

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

MULTIQUIP INC.,

Plaintiff,

v.

ANA, INC.,

Defendant.

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CIVIL ACTION NO. 3:22-cv-2599

JURY TRIAL DEMANDED

**RESPONSES TO DEFENDANT'S FIRST SET OF
REQUESTS FOR PRODUCTION (1-50)**

Pursuant to the Federal Rules of Civil Procedure, Multiquip Inc. makes the following Objections and Responses to Alliance North America, Inc., dba ANA, Inc.'s requests for production in the above captioned cases.

PRELIMINARY STATEMENT

Multiquip has not completed its investigation of the facts related to this case, has not completed its discovery, and has not completed its preparation for trial. All objections and responses contained herein are based only upon such information and documents presently known to Multiquip. Further discovery and analysis may supply additional facts and establish new factual or legal contentions that Multiquip may assert. Multiquip will supplement its objections and responses, if necessary, in accordance with the Federal Rules of Civil Procedure. These objections and responses are made solely for the purpose of and in relation to this action.

GENERAL OBJECTIONS

Multiquip makes the following general objections that apply to Defendant's requests for production. The restatement of any of these objections in the specific responses below shall not be construed to be a waiver of any of the general objections stated in this section and incorporated in full into the responses below.

1. Multiquip objects to each request for production to the extent that it is overbroad, unduly burdensome, oppressive, or constitutes an abuse of process, particularly when the request

for production is unduly burdensome in view of the cost necessary to investigate weighed against the Defendant's need for the information or document.

2. Multiquip objects to each request for production to the extent that it seeks information or documents protected by the attorney-client privilege, work product doctrine, the common interest doctrine, or any other applicable law, privilege, or protection. The production of any privileged information or document by Multiquip is unintentional, and Multiquip does not intend to waive any applicable objection or privilege as a result of such unintentional production. Except for items Multiquip may from time to time decide to include, Multiquip will not log protected items in connection with or in relation to the subject of this litigation dated subsequent to its commencement.

3. Multiquip objects to each request for production to the extent that it might be construed as calling for a legal conclusion. Any responses or the production of documents by Multiquip shall not be construed as providing a legal conclusion regarding the meaning or application of any terms or phrases used in the Defendant's requests for production.

4. Multiquip objects to each request for production to the extent that it seeks information or documents already in the possession of the Defendant, or in the public domain and that are as readily available to the Defendant as they are to Multiquip.

5. Multiquip objects to each request for production to the extent that it seeks information or documents that the Defendant can obtain from other parties just as readily as from Multiquip.

6. Multiquip objects to each request for production to the extent that it seeks information or documents beyond Multiquip's possession, custody, or control, or that calls for Multiquip to prepare documents or things that do not currently exist.

7. Multiquip objects to each request for production to the extent that it seeks information or documents that are cumulative or duplicative of information or documents already provided by Multiquip.

8. Multiquip objects to each request for production as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation.

9. Multiquip objects to each request for production to the extent that it seeks documents or information that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

10. Multiquip objects to each request for production to the extent that it seeks disclosure of confidential information prior to entry of a modified protective order.

11. Multiquip objects to each request for production to the extent that it seeks information or documents that Multiquip is not allowed to disclose pursuant to either a court order or pursuant to confidentiality obligations or agreements with third parties.

12. Multiquip objects to each request for production to the extent that it is vague and ambiguous.

13. Multiquip objects to each request for production to the extent that it is duplicative of any other request for production.

14. Multiquip objects to each request for production to the extent that it lacks foundation or assumes facts that are incorrect or unknown to Multiquip.

15. Multiquip objects to any request for negotiations. Will not produce negotiations.

16. Multiquip objects to each request for production to the extent that it seeks discovery of material within the scope of Federal Rule of Civil Procedure 26(b)(4), and therefore constitutes an improper and premature attempt to conduct discovery of expert opinion.

17. Multiquip objects to each request for production to the extent that it purports to attribute any special or unusual meaning and/or scope to any technical terms or phrases. Multiquip objects to each request for production to the extent that it is overbroad, unduly burdensome, oppressive, or constitutes an abuse of process, particularly when the request for production is unduly burdensome in view of the cost necessary to investigate weighed against the Defendant's need for the information or document.

DOCUMENT REQUESTS

1. All non-privileged Documents and things referring or relating to the Patent-in-Suit.

RESPONSE:

Plaintiff incorporates by reference its General Objections.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants' need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff further objects to this request to the extent it is vague and ambiguous. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure. Plaintiff objects to the extent this request seeks discovery on pre-suit investigation. *TQP Development, LLC v. 1-800-Flowers.com, Inc.*, Case No. 2:11-cv- 248, Dkt. No. 290 (E.D. Tex. July 22, 2013) (denying motion to compel pre-suit investigation noting that the Patent Case Management Judicial Guide produced by the Federal Judicial Center (2009 ed.), at Section 4.6.1 ("Discovery Regarding Patentee's Pre- Filing Investigation") states that the "best practice is to deny such discovery.").

at Section 4.6.1 (“Discovery Regarding Patentee’s Pre- Filing Investigation”) states that the “best practice is to deny such discovery.”).

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: To the extent they exist, Plaintiff will produce relevant, responsive, non-privileged documents that are within Plaintiff’s possession, custody, and control and are reasonably proportionate to the needs of this case.

11. All Documents and things, including architecture design documents, training manuals, training videos, debugging records, sketch books, emails, diagrams, flowcharts, source code documentation, change logs, specifications, repair records, maintenance records, operational manuals, WIKI documentation, correspondence with contractors, programmer logs, timesheets, and other work records, that refer to, explain, describe, define, or otherwise evidence the design, architecture, creation, building, development, implementation, or operation of each Multiquip Covered Instrumentality.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants’ need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure. Plaintiff objects to the extent this request seeks discovery on pre-suit investigation. *TQP Development, LLC v. 1-800-Flowers.com, Inc.*, Case No. 2:11-cv- 248, Dkt. No. 290 (E.D. Tex. July 22, 2013) (denying motion to compel pre-suit investigation noting that the Patent Case Management Judicial Guide produced by the Federal Judicial Center (2009 ed.), at Section 4.6.1 (“Discovery Regarding Patentee’s Pre- Filing Investigation”) states that the “best practice is to deny such discovery.”).

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request.

12. All Documents and things showing the factors, parameters, variables, and other inputs you consider or evaluate when deciding whether to implement new products or services and/or features or functionality thereof, together with any business cases, product proposals, or other such analyses that evidence your conclusions about the value proposition for each Multiquip Covered Instrumentality based on its consideration of such inputs.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate

weighed against the Defendants' need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure. Plaintiff objects to the extent this request seeks discovery on pre-suit investigation. *TQP Development, LLC v. 1-800-Flowers.com, Inc.*, Case No. 2:11-cv- 248, Dkt. No. 290 (E.D. Tex. July 22, 2013) (denying motion to compel pre-suit investigation noting that the Patent Case Management Judicial Guide produced by the Federal Judicial Center (2009 ed.), at Section 4.6.1 ("Discovery Regarding Patentee's Pre- Filing Investigation") states that the "best practice is to deny such discovery.").

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request.

13. All Documents and things sufficient to identify every system, equipment and/or product that uses or otherwise incorporates, in whole or in part, each Multiquip Covered Instrumentality.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants' need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure. Plaintiff objects to the extent this request seeks discovery on pre-suit investigation. *TQP Development, LLC v. 1-800-Flowers.com, Inc.*, Case No. 2:11-cv- 248, Dkt. No. 290 (E.D. Tex. July 22, 2013) (denying motion to compel pre-suit investigation noting that the Patent Case Management Judicial Guide produced by the Federal Judicial Center (2009 ed.), at Section 4.6.1 ("Discovery Regarding Patentee's Pre- Filing Investigation") states that the "best practice is to deny such discovery.").

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request.

14. All Documents and things regarding when you first became aware of each Accused Instrumentality.

common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure. Plaintiff objects to the extent this request seeks discovery on pre-suit investigation. *TQP Development, LLC v. 1-800-Flowers.com, Inc.*, Case No. 2:11-cv- 248, Dkt. No. 290 (E.D. Tex. July 22, 2013) (denying motion to compel pre-suit investigation noting that the Patent Case Management Judicial Guide produced by the Federal Judicial Center (2009 ed.), at Section 4.6.1 (“Discovery Regarding Patentee’s Pre- Filing Investigation”) states that the “best practice is to deny such discovery.”).

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: To the extent they exist, Plaintiff will produce relevant, responsive, non-privileged documents that are within Plaintiff’s possession, custody, and control and are reasonably proportionate to the needs of this case.

17. All Documents and things that refer or relate to the using, offering, selling, advertising, marketing, communicating about and/or referring to each Multiquip Covered Instrumentality.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants’ need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure. Plaintiff objects to the extent this request seeks discovery on pre-suit investigation. *TQP Development, LLC v. 1-800-Flowers.com, Inc.*, Case No. 2:11-cv- 248, Dkt. No. 290 (E.D. Tex. July 22, 2013) (denying motion to compel pre-suit investigation noting that the Patent Case Management Judicial Guide produced by the Federal Judicial Center (2009 ed.), at Section 4.6.1 (“Discovery Regarding Patentee’s Pre- Filing Investigation”) states that the “best practice is to deny such discovery.”).

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request.

18. All Documents and things subject to disclosure pursuant to Federal Rules of Civil Procedure 26(a)(1) and 26(a)(2), as well as all documents you referenced or relied upon in answering interrogatories in this lawsuit or in drafting any responsive pleading, motion, legal memoranda, or discovery request served in this lawsuit.

this request seeks discovery on pre-suit investigation. *TQP Development, LLC v. 1-800-Flowers.com, Inc.*, Case No. 2:11-cv- 248, Dkt. No. 290 (E.D. Tex. July 22, 2013) (denying motion to compel pre-suit investigation noting that the Patent Case Management Judicial Guide produced by the Federal Judicial Center (2009 ed.), at Section 4.6.1 (“Discovery Regarding Patentee’s Pre-Filing Investigation”) states that the “best practice is to deny such discovery.”).

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: To the extent they exist, Plaintiff will produce relevant, responsive, non-privileged documents that are within Plaintiff’s possession, custody, and control and are reasonably proportionate to the needs of this case.

21. Documents, including organizational charts relating to your organization which lists or identifies the persons having responsibility for each Multiquip Covered Instrumentality:

- a. chief executive officer;**
- b. chief operating officer;**
- c. manufacturing;**
- d. marketing or distribution;**
- e. advertising;**
- f. sales;**
- g. product design;**
- h. product engineering; and**
- i. research and development.**

Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure.

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request.

22. For each person you intend to use as a witness in the subject litigation, please produce:

- a. Documents of such person(s) referring or relating to the Patent-in-Suit, each Accused Instrumentality and/or Multiquip Covered Instrumentality, including but not limited to matters about which such person(s) will testify in this case in deposition, at trial, or otherwise;**
- b. Documents reviewed and/or consulted by or on behalf of such person(s) as**

a part of any participation in the case;

- c. Documents, including graphs, charts, models, exhibits, drawings and/or physicals, upon which such person(s) has relied or upon which any such person(s) intends to rely in this case in deposition, at trial, or otherwise; and**
- d. Documents and/or things provided to such person(s) by you or any agent of (including your outside counsel) in connection with this case.**

Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure. Plaintiff objects to the extent this request seeks discovery on pre-suit investigation. *TQP Development, LLC v. 1-800-Flowers.com, Inc.*, Case No. 2:11-cv- 248, Dkt. No. 290 (E.D. Tex. July 22, 2013) (denying motion to compel pre-suit investigation noting that the Patent Case Management Judicial Guide produced by the Federal Judicial Center (2009 ed.), at Section 4.6.1 (“Discovery Regarding Patentee’s Pre- Filing Investigation”) states that the “best practice is to deny such discovery.”).

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request.

To the extent other responsive documents exist, Plaintiff will produce relevant, responsive, non-privileged documents that are within Plaintiff’s possession, custody, and control and are reasonably proportionate to the needs of this case.

23. For each person you intend to use as an expert witness in the subject litigation:

- a. publications, articles, books and/or papers authored, co-authored, edited, or otherwise generated by such person(s);**
- b. documents and/or things authored, co-authored, edited or otherwise generated by or on behalf of such person(s), and which refer and/or relate to any opinions and/or testimony of any such person(s) rendered or to be rendered in this case;**
- c. transcripts, including all exhibits thereto, of any trial and/or deposition testimony of such person(s) in prior litigation;**
- d. documents and/or things reviewed and/or consulted by or on behalf of such person(s) as a part of any participation in this case;**
- e. documents and all things, including graphs, charts, models, exhibits,**

custody, and control and are reasonably proportionate to the needs of this case.

25. Financial records, business records, and other Documents that evidence, summarize, analyze, forecast, project, refer to, or relate to your share of the relevant market that includes each Multiquip Covered Instrumentality, either actual or estimated or projected.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants' need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure.

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request.

26. Documents identifying companies or services that compete with you or that you expect to compete with you concerning each Multiquip Covered Instrumentality.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants' need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff further objects to this request to the extent it is vague and ambiguous. Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure.

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request.

27. All U.S. profit and loss statements associated with each Multiquip Covered

Instrumentality, including at least the following information from date of first infringement to present:

- a. Revenues (gross and net);**
- b. Costs of goods sold;**
- c. Gross profits;**
- d. Operating expenses by category of expense; and**
- e. Operating profits.**

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants' need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff further objects to this request to the extent it is vague and ambiguous. Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure.

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request.

28. Financial records, business records, and other documents which evidence summarize, detail, analyze, forecast, project, refer to, or relate to any aspect of the business of designing, manufacturing, selling, or using each Multiquip Covered Instrumentality including the projected and/or actual results.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants' need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff further objects to this request to the extent it is vague and ambiguous. Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure.

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that

instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request.

29. Financial records, business records, and other documents that evidence, summarize, analyze, forecast, project, refer to, or relate to your gross, net, incremental, or other type of profit (including any such profits per unit) on any actual or projected sales, leases, or other distribution associated with each Multiquip Covered Instrumentality over the course of any period of time.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants' need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff further objects to this request to the extent it is vague and ambiguous. Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure.

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request.

30. All Documents and things relating to the operation, functionality, performance, feature, or attribute of each Multiquip Covered Instrumentality or component thereof, including but not limited to consumer surveys, marketing studies, outside consultant reports, advertising campaigns, promotional materials, and sales training materials.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants' need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff further objects to this request to the extent it is vague and ambiguous. Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure.

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that

instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request.

31. All Documents and things demonstrating, reporting, summarizing, addressing, or otherwise relating to factors that affect demand for each Multiquip Covered Instrumentality.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants' need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff further objects to this request to the extent it is vague and ambiguous. Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure.

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request.

32. All Documents and things relating to advertisement, promotion, or marketing regarding each Multiquip Covered Instrumentality, including but not limited to:

- a. Presentations;**
- b. Marketing materials, plans, and/or budgets;**
- c. White papers;**
- d. Product announcements;**
- e. Consumer surveys;**
- f. Meeting minutes or notes;**
- g. Strategic plans; and**
- h. Management reports.**

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants' need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff further objects to this request to the extent it is vague and ambiguous. Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege,

exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure.

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request.

33. All Documents and things relating to intellectual property licenses relating to any Multiquip Covered Instrumentality and/or the Patent-in-Suit, including but not limited to, license agreements, royalty reports, and royalty revenues/income on an annual basis.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants' need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff further objects to this request to the extent it is vague and ambiguous. Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure.

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request.

To the extent other responsive documents exist, Plaintiff will produce relevant, responsive, non-privileged documents that are within Plaintiff's possession, custody, and control and are reasonably proportionate to the needs of this case.

34. All Documents and things regarding the value to consumers of any features, functionalities, or other technical components of each Multiquip Covered Instrumentality.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants' need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff further objects to this request to the extent it is vague and ambiguous. Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege,

exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure.

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request.

35. All Documents and things regarding your licensing policies, including licensing of your intellectual property or intellectual property of others, and your corresponding valuation of and/or negotiation of such intellectual property.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants' need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff further objects to this request to the extent it is vague and ambiguous. Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure.

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: To the extent they exist, Plaintiff will produce relevant, responsive, non-privileged documents that are within Plaintiff's possession, custody, and control and are reasonably proportionate to the needs of this case.

36. All Documents and things regarding any patent enforcement policy or policies used or contemplated by you.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants' need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure.

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff

44. All Documents and things regarding any purported non-infringing alternative to each Multiquip Covered Instrumentality, including the costs associated with developing and implementing those alternatives, and the effectiveness of those alternatives as compared to each Accused Instrumentality.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants' need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff further objects to this request to the extent it is vague and ambiguous. Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure.

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request.

45. All Documents and things that tend to prove or disprove any of your claims or defenses.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants' need for the testimony, information, or documents. Plaintiff further objects to this request to the extent it is vague and ambiguous. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure. Plaintiff objects to the extent this request seeks discovery on pre-suit investigation. *TQP Development, LLC v. 1-800-Flowers.com, Inc.*, Case No. 2:11-cv- 248, Dkt. No. 290 (E.D. Tex. July 22, 2013) (denying motion to compel pre-suit investigation noting that the Patent Case Management Judicial Guide produced by the Federal Judicial Center (2009 ed.), at Section 4.6.1 ("Discovery Regarding Patentee's Pre- Filing Investigation") states that the "best practice is to deny such discovery.").

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: To the extent they exist, Plaintiff will produce relevant, responsive, non-privileged documents that are within Plaintiff's possession, custody, and control and are reasonably proportionate to the needs of this case.

46. All Documents and things that you intend to use to support any claim or defense at trial, hearings, expert reports, motions, or any other purpose in any of these actions.

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: To the extent they exist, Plaintiff will produce relevant, responsive, non-privileged documents that are within Plaintiff's possession, custody, and control and are reasonably proportionate to the needs of this case.

47. All Documents and things that show or may show the actual and projected extent of use of each Multiquip Covered Instrumentality, accused functionality, or portion thereof, including but not limited to the numbers of sales, distributions, downloads, licenses, alerts, usage, billing, downloads, users, executions, installations, uses, surveys, business plans and any other metric that shows or may show the extent of use.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants' need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff further objects to this request to the extent it is vague and ambiguous. Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure.

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request. To the extent other responsive documents exist, Plaintiff will produce relevant, responsive, non-privileged documents that are within Plaintiff's possession, custody, and control and are reasonably proportionate to the needs of this case.

48. All Documents and things showing or tending to show convoyed sales, convoyed services, or other collateral revenue for any sale, offer for sale, or use of each Multiquip Covered Instrumentality.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants' need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney

client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure.

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request.

49. All Documents and things referring or relating to Deep Sea Electronics Inc. and/or products of Deep Sea Electronics Inc.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants' need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure. Plaintiff objects to the extent this request seeks discovery on pre-suit investigation. *TQP Development, LLC v. 1-800-Flowers.com, Inc.*, Case No. 2:11-cv- 248, Dkt. No. 290 (E.D. Tex. July 22, 2013) (denying motion to compel pre-suit investigation noting that the Patent Case Management Judicial Guide produced by the Federal Judicial Center (2009 ed.), at Section 4.6.1 ("Discovery Regarding Patentee's Pre- Filing Investigation") states that the "best practice is to deny such discovery.").

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request.

50. All Documents and things referring or relating to electric generator control modules or equipment of Deep Sea Electronics Inc., including but not limited to generator control modules or equipment that include a dummy load control feature.

Plaintiff objects to this request to the extent it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly in view of the high cost necessary to investigate weighed against the Defendants' need for the testimony, information, or documents. Plaintiff objects to this request as overbroad and unduly burdensome to the extent that it is unlimited in temporal scope or otherwise not limited to a time frame relevant to this litigation. Plaintiff objects to this request to the extent it seeks information that is not relevant to any claim or defense in this case. Plaintiff objects to this request to the extent it seeks information protected by the attorney client privilege, common interest privilege, attorney work product doctrine, or any other applicable

privilege, exemption, law, or rule, or which are otherwise protected from discovery by the Federal Rules of Civil Procedure. Plaintiff objects to the extent this request seeks discovery on pre-suit investigation. *TQP Development, LLC v. 1-800-Flowers.com, Inc.*, Case No. 2:11-cv- 248, Dkt. No. 290 (E.D. Tex. July 22, 2013) (denying motion to compel pre-suit investigation noting that the Patent Case Management Judicial Guide produced by the Federal Judicial Center (2009 ed.), at Section 4.6.1 (“Discovery Regarding Patentee’s Pre- Filing Investigation”) states that the “best practice is to deny such discovery.”).

Subject to and without waiving the foregoing objections and based on its understanding of the request and after a reasonably proportional search and review of relevant documents, Plaintiff responds based upon such information and belief as follows: Plaintiff has not alleged that instrumentalities distributed by or on behalf of Plaintiff are read on by one or more claims of the Patent-in-Suit. If Plaintiff makes such an allegation, it will supplement its response to this request.

Dated: February 23, 2023

Respectfully submitted,

/s/ Ryan S. Loveless

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all counsel of record by email on
February 23, 2023.

/s/ Ryan S. Loveless

Ryan S. Loveless