

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**UNITED SERVICES AUTOMOBILE
ASSOCIATION,**

Plaintiff,

v.

MITEK SYSTEMS, INC.,

Defendant.

) **CIVIL ACTION NO.: 5:12-cv-00282-
FB-JWP**

) **ORAL ARGUMENT REQUESTED**

**MITEK SYSTEMS, INC.'S ADVISORY REGARDING PARTIAL RESOLUTION OF
MITEK'S MOTION TO COMPEL COMPLETE RESPONSE TO INTERROGATORY
NO. 2**

ADVISORY REGARDING PARTIAL RESOLUTION

Defendant and moving party Mitek Systems respectfully advises the Court that the parties have reached a resolution regarding part of, but not all of, Mitek's Motion to Compel Complete Response to Interrogatory No. 2 (Docket No. 73 (January 2, 2013)).

Part of Mitek's motion concerned five phrases in USAA's interrogatory response that Mitek described as "indicators of incompleteness." Following meet-and-confer discussions, USAA agreed to remove those five phrases from its response to Interrogatory No. 2. Thus, the parties have resolved this portion of the motion to compel, and the Court therefore need not review or rule upon the arguments set forth in certain parts of Mitek's opening brief (Docket No. 73 at 9-10 (the paragraph starting with "As set forth in detail above)) and its reply brief (Docket No. 82 at 3-4 (Section "C")).

The parties continue to disagree regarding the portion of Mitek's motion to compel that seeks a more detailed response with respect to seven USAA trade secret claims. Mitek respectfully continues to seek a ruling on that portion of its motion.

Dated: January 17, 2013

Respectfully submitted,

By: /s/ Charles T. Graves
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**ATTORNEYS FOR DEFENDANT MITEK
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CERTIFICATE OF SERVICE

I certify that on January 17, 2013, the foregoing document was filed electronically in compliance with Local Rule CV-5(a)(1). As such, this document was served on the following counsel, who are deemed to have consented to electronic service.

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