26)	Plaintiff and, if the parties jointly request the issuance of a Letter of Request, Defendant shall bear any fees and costs within the scope of Articles 14 and 26.

DATE OF REQUEST

September 22 2021



United States District Court
Western District of Texas
800 Franklin Avenue, Room 301
Waco, Texas 76701

(signature and seal)