

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUASAR SCIENCE LLC
Petitioner,

v.

COLT INTERNATIONAL CLOTHING, INC. d/b/a COLT LED
Patent Owner.

Case: IPR2023-00614
U.S. Patent No. 10,566,895

**PETITIONER'S OBJECTIONS AND ANSWERS TO
PATENT OWNER'S INTERROGATORY NOS. 1 - 5**

Pursuant to the Board's Order (Paper 23), Petitioner, Quasar Science, LLC ("Petitioner") hereby serves Patent Owner Colt International Clothing, Inc. ("Patent Owner") with the following objections and answers to Interrogatory Nos. 1 through 5 (the "Interrogatories"). The information provided in Petitioner's responses is designated as PROTECTIVE ORDER MATERIAL pursuant to the Protective Order issued in this proceeding. See Paper 25 (Order Granting Joint Motion for Protective Order) and Exhibit 1020 (Protective Order).

PRELIMINARY STATEMENT

Petitioner's responses are based solely on information currently available to Petitioner following a reasonable investigation. Accordingly, Petitioner's responses to these Interrogatories are based only upon Petitioner's current knowledge and reasonable belief. Nothing in these responses shall be deemed an admission by Petitioner regarding the existence of any information, or the relevance or admissibility of any information, for any purpose.

Without obligating itself to do so, Petitioner reserves the right to change, supplement, or revise these responses as additional facts or documents are discovered, revealed, recalled, or otherwise ascertained, and if further analysis, research, investigation, and/or discovery discloses additional facts, documents, interpretations, contentions, and/or legal theories that may apply. Petitioner expressly reserves the right to utilize any and all subsequently discovered documents, information, or evidence at any later state of these proceedings.

The objections set forth below are intended to apply to all information provided in response to these Interrogatories. Furthermore, these responses do not in any way waive any objections by Petitioner, in this or in any other proceeding, on any grounds, including objections as to the competency, relevancy, materiality, privilege, authenticity, or admissibility of the responses, the subject matter thereof, or the information contained therein.

GENERAL OBJECTIONS

Petitioner hereby incorporates each of these general objections into its specific objections and answers to each of the interrogatories, whether or not Petitioner refers to such objection in its specific answer to a specific interrogatory.

1. Petitioner objects to Patent Owner's Interrogatories to the extent they are vague, ambiguous, overbroad, unduly burdensome, incomprehensible, harassing, duplicative, disproportionate to the needs of the case, and/or seek irrelevant information or information that is not reasonably calculated to lead to the discovery of admissible evidence.

2. Petitioner objects to each and every Interrogatory to the extent it seeks disclosure of information protected by the attorney-client privilege, the work product doctrine, the common interest privilege, and/or any other applicable privilege or immunity. To the extent Patent Owner's Interrogatories seek information or documents subject to attorney-client privilege, work product privilege, the common interest privilege, and/or any other privilege against disclosure, such information and documents will not be provided, and any inadvertent disclosure thereof shall not be deemed a waiver of any privilege or other protections that may attach thereto with respect to such information or documents.

3. Petitioner objects to each and every Interrogatory to the extent it seeks information already in Patent Owner's possession or that is available to Patent Owner from public sources for which the burden of obtaining such information is the same or less for Patent Owner as it is for Petitioner. Petitioner provides these responses with the understanding that Patent Owner is in possession of or has access to any such sources.

4. Petitioner objects to each and every Interrogatory to the extent it requires Petitioner to make legal conclusions and/or render expert opinions.

5. Petitioner objects to each and every Interrogatory to the extent it is not limited in time and/or geography. [REDACTED]

6. In responding to these Interrogatories, Petitioner does not concede the relevancy, admissibility, or materiality of any Interrogatory or of the subject to which any Interrogatory refers. Petitioner expressly reserves the right to object to further discovery into the subject matter of these Interrogatories. Petitioner's responses to these Interrogatories are made expressly subject to and without waiving any objection in any proceeding, including any hearing in this action, as to competency, relevancy, materiality, or privilege of any of the Interrogatories referred to or the responses given. Petitioner reserves the right to object to the use of any information disclosed in the below responses in this proceeding.

7. Responses to the following Interrogatories are based solely on information presently known to Petitioner, and in its possession, custody, or control that has been located based on a reasonable search, and Petitioner reserves its right to conduct further discovery and investigation and to use at any hearing or any other proceeding evidence of any subsequently discovered facts, documents, or information.

8. The fact that Petitioner has responded to part or all of an Interrogatory is not intended to and shall not be construed as a waiver by Petitioner of any objection to such Interrogatory.

9. A specific response may repeat a general objection for emphasis or for some other reason. Failure to include any general objection in any specific response is not a waiver of any general objection to that response.

10. Petitioner generally objects to and is not necessarily agreeing to or accepting of any of the Definitions set forth in the Interrogatories.

11. Petitioner objects to Patent Owner's Definitions and Instructions contained within its Interrogatories, generally, to the extent they are onerous and unduly burdensome.

12. Petitioner objects to Patent Owner's Definition of the term "Petitioner Quasar," as overly broad and unduly burdensome to the extent it seeks information from Petitioner not within Petitioner's possession, custody, or control, but instead seeks information from parent entities, and to the extent Petitioner lacks legal control over those parents and responsive information within the possession, custody, or control of those parents, if any.

13. Petitioner objects to Patent Owner's Definition of the term "Old Quasar," as vague, overly broad and unduly burdensome to the extent it lacks reasonable particularity as to the identity of the entity to which Patent Owner is referencing, and thus fails to identify with reasonable particularity the information sought and requires speculation as to the meaning to ascribe to such terms, which Petitioner will not do. Petitioner further objects to the extent Patent Owner seeks information from Petitioner not within Petitioner's possession, custody, or control, but instead seeks information from a separate, unaffiliated and legally distinct entity in California named Quasar Science, LLC over which Petitioner lacks control.

14. Petitioner objects to Patent Owner's Definition of the term "Bicolor LED Tube Lights," as vague, overly broad and unduly burdensome to the extent it requires Petitioner to make legal conclusions and/or render expert opinions as to the identity of products having such features, including where the construction of claim limitations of the patent at issue in this proceeding remain in dispute. Petitioner further objects to the extent Patent Owner seeks information from Petitioner not within Petitioner's possession, custody, or control, but instead seeks information

from a separate, unaffiliated and legally distinct entity in California named Quasar Science, LLC over which Petitioner lacks control.

15. Petitioner objects to Patent Owner's Definition of the term "Crossfade Lights," as vague, overly broad and unduly burdensome to the extent it requires Petitioner to make legal conclusions and/or render expert opinions as to the identity of products having such features, including where the construction of claim limitations of the patent at issue in this proceeding remain in dispute. Petitioner's response is limited to the specific models of lights referenced in the Patent Owner's Definition. Petitioner further objects to the extent Patent Owner's Definition of the term "Crossfade Lights" seeks information from Petitioner not within Petitioner's possession, custody, or control, but instead seeks information from a separate, unaffiliated and legally distinct entity in California named Quasar Science, LLC over which Petitioner lacks control.

16. Petitioner objects to Patent Owner's Definition of the term "S-Switch Lights," as vague, overly broad and unduly burdensome to the extent it seeks to include Petitioner's products within the definition despite Patent Owner's having notice that Petitioner has never made or sold any product under the S-Switch name or any of the products having the model numbers identified in the definition. Petitioner further objects to Patent Owner's Definition of the term "S-Switch Lights," as vague, overly broad and unduly burdensome to the extent it requires Petitioner to make legal conclusions and/or render expert opinions as to the identity of products having such features, including where the construction of claim limitations of the patent at issue in this proceeding remain in dispute. Petitioner's response is limited to the specific models of lights referenced in the Patent Owner's Definition. Petitioner further objects to the extent Patent Owner's Definition of the term "S-Switch Lights" seeks information from Petitioner not within Petitioner's possession,

custody, or control, but instead seeks information from a separate, unaffiliated and legally distinct entity in California named Quasar Science, LLC over which Petitioner lacks control.

17. Petitioner objects to Patent Owner's Definition of the term "Competitive White Lights," as vague, overly broad and unduly burdensome to the extent it seeks to include Petitioner's products within the definition despite Patent Owner's having notice that Petitioner has never made or sold any product under the S-Switch name or any of the products having the model numbers identified in the definition. Petitioner further objects to Patent Owner's Definition of the term "S-Switch Lights," as vague, overly broad and unduly burdensome to the extent it requires Petitioner to make legal conclusions and/or render expert opinions as to the identity of products having such features, including where the construction of claim limitations of the patent at issue in this proceeding remains in dispute. Petitioner's responses are limited to the specific models of lights referenced in the Patent Owner's Definition. Petitioner further objects to the extent Patent Owner's Definition of the term "Competitive White Lights" seeks information from Petitioner not within Petitioner's possession, custody, or control, but instead seeks information from a separate, unaffiliated and legally distinct entity in California named Quasar Science, LLC over which Petitioner lacks control.

18. Petitioner objects to Patent Owner's Instruction No. 2 as overly broad and unduly burdensome to the extent it references Interrogatory No. 6 (which was withdrawn) and to the extent it seeks information from Petitioner based on "best data, calculations and/or estimates," and thus fails to identify with reasonable particularity the information sought and requires speculation as to the meaning to ascribe to such terms, which Petitioner will not do.

19. Petitioner objects to the extent these Interrogatories seek information related to a non-party to this proceeding over whom Petitioner lacks control and for which information

[REDACTED]

[REDACTED]

[REDACTED]. Accordingly,

Petitioner objects to the relevance of information related [REDACTED]

[REDACTED]

SPECIFIC OBJECTIONS AND ANSWERS
TO INDIVIDUAL INTERROGATORIES

Interrogatory No. 1: For each of the years 2021, 2022 and 2023 (year to date) please state, on a product-by-product basis, Petitioner Quasar's annual revenues from sales of Petitioner Quasar's S-Switch Lights and of Petitioner Quasar's Crossfade Lights.

Response: Petitioner incorporates its General Objections, and subject to and without waiving the foregoing objections, and to the extent this Interrogatory is understood and following a reasonable search, Petitioner has no records reflecting revenue from sales of products having model numbers Q15W3056SG; Q15W3056SG-240; Q25W3056SG; Q25W3056SG-240; Q25W3056S2; Q50W3056SG; Q50W3056SG-240; Q50W3056S2; Q75W3056SG-240; Q75W3056SG; Q100W3056G; Q100W3056G-240; or Q100W3056S2. Petitioner provides the following:

SALES REVENUE			
Model #	2021*	2022	2023
Q15W2060XG	[REDACTED]	[REDACTED]	[REDACTED]
Q15W2060XG-240			
Q25W2060XG			
Q25W2060XG-240			
Q50W2060XG			
Q50W2060XG-240			
Q75W2060XG			
Q75W2060XG-240			
Q100W2060XG			
Q100W2060XG-240			

Interrogatory No. 2: For each of the years 2021, 2022 and 2023 (year to date) please state, on a product-by-product basis, Petitioner Quasar’s annual revenues from rentals of Petitioner Quasar’s S-Switch Lights and of Petitioner Quasar’s Crossfade Lights.

Response: Petitioner incorporates its General Objections, and subject to and without waiving the foregoing objections, and to the extent this Interrogatory is understood and following a reasonable search, Petitioner has no records reflecting revenue from rentals of products having model numbers Q15W3056SG; Q15W3056SG-240; Q25W3056SG; Q25W3056SG-240; Q25W3056S2; Q50W3056SG; Q50W3056SG-240; Q50W3056S2; Q75W3056SG-240; Q75W3056SG; Q100W3056G; Q100W3056G-240; or Q100W3056S2. Petitioner provides the following:

RENTAL REVENUE			
Model #	2021*	2022	2023
Q15W2060XG			
Q15W2060XG-240			
Q25W2060XG			
Q25W2060XG-240			
Q50W2060XG			
Q50W2060XG-240			
Q75W2060XG			
Q75W2060XG-240			
Q100W2060XG			
Q100W2060XG-240			

Interrogatory No. 3: Please state any overall share or percentage of the market for Competitive White LED Tube Lights (based on revenue) for Petitioner Quasar’s S-Switch Lights

and of Petitioner Quasar's Crossfade Lights as estimated or determined by Petitioner Quasar for each of the years 2021, 2022 and 2023.

Response: Petitioner incorporates its General Objections. Petitioner objects to this Interrogatory to the extent it requires Petitioner to reach a legal conclusion and/or render expert opinions and to the extent the term "Competitive White Lights" requires Petitioner to speculate as to the identity of products having features as described by the definition, and including where the construction of claim limitations of the patent at issue in this proceeding remains in dispute as to the relevant market, and thus fails to describe with reasonable particularity the information sought and requires speculation, which Petitioner will not do. Subject to and without waiving the foregoing objections, and to the extent this Interrogatory is understood and following a reasonable search, Petitioner states that it lacks information necessary to provide a response to this Interrogatory.

Interrogatory No. 4: For each of the years 2017 to 2021, please state, on a product-by-product basis, Old Quasar's annual revenues from sales of Old Quasar's S-Switch Lights and Old Quasar's Crossfade Lights.

Response: Petitioner incorporates its General Objections. Petitioner further objects to this Interrogatory to the extent it seeks information not within Petitioner's possession, custody, or control, but instead seeks information related to "Old Quasar," a separate, unaffiliated and legally distinct entity in California named Quasar Science, LLC over which Petitioner lacks control. Petitioner objects to this Interrogatory as overbroad and vague to the extent it seeks information

[REDACTED]

[REDACTED]

[REDACTED]. Petitioner objects to the relevance of

information related to purported conduct of “Old Quasar” [REDACTED]

[REDACTED]. Subject to and without waiving the foregoing objections, Petitioner provides the following:

SALES REVENUE FIGURES REPORTED BY OLD QUASAR TO PETITIONER					
Model #	2017	2018	2019	2020	2021*
Q15W3056SG					
Q15W3056SG-240					
Q25W3056SG					
Q25W3056SG-240					
Q25W3056S2					
Q50W3056SG					
Q50W3056SG-240					
Q50W3056S2					
Q75W3056SG-240					
Q75W3056SG					
Q100W3056G					
Q100W3056G-240					
Q100W3056S2					
Q15W2060XG					
Q15W2060XG-240					
Q25W2060XG					
Q25W2060XG-240					
Q50W2060XG					
Q50W2060XG-240					
Q75W2060XG					
Q75W2060XG-240					
Q100W2060XG					
Q100W2060XG-240					

Interrogatory No. 5: For each of the years 2017 to 2021 please state, on a product-by-product basis, Old Quasar’s annual revenues of rentals of Old Quasar’s S-Switch Lights and Old Quasar’s Crossfade Lights.

Response: Petitioner incorporates its General Objections. Petitioner further objects to this Interrogatory to the extent it seeks information not within Petitioner’s possession, custody, or control, but instead seeks information related to “Old Quasar,” a separate, unaffiliated and legally distinct entity in California named Quasar Science, LLC over which Petitioner lacks control. Petitioner objects to this Interrogatory as overbroad and vague to the extent it seeks information

[REDACTED]

[REDACTED]

[REDACTED]. Petitioner objects to the relevance of information related to purported conduct of “Old Quasar” [REDACTED]

[REDACTED]. Subject to and without waiving the foregoing objections, Petitioner provides the following:

RENTAL REVENUE FIGURES REPORTED BY OLD QUASAR TO PETITIONER					
Model #	2017	2018	2019	2020	2021*
Q15W3056SG					
Q15W3056SG-240					
Q25W3056SG					
Q25W3056SG-240					
Q25W3056S2					
Q50W3056SG					
Q50W3056SG-240					
Q50W3056S2					
Q75W3056SG-240					
Q75W3056SG					
Q100W3056G					
Q100W3056G-240					
Q100W3056S2					
Q15W2060XG					
Q15W2060XG-240					
Q25W2060XG					
Q25W2060XG-240					
Q50W2060XG					
Q50W2060XG-240					

Q75W2060XG				
Q75W2060XG-240				
Q100W2060XG				
Q100W2060XG-240				

VERIFICATION

I, **DAVID MAGEE**, counsel for Petitioner, Quasar Science, LLC, hereby affirm, pursuant to 28 U.S.C. § 1746, the following under penalty of perjury:

On January 12, 2024, I reviewed Petitioner's Objections and Answers to Patent Owner's Interrogatory Nos. 1 through 5. On behalf of Petitioner, I verify the answers to Interrogatory Nos. 1 through 3 herein are, to the best of my knowledge, true and correct. [REDACTED]

Dated: January 12, 2024

/s/ David M. Magee/
David M. Magee (Reg. No. 51,982)

CERTIFICATE OF SERVICE

Under 37 C.F.R. § 42.6(e), the undersigned certifies that on January 12, 2024, a copy of the foregoing PETITIONER'S OBJECTIONS AND ANSWERS TO PATENT OWNER'S INTERROGATORY NOS. 1 - 5, was served in its entirety on the following counsel of record for Patent Owner via email:

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