

MORGAN, LEWIS & BOCKIUS LLP
Michael J. Lyons (SBN 202284)
michael.lyons@morganlewis.com
Ehsun Forghany (SBN 302984)
ehsun.forghany@morganlewis.com
1400 Page Mill Road
Palo Alto, California 94304
Tel: 650.843.4000 | Fax: 650.843.4001

CARTER LEDYARD & MILBURN LLP
Gerald W. Griffin (*admitted pro hac vice*)
griffin@clm.com
Leonardo Trivigno (*admitted pro hac vice*)
trivigno@clm.com
Meredith B. Spelman (*admitted pro hac vice*)
spelman@clm.com
Jodutt M. Basrawi (*admitted pro hac vice*)
basrawi@clm.com
Nathan D. Harp (*admitted pro hac vice*)
harp@clm.com
28 Liberty Street
New York, New York 10005
Tel: 212.732.3200 | Fax: 212.732.3232

Attorneys for Defendant LifeScan, Inc.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

FACET TECHNOLOGIES, LLC,

Plaintiff,

v.

LIFESCAN, INC.,

Defendant.

CASE NO. 2:22-cv-01717 (MARx)

Hon. Mark C. Scarsi

**LIFESCAN, INC.’S THIRD SUPPLEMENTED
OBJECTIONS AND RESPONSES TO FACET
TECHNOLOGIES, LLC’S FIRST SET OF
INTERROGATORIES (NOS. 1 TO 13)**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, LifeScan, Inc.

(“LifeScan”) hereby supplements its responses and objections to Plaintiff Facet Technologies,

1
2
3
4
5
6
7
8
9
10
11 **INTERROGATORY NO. 3:**

12 Describe in detail the facts and circumstances relating to YOUR first awareness of each
13 ASSERTED PATENT and all of YOUR response(s) thereto from the date of first awareness. This
14 includes but is not limited to identifying and describing in detail the date of such awareness; any
15 PERSON(s) who was made aware; any analysis of the ASSERTED PATENT, including any
16 freedom-to-operate analyses or opinions of counsel, and the date and facts and circumstances
17 related to such analysis or opinions; any attempts to design around, work around, or develop non-
18 infringing alternatives relating to the ASSERTED PATENT, including the date and facts and
19 circumstances related to such attempts; any changes made to the design, features, or functionality
20 of the ACCUSED PRODUCTS and any analysis performed by or for YOU relating to any such
21 changes; and any prior art searching or analysis conducted relating to the ASSERTED PATENTS,
22 including the date of such searching or analysis, all prior art identified in such searching; and all
23 documents (including communications) and witnesses relating to and the three PERSONS most
24 knowledgeable about the foregoing or the subject matter of this Interrogatory.

25 **SUPPLEMENTED RESPONSE TO INTERROGATORY NO. 3:**

26 LifeScan objects to this interrogatory to the extent it seeks documents or communications
27 protected by the attorney-client privilege or attorney-work product doctrine. LifeScan objects to
28 this interrogatory to the extent it relies upon or seeks legal conclusions or opinions. LifeScan
objects to this interrogatory as premature to the extent it calls for expert testimony or analysis and
requests information prior to the time set forth in the Court's Scheduling Order. LifeScan objects

1 to this interrogatory as vague, ambiguous, overbroad and unduly burdensome. LifeScan objects
2 to this interrogatory as containing multiple subparts, each of which constitutes an individual
3 interrogatory.

4 Subject to and without waiving the foregoing general and specific objections, and without
5 conceding that any LifeScan product falls under Facet's purported definition of "Accused
6 Products" or practices any claim of the Asserted Patent, LifeScan responds as follows: LifeScan
7 will produce non-privileged, relevant documents sufficient to show or identify the requested
8 information regarding LifeScan's first awareness of the Asserted Patent to the extent that any non-
9 privileged, relevant documents exist and are within LifeScan's possession, custody, or control.
10

11 LifeScan further responds that, on information and belief, [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED] [REDACTED]. LifeScan further

20 identifies the following persons as most knowledgeable about the subject matter of Interrogatory

21 No. 3:

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: May 26, 2023

CARTER LEDYARD & MILBURN LLP

By: /s/ Gerald W. Griffin

Gerald W. Griffin

Leonardo Trivigno

Meredith B. Spelman

Jodutt M. Basrawi

Nathan D. Harp
28 Liberty Street
New York, New York 10005
Tel: 212.732.3200 | Fax: 212.732.3232
Email: griffin@clm.com
trivigno@clm.com
spelman@clm.com
basrawi@clm.com
harp@clm.com

MORGAN, LEWIS & BOCKIUS LLP

Michael J. Lyons
Ehsun Forghany
1400 Page Mill Road
Palo Alto, California 94304
Tel: 650.843.4000 | Fax: 650.843.4001
Email: michael.lyons@morganlewis.com
ehsun.forghany@morganlewis.com

Attorneys for Defendant LifeScan, Inc.