IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DDC TECHNOLOGY, LLC, Plaintiff, v. EMERGE TECHNOLOGIES, INC. (dba UTOPIA 360); STRUCTURAL GRAPHICS, LLC (dba RED PAPER PLANE); PYRITE VR LTD (dba MAXBOX VR); HMD TECH SARL (dba HOMIDO); LANDSBERG ORORA; and GOOGLE LLC, Defendants.	§ § § § § § § § § § § § § § § §	CIVIL ACTION NO. 3:22-cv-01263-B JURY TRIAL DEMANDED

DEFENDANT GOOGLE LLC'S SUPPLEMENTAL OBJECTIONS AND RESPONSES TO PLAINTIFF DDC TECHNOLOGY, LLC'S FIRST SET OF INTERROGATORIES TO DEFENDANT GOOGLE LLC (NO. 1)

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant Google LLC ("Google"), by and through its undersigned counsel, hereby submits its objections and responses to Plaintiff DDC Technology, LLC's ("DDC") First Set of Interrogatories to Defendant Google LLC.

These responses are based on information currently known and available to Google. Google reserves the right to supplement its responses as further information is obtained in accordance with the Federal Rules of Civil Procedure, but does not acknowledge any duty to supplement beyond the applicable rules. By providing these responses, Google does not waive any objection to admission of these responses, in whole or in part. Information provided in response to any interrogatory does not constitute an admission as to the admissibility or relevance of that information. Google provides these written responses to DDC's interrogatories subject to the objections stated below.

OBJECTIONS TO DEFINITIONS

1. Google objects to the definition of "Defendant" as vague, ambiguous, overly broad, unduly burdensome, not proportional to the needs of the case, and invasive of the attorney-client and attorney-work-product privileges and protections, to the extent that the definition includes counsel. Google further objects to the definition, to the extent that the definition fails to recognize that actions taken by past or current employees outside the scope of their employment and/or actions taken without Google's knowledge are not attributable to Google. Google objects to the definition to the extent it includes any entity besides Defendant Google LLC, including but not limited to companies that are not parties to this litigation. In responding to these requests, Google will respond on the basis that "Defendant" refers only to the named Defendant Google LLC.

2. Google objects to the definition of "Asserted Patents" as vague and ambiguous,

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overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it encompasses patents that are not specifically identified in the Complaint, D.I. 1. In responding to each interrogatory, Google will respond on the basis that "Asserted Patents" refers only to United States Patent Nos. 9,420,075 ("the '075 Patent"); 9,811,184 ("the '184 Patent"); 10,528,199 ("the '199 Patent"); 11,093,000 ("the '000 Patent"); and 11,093,001 ("the '001 Patent").

3. Google objects to the definition of "Accused Products" as vague and ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it encompasses products that are not adequately identified in the Complaint, properly charted in DDC's Infringement Contentions, and/or that were not made, used, offered for sale, or sold in the United States during the relevant time period. In responding to each interrogatory, Google will respond on the basis that "Accused Products" refers only to those products adequately identified in the Complaint, including the Google Cardboard V2 Viewer, the Landsberg Cardboard Viewer, Pyrite VR Ltd's Maxbox Cardboard Viewers, Structural Graphics, LLC's SleekPeeks Cardboard Viewer, the Homido Grab and Homido V2 Viewers, and Emerge Technologies, Inc.'s Utopia Viewer, for the time period starting from August 16, 2016, to the extent such products are properly charted in DDC's Infringement Contentions. Google reserves all rights to argue that the relevant time period is shorter because of DDC's failure to comply with 35 U.S.C. § 287.

4. Google objects to the definition of "Google Accused Products" as vague and ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it encompasses products that are not specifically and adequately identified in the Complaint and/or that were not made, used, offered for sale, or sold in the United States during the relevant time period. In responding to each interrogatory, Google will respond on the basis that "Google Accused Products" refers only to the Google Cardboard V2 Viewer, for the time period starting

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from August 16, 2016. Google reserves all rights to argue that the relevant time period is shorter because of DDC's failure to comply with 35 U.S.C. § 287.

5. Google objects to the definition of "Landsberg Accused Products" as vague and ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it encompasses products that are not specifically and adequately identified in the Complaint, that were not made, used, offered for sale, or sold in the United States during the relevant time period, and/or that were not made, used, offered for sale, or sold in the United States by Landsberg Orora. In responding to each interrogatory, Google will respond on the basis that "Landsberg Accused Products" refers only to the Landsberg Cardboard Viewer, for the time period from August 16, 2016. Google reserves all rights to argue that the relevant time period is shorter because of DDC's failure to comply with 35 U.S.C. § 287. Google also objects to discovery requests pertaining to the "Landsberg Accused Products" because those products are not made or sold by Google.

6. Google objects to the definition of "Pyrite Accused Products" as vague and ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it encompasses products that are not specifically and adequately identified in the Complaint and/or that were not made, used, offered for sale, or sold in the United States during the relevant time period. In responding to each interrogatory, Google will respond on the basis that "Pyrite Accused Products" refers only to Pyrite VR Ltd's Maxbox Cardboard Viewers, for the time period from August 16, 2016. Google reserves all rights to argue that the relevant time period is shorter because of DDC's failure to comply with 35 U.S.C. § 287. Google also objects to discovery requests pertaining to the "Pyrite Accused Products" because those products are not made or sold by Google, and DDC has settled and resolved its case with Pyrite.

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7. Google objects to the definition of "Homido Accused Products" as vague and ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it encompasses products that are not specifically and adequately identified in the Complaint and/or that were not made, used, offered for sale, or sold in the United States during the relevant time period. In responding to each interrogatory, Google will respond on the basis that "Homido Accused Products" refers only to the Homido Grab and Homido V2 Viewers, for the time period from August 16, 2016. Google reserves all rights to argue that the relevant time period is shorter because of DDC's failure to comply with 35 U.S.C. § 287. Google also objects to discovery requests pertaining to the "Homido Accused Products" because those products are not made or sold by Google, DDC has settled and resolved its case with Homido, and at least the "Homido V2" viewer is not part of Google's WWGC program.

8. Google objects to the definition of "Emerge Accused Products" as vague and ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it encompasses products that are not specifically and adequately identified in the Complaint and/or that were not made, used, offered for sale, or sold in the United States during the relevant time period. In responding to each interrogatory, Google will respond on the basis that "Emerge Accused Products" refers only to Emerge Technologies, Inc.'s Utopia Viewer, for the time period from August 16, 2016. Google reserves all rights to argue that the relevant time period is shorter because of DDC's failure to comply with 35 U.S.C. § 287. Google also objects to discovery requests pertaining to the "Emerge Accused Products" because those products are not made or sold by Google, DDC has settled and resolved its case with Emerge, and none of Emerge's products have been part of Google's WWGC program.

9. Google objects to the definition of the term "Works With Google Cardboard" or

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"WWGC" as vague and ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it encompasses products and/or documents that are not specifically and adequately identified in the Complaint, that were not made, used, offered for sale, or sold in the United States during the relevant time period, and/or do not comply with the Cardboard Version 2 (V2) guidelines or specifications as accused of infringement in the Complaint. Google further objects to the definition of the term "Works With Google Cardboard" or "WWGC" as vague and ambiguous based on the phrase "relating to."

10. Google objects to the definition of the term "identify a person" as unduly burdensome, harassing, and not proportional to the needs of the case to the extent it requires Google to provide information—including contact information for every identified person—beyond what is required by the Federal Rules of Civil Procedure and Local Rules of this Court.

11. Google objects to the definition of "Document(s)" to the extent it includes documents that are not within Google's possession, custody, or control and/or that are covered by attorney-client privilege, the work product doctrine, the common interest privilege or any other applicable privilege or immunity doctrines.

12. Google objects to the definition of "Thing(s)" to the extent it includes items that are not within Google's possession, custody, or control.

13. Google objects to the definition of the term "identify" or "locate" documents as unduly burdensome, harassing, not proportional to the need of the case, and seeking information beyond what is required by the Federal Rules of Civil Procedure and Local Rules of this Court, or seeking information that is not within Google's possession, custody, or control.

SPECIFIC OBJECTIONS AND RESPONSES

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INTERROGATORY NO. 1:

Identify all former and/or current members of the Works With Google Cardboard Program with reference to the "tier" of their respective membership (*e.g.*, "Non-Certified Device" tier, "Certified Device" tier, "Featured Device" tier, etc.).

RESPONSE TO INTERROGATORY NO. 1:

In addition to the foregoing Objections to Definitions, Google further objects to this interrogatory as irrelevant to any party's claims or defenses because information about former and/or current member of the Works With Google Cardboard Program is not reasonably calculated to lead to the discovery of admissible evidence. Google further objects to this interrogatory as overly broad, unduly burdensome, and not proportional to the needs of the case, to the extent it seeks information about former and/or current members of the Works With Google Cardboard Program whose products do not comply with the Cardboard Version 2 (V2) guidelines or specifications as accused of infringement in the Complaint. Google further objects to this interrogatory as not being appropriately limited in time to the damages period that applies to this action. Google further objects to this interrogatory to the extent that it seeks information that, if disclosed, would result in the violation of any legal or contractual obligation to third parties, including confidentiality obligations. Google further objects to this interrogatory to the extent it seeks information that is publicly available or that is equally or more accessible to DDC than to Google. Google further objects to this interrogatory to the extent that it unduly shifts the burden of proof on the issue of inducement to Google.

Subject to and without waiving its objections, Google responds as follows:

Google is willing to meet and confer regarding the scope and relevance of this interrogatory.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:

Subject to the foregoing objections, Google further responds as follows: Based on Google's investigation to date, a list of current and past certified WWGC members is provided below.

- Acer
- Aumentaty
- Best Buy
- Boxglass VR
- Case-Mate
- DODOcase
- Goonex / QR Cardboard
- HandStands
- Homido
- Hoonite LTD
- I AM Cardboard
- Irusu
- Kinmode VRnocular
- Knoxlabs
- Landsberg Orora
- Mattel
- Maxbox VR
- Migros2
- MiiVR
- Milbox
- Mocomtech
- MR. CARDBOARD
- Photontree
- Powis
- PPI Worldwide (HK) LIMITED
- Speck
- Structural Graphics/Red Paper Plane
- Swing
- Swing VR
- Unofficial Cardboard
- VusionVR
- White – Milbox
- Wow! Stuff ImmersiverseVR
- Xiaomi
- YOHEHA INNOVATION LIMITED
- ZAAK

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The above list may include WWGC-certified members who have not sold any WWGC-certified viewers in the United States and only made sales abroad. The list may also include WWGC-certified members who only sold viewers that were compliant under the Cardboard Version 1 guidelines and specifications, and are thus not accused of infringement. The list may further include WWGC-certified members who only sold WWGC-certified viewers before August 16, 2016, the issue date of the ’075 Patent, the earliest-issued patent asserted in this case, and thus, no damages may be claimed based on those sales.

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Dated: January 6, 2023

By: __*/s/ Mark Liang*_____

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who have consented to electronic service are being served with a copy of this document via email on January 6, 2023.

/s/ Michael O'Donnell
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