IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

American GNC Corp. *Plaintiff,* v. Nintendo Co., Ltd. and Nintendo of America, Inc. *Defendant.*	Civil Action No. 2:23-cv-00302-TL **NON-PARTY STMICROELECTRONICS, INC.'S RESPONSES AND OBJECTIONS TO AMERICAN GNC CORP.'S SUBPOENA TO TESTIFY AT A DEPOSITION AND TO PRODUCE DOCUMENTS**

Pursuant to Rules 26, 30, 34 and 45 of the Federal Rules of Civil Procedure, non-party STMicroelectronics, Inc. ("ST") hereby responds and objects to the Subpoena to Testify at a Deposition and to Produce Documents (the "Subpoena") issued by Plaintiff American GNC Corp. ("American GNC") as follows:

GENERAL OBJECTIONS TO THE SUBPOENA

On March 4, 2020, American GNC sued STMicroelectronics N.V. and STMicroelectronics S.R.L. in Civil Action No. 6:20-cv-00171-ADA, in the United States District Court for the Western District of Texas (the "2020 Lawsuit"). At issue in the 2020 Lawsuit were four U.S. Patents, allegedly owned by American GNC, including U.S. Patent Nos. 6,508,122 and 6,671,648 ("Asserted Patents"). In its Complaint, American GNC stated STMicroelectronics N.V. and STMicroelectronics S.R.L. "learned of [American GNC's] patent infringement assertions when on September 29, 2017, [American GNC], through Global IP Law Group, LLC, emailed subpoenas to STMicroelectronics, Inc. ("STMI") in the *Am. GNC Corp. v. ZTE Corp., et al.*, 4:17-cv-00620-ALM-KPJ (E.D. TEX.) and *Am. GNC Corp. v. LE Electronics Inc., et al.*, 3:17-cv-01090-BAS-BLM (S.D.

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Cal.) cases." American GNC then dismissed, *without prejudice*, STMicroelectronics N.V. and STMicroelectronics S.R.L. from the 2020 Lawsuit on December 4, 2020.

American GNC's reliance on third-party subpoenas served on ST in 2017, as part of its subsequent 2020 Lawsuit against foreign entities, constitutes an abuse of the third-party discovery process. American GNC's use of third-party subpoenas served on ST in the *Am. GNC Corp. v. ZTE Corp., et al.*, 4:17-cv-00620-ALM-KPJ (E.D. Tex.) and *Am. GNC Corp. v. LE Electronics Inc., et al.*, 3:17-cv-01090-BAS-BLM (S.D. Cal.) matters was not to discover relevant information in the respective lawsuits, rather American GNC used these subpoenas as a fishing expedition to bring improper actions against foreign entities. Although American GNC dismissed STMicroelectronics N.V. and STMicroelectronics S.R.L. from the 2020 Lawsuit, it did so without prejudice, leaving the door open for American GNC to attempt to bring improper claims against ST or a foreign entity yet again. American GNC now attempts to use third-party subpoena practice in the present litigation dealing with *the same two U.S. Patents* also at issue in the 2020 Lawsuit. ST objects to American GNC's attempts to use the present Ssubpoena to conduct an improper fishing expedition, as it has previously done.

ST objects to the Subpoena in its entirety on the grounds that the Subpoena is vague, overbroad, not reasonably limited in time and scope, and would impose an undue burden, expense and harassment upon ST, a non-party, in contravention of Rule 45 of the Federal Rules of Civil Procedure.

ST objects to the Subpoena in its entirety on the grounds that the Subpoena does not allow a reasonable time for compliance as required under the Federal Rules of Civil Procedure, including Rule 45(d). Specifically, ST objects to producing documents on

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September 20, 2023, only 27 days after service of the Subpoena on ST. To the extent documents are produced in response to the Subpoena, if any, ST objects to the place of compliance requested in the Subpoena as no such documents are located within 100 miles of 701 El Camino Real, Redwood City, California 94063. Further, no such documents are located within 100 miles of the United States District Court for the Western District of Washington's Seattle Courthouse.

ST objects to the date, time and location of the deposition as requested in the Subpoena. If an ST witness is presented for deposition, ST will present such witness at a date, time, and location to be agreed upon by ST and American GNC.

ST objects on the grounds and to the extent the Subpoena seeks information not in ST's possession, custody, or control or about which ST lacks knowledge, including, without limitation, to the extent the Subpoena purports to require ST to interpret patents or claims, or to provide technical information for products that ST does not design, manufacture, or sell, and about which it lacks knowledge.

ST objects to the production of any documents or materials in response to the Subpoena absent entry of a protective order, the terms of which are agreeable to ST, in which all parties agree that any production made by ST would be subject to such protective order. Any production by ST will be made subject to this objection and all materials produced shall be designated as "CONFIDENTIAL — ATTORNEYS' EYES ONLY" or a similar designation under an applicable protective order. Any and all materials produced

by ST shall be used only by the parties to this litigation and only in the litigation of the lawsuit in which this Subpoena issued and shall not be used for any other purpose.

ST objects to the Requests for Production (the "Requests") and the Deposition Topics (the "Topics") contained in the Subpoena to the extent they seek to impose requirements that are greater than or different from those imposed by the Federal Rules of Civil Procedure and/or the Local Rules of the United States District Court for the Western District of Washington.

ST objects on the grounds that the Subpoena seeks to improperly impose upon ST the duty to interpret, construe, and/or speculate on various matters, including but not limited to legal documents and legal relationships, patents, technical terms and/or standards at issue in the underlying matter, or to provide responses that improperly seek legal or expert opinions or conclusions or call for speculation.

ST objects to each Request and Topic to the extent that it seeks documents or information which ST is under an obligation not to disclose, including information or documents that would require breach of a contract, protective order, settlement agreement or other duty to maintain confidentiality, or for which prior approval must be obtained from a third party prior to production or disclosure.

ST objects on the grounds and to the extent that the Subpoena seeks duplicative information already requested by, or more appropriately obtained through, other discovery mechanisms or sources including, but not limited to, discovery from the parties, including documents or information already in the parties' possession, or that are a matter of public record, or are otherwise equally available to American GNC or to Defendants Nintendo Co., Ltd. And Nintendo of America, Inc. (collectively, "Nintendo Defendants"), or are

available through a source other than ST that is more convenient, less burdensome and/or less expensive.

ST objects to the extent that the Subpoena seeks information that is neither relevant to the claims or defenses of any party, nor proportional to the needs of the case.

ST objects to the Subpoena in its entirety on the grounds that it seeks confidential or proprietary commercial information and/or trade secrets.

ST objects to the extent that the Subpoena seeks matters protected by the attorney-client privilege and/or the attorney work product doctrine or any other applicable privilege or immunity from discovery. Nothing contained in ST's specific objections and responses is intended to be, nor shall in any way be deemed to be, a waiver of such applicable privilege or immunity.

ST objects to each Request as vague and/or incomprehensible to the extent that American GNC has not sufficiently described, or identified with sufficient particularity, the information it seeks. ST further objects to each Request and Topics to the extent that American GNC's failure to clearly, or with sufficient particularity, identify the information sought renders any response by ST unduly burdensome or unreasonable.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

ST objects to each and every Definition as unduly burdensome, harassing, vague, overbroad, ambiguous, unintelligible, and seeking to impose obligations in addition to and/or different than those required by the Federal Rules of Civil Procedure and/or the Local Rules for the United States District Court for the Western District of Washington.

ST objects on the grounds that the Definitions seek to improperly impose upon ST the duty to interpret, construe, and/or speculate on various matters, including but not

limited to legal documents and legal relationships, patents, technical terms and/or standards at issue in the underlying matter or to provide responses to any Request that improperly seek legal or expert opinions or conclusions or call for speculation.

ST objects to the Definitions and Instructions to the extent they purport to require ST to search electronic communications or provide draft documents as such a search would be unlikely to lead to the production of relevant, non-privileged documents or communications and would be unduly burdensome, time-consuming, and expensive. Furthermore, American GNC has neither offered nor made a showing of good cause for why searching and producing email or other electronically stored information ("ESI") with respect to third parties is proper and necessary in this case, and ST has not agreed to an ESI order in this case.

ST objects to each Definition as vague and/or incomprehensible to the extent that American GNC has not sufficiently described, or identified with sufficient particularity, the information it seeks. ST further objects to each Definition to the extent that American GNC's failure to clearly, or with sufficient particularity, identify the information sought renders any response by ST unduly burdensome or unreasonable.

ST objects to each Definition as unreasonably containing nested definitions that render such Definition as incomprehensible, vague, and ambiguous. Any Request or Topic that includes such a Definition is likewise incomprehensible, vague, and ambiguous, and fails to identify with sufficient particularity any responsive information. Deciphering or decoding Requests or Topics incorporating nested definitions is overly burdensome and harassing, causes undue expense by a non-party, and is not proportional to the needs of this case.

ST objects to the definitions of "plaintiff" and "defendant" on the grounds that such terms are vague, overbroad, ambiguous, unintelligible, call for speculation and a legal conclusion and would lead to the imposition of burdensome and oppressive discovery obligations by seeking to include, *inter alia*, "its officers, directors, employees, partners, corporate parent, subsidiaries or affiliates," without properly defining any of these terms. For purposes of any request, response, or other definition incorporating "plaintiff," ST construes that term to refer only to American GNC Corp. For purposes of any request, response, or other definition incorporating "defendant," ST construes that term to refer only to Nintendo Co., Ltd. and Nintendo of America, Inc.

ST objects to the definitions of "You," "Your," or "STMicro" on the grounds that they are vague, overbroad, ambiguous, unintelligible, call for speculation and a legal conclusion and would lead to the imposition of burdensome and oppressive discovery obligations by seeking to include, *inter alia,* "its parents (including without limitation STMicroelectronics, N.V.), subsidiaries, divisions, affiliates, predecessors, assigns, successors, and acquired assets or business units, and any present or former officers, directors, trustees, employees, agents, representatives, attorneys, patent agents, and/or all other persons acting, or purporting to act, on their behalf," without properly defining any of these terms. ST further objects to the extent these definitions seek to impose upon ST the burden of obtaining information which is not in its possession, custody or control. For purposes of any request or response or other definition incorporating the terms "You," "Your" or "STMicro," the terms are construed to refer only to STMicroelectronics, Inc. STMicroelectronics, Inc. responds solely on behalf of STMicroelectronics, Inc.

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ST objects to the definition of "person" as unduly burdensome, harassing, vague, overbroad, ambiguous, and seeking to impose obligations in addition to and/or different than those required by the Federal Rules of Civil Procedure and/or the applicable local rules. ST further objects to this definition to the extent that it purports to require ST to search electronic communications or provide draft documents as such a search would be unlikely to lead to the production of relevant, non-privileged documents or communications and would be unduly burdensome, time-consuming, and expensive. ST further objects to this definition to the extent it requires ST to produce documents not in its possession, custody, or control.

ST objects to the definition of "document" to the extent that it purports to require ST to search electronic communications or provide draft documents as such a search would be unlikely to lead to the production of relevant, non-privileged documents or communications and would be unduly burdensome, time-consuming, and expensive. ST further objects to this definition to the extent it requires ST to produce documents not in its possession, custody, or control. Furthermore, American GNC has neither offered nor made a showing of good cause for searching and producing email or other electronically stored information ("ESI") with respect to third parties is proper and necessary in this case. And ST has not agreed to an ESI order or Protective Order in this case.

ST objects to the definition of "communication" as unduly burdensome, harassing, vague, overbroad, ambiguous, and seeking to impose obligations in addition to and/or different than those required by the Federal Rules of Civil Procedure and/or the applicable local rules. ST further objects to this definition to the extent that it purports to require ST to search electronic communications or provide draft documents as such a search would be

unlikely to lead to the production of relevant, non-privileged documents or communications and would be unduly burdensome, time-consuming, and expensive. ST further objects to this definition to the extent it requires ST to produce documents not in its possession, custody, or control. Furthermore, American GNC has neither offered nor made a showing of good cause for searching and producing email or other electronically stored information ("ESI") with respect to third parties is proper and necessary in this case. And ST has not agreed to an ESI order or Protective Order in this case.

ST objects to the definition of "concerning" as unduly burdensome, harassing, vague, overbroad, ambiguous, and seeking to impose obligations in addition to and/or different than those required by the Federal Rules of Civil Procedure and/or the applicable local rules. ST further objects to this definition to the extent that it purports to require ST to search electronic communications or provide draft documents as such a search would be unlikely to lead to the production of relevant, non-privileged documents or communications and would be unduly burdensome, time-consuming, and expensive. ST further objects to this definition to the extent it requires ST to produce documents not in its possession, custody, or control.

ST objects to the definitions of "identify" and "to identify" as unduly burdensome, harassing, vague, overbroad, ambiguous, and seeking to impose obligations in addition to and/or different than those required by the Federal Rules of Civil Procedure and/or the applicable local rules. ST further objects to these definitions to the extent that they purport to require ST to search electronic communications or provide draft documents as such a search would be unlikely to lead to the production of relevant, non-privileged documents or communications and would be unduly burdensome, time-consuming, and expensive. ST

further objects to this definition to the extent it requires ST to produce documents not in its possession, custody, or control. Furthermore, American GNC has neither offered nor made a showing of good cause for searching and producing email or other electronically stored information ("ESI") with respect to third parties is proper and necessary in this case. And ST has not agreed to an ESI order or Protective Order in this case.

ST objects to the definitions of "Asserted Patents" and "American GNC Patents-in-Suit" as overly broad, ambiguous, and seeks information not proportional to the needs of this case. For purposes of any request, response, or other definition incorporating "Asserted Patents" or "American GNC Patents-in-Suit," ST construes that term to refer only to U.S. Patent Nos. 6,508,122 and 6,671,648.

ST objects to the definitions of "Accused Technology" and "Accused Technologies" to the extent American GNC seeks information not in ST's possession, custody, or control. ST further objects to this definition to the extent it seeks information about which ST lacks knowledge or requires expert analysis or opinion. ST objects to the inclusion of "components, structures, and/or features without regard to whether they are included in a MEMS inertial measurement unit (IMU) integrated circuit, one or more MEMS sensor devices, software or firmware, or a system-on-chip or other integrated device combining any of the above" as seeking information not proportional to the needs of this case, ambiguous, and vague. Any Request that incorporates this term is overly burdensome and harassing, causes undue expense by a non-party, and is not proportional to the needs of this case.

ST objects to the definition of "Accused Product(s)" to the extent American GNC seeks information not in ST's possession, custody, or control. ST further objects to this

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definition to the extent it seeks information about which ST lacks knowledge or requires expert analysis or opinion. ST objects to the inclusion of "each of Nintendo's gaming consoles, controllers, that were made, used, offered for sale, sold, or licensed for sale within the United States (including through resellers) or imported into the United States by Nintendo or at Nintendo's direction" as seeking information not proportional to the needs of this case, ambiguous, and vague. Any Request that incorporates this term is overly burdensome and harassing, causes undue expense by a non-party, and is not proportional to the needs of this case.

ST objects to the definition of "STMicro IMU Components" to the extent American GNC seeks information not in ST's possession, custody, or control. ST further objects to this definition to the extent it seeks information about which ST lacks knowledge or requires expert analysis or opinion. ST objects to the inclusion of "the STMicro LSM6DS3 family of components" and "components identified via tear-down evidence in the Complaint, and similar components used in the Accused Products" as seeking information not proportional to the needs of this case, ambiguous, vague, and calls for both an expert and legal conclusion. For purposes of any request, response, or other definition incorporating this term, ST construes this term to mean only LSM6DS3H and LSM6DS3TR components that STMicroelectronics, Inc. designed, manufactured, or sold to the Nintendo Defendants.

ST objects to the definition of "Motion Controlled Game" to the extent American GNC seeks information not in ST's possession, custody, or control. ST further objects to this definition to the extent it seeks information about which ST lacks knowledge or requires expert analysis or opinion. ST objects to the inclusion of "that can use the inertial

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motion sensing functionality of the Accused Products for control during gameplay" as seeking information not proportional to the needs of this case, ambiguous, and vague. Any Request or other definition that incorporates this term is overly burdensome and harassing, causes undue expense by a non-party, and is not proportional to the needs of this case.

ST objects to the Instructions as vague, ambiguous, and overbroad because they fail to sufficiently define the terms "Thing" and "Things."

ST objects to the Definitions and Instructions to the extent they purport to require ST to search electronic communications or provide draft documents as such a search would be unlikely to lead to the production of relevant, non-privileged documents or communications and would be unduly burdensome, time-consuming, and expensive.

Without waiving the foregoing objections, but in express reliance thereon, ST incorporates the foregoing objections into each response below and responds to the Requests as follows:

RESPONSES AND OBJECTIONS TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Documents sufficient to identify, by product identifier(s), model name, number, or other identifying information and function, all motion sensor or inertial measurement unit components manufactured or sold by STMicro and used in the Accused Products (the "STMicro IMU Components," including as defined above).

RESPONSE AND OBJECTIONS TO REQUEST NO. 1:

ST incorporates by reference herein each of its general objections and objections to definitions and instructions, as set forth above. ST objects to this Request as vague, ambiguous, and overbroad because it fails to sufficiently define the terms "product identifier(s)," "model name, number, or other identifying information and function," "motion sensor or inertial measurement unit components," and "used in." ST objects on the grounds that this Request seeks information that is not in ST's possession, custody, or

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control, because ST did not design, manufacture, or sell any STMicro IMU Components to the Nintendo Defendants. ST objects to this Request as seeking information and/or documents that are not relevant to any of the claims or defenses asserted in this case, and not proportional to the needs of the case, including without limitation, because no ST product has been accused of infringement in this case. ST objects to the Request on the grounds that it seeks information more readily available to the parties than to ST, as American GNC and the Nintendo Defendants understand the relevant technology and accused products in the case. Further, information and documents about products sold to the Nintendo Defendants are more readily available to the Nintendo Defendants than to ST.

Subject to and without waiving the foregoing specific and general objections, ST responds that, after a reasonable search, and because ST did not design, manufacture, or sell any STMicro IMU Components to the Nintendo Defendants, there are no documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 2: Documents describing the design, function, and operation of the STMicro IMU Components.

RESPONSE AND OBJECTIONS TO REQUEST NO. 2:

ST incorporates by reference herein each of its general objections and objections to definitions and instructions, as set forth above. ST objects to this Request as vague, ambiguous, and overbroad because it fails to sufficiently define the terms "design," "function," and "operation of." ST objects on the grounds that this Request seeks information that is not in ST's possession, custody, or control, because ST did not design, manufacture, or sell any STMicro IMU Components to the Nintendo Defendants. ST objects to this Request as seeking information and/or documents that are not relevant to

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any of the claims or defenses asserted in this case, and not proportional to the needs of the case, including without limitation, because no ST product has been accused of infringement in this case.

Subject to and without waiving the foregoing specific and general objections, ST responds that, after a reasonable search, and because ST did not design, manufacture, or sell any STMicro IMU Components to the Nintendo Defendants, there are no documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 3: Circuit schematics, block diagrams, and or images showing the electronic design of the STMicro IMU Components.

RESPONSE AND OBJECTIONS TO REQUEST NO. 3:

ST incorporates by reference herein each of its general objections and objections to definitions and instructions, as set forth above. ST objects to this Request as vague, ambiguous, and overbroad because it fails to sufficiently define the terms "Circuit schematics," "block diagrams," and "images showing the electronic design of." ST objects on the grounds that this Request seeks information that is not in ST's possession, custody, or control, because ST did not design, manufacture, or sell any STMicro IMU Components to the Nintendo Defendants. ST objects to this Request as seeking information and/or documents that are not relevant to any of the claims or defenses asserted in this case, and not proportional to the needs of the case, including without limitation, because no ST product has been accused of infringement in this case.

Subject to and without waiving the foregoing specific and general objections, ST responds that, after a reasonable search, and because ST did not design, manufacture, or sell any STMicro IMU Components to the Nintendo Defendants, there are no documents responsive to this Request.

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REQUEST FOR PRODUCTION NO. 4: Engineering design specifications for STMicro IMU Components.

RESPONSE AND OBJECTIONS TO REQUEST NO. 4:

ST incorporates by reference herein each of its general objections and objections to definitions and instructions, as set forth above. ST objects to this Request as vague, ambiguous, and overbroad because it fails to sufficiently define the term "Engineering design specifications." ST objects on the grounds that this Request seeks information that is not in ST's possession, custody, or control, because ST did not design, manufacture, or sell any STMicro IMU Components to the Nintendo Defendants. ST objects to this Request as seeking information and/or documents that are not relevant to any of the claims or defenses asserted in this case, and not proportional to the needs of the case, including without limitation, because no ST product has been accused of infringement in this case.

Subject to and without waiving the foregoing specific and general objections, ST responds that, after a reasonable search, and because ST did not design, manufacture, or sell any STMicro IMU Components to the Nintendo Defendants, there are no documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 5: RTL source code (*e.g.*, Verilog, VHDL, etc.) for the STMicro IMU Components.

RESPONSE AND OBJECTIONS TO REQUEST NO. 5:

ST incorporates by reference herein each of its general objections and objections to definitions and instructions, as set forth above. ST objects to this Request as vague, ambiguous, and overbroad because it fails to sufficiently define the terms "RTL source code," "Verilog," and "VHDL." ST objects on the grounds that this Request seeks information that is not in ST's possession, custody, or control, because ST did not design, manufacture, or sell any STMicro IMU Components to the Nintendo Defendants. ST

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objects to this Request as seeking information and/or documents that are not relevant to any of the claims or defenses asserted in this case, and not proportional to the needs of the case, including without limitation, because no ST product has been accused of infringement in this case.

Subject to and without waiving the foregoing specific and general objections, ST responds that, after a reasonable search, and because ST did not design, manufacture, or sell any STMicro IMU Components to the Nintendo Defendants, there are no documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 6: Data sheets, product brochures, user manuals and guides, specifications, design guides, programming or configuration guides, white-papers, application notes, and any other such material of the kind provided to customers or manufacturers to enable them to incorporate and use the STMicro IMU Components.

RESPONSE AND OBJECTIONS TO REQUEST NO. 6:

ST incorporates by reference herein each of its general objections and objections to definitions and instructions, as set forth above. ST objects to this Request as vague, ambiguous, and overbroad because it fails to sufficiently define the terms "Data sheets," "product brochures," "user manuals and guides," "specifications," "design guides," "programming or configuration guides," "white-papers," "application notes," "material of the kind," "customers," "manufacturers," and "to enable them to incorporate and use." ST objects on the grounds that this Request seeks information that is not in ST's possession, custody, or control, because ST did not design, manufacture, or sell any STMicro IMU Components to the Nintendo Defendants. ST objects to this Request as seeking information and/or documents that are not relevant to any of the claims or defenses asserted in this case, and not proportional to the needs of the case, including without limitation, because no ST product has been accused of infringement in this case.

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Subject to and without waiving the foregoing specific and general objections, ST responds that, after a reasonable search, and because ST did not design, manufacture, or sell any STMicro IMU Components to the Nintendo Defendants, there are no documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 7: Software, firmware, and configuration files provided to Nintendo for use with STMicro IMU Components, and any related documentation or descriptions thereof.

RESPONSE AND OBJECTIONS TO REQUEST NO. 7:

ST incorporates by reference herein each of its general objections and objections to definitions and instructions, as set forth above. ST objects to this Request as vague, ambiguous, and overbroad because it fails to sufficiently define the terms "Software," "firmware," "configuration files," "provided to," "for use with," and "related documentation or descriptions." ST objects on the grounds that this Request seeks information that is not in ST's possession, custody, or control, because ST did not design, manufacture, or sell any STMicro IMU Components to the Nintendo Defendants. ST objects to this Request as seeking information and/or documents that are not relevant to any of the claims or defenses asserted in this case, and not proportional to the needs of the case, including without limitation, because no ST product has been accused of infringement in this case.

Subject to and without waiving the foregoing specific and general objections, ST responds that, after a reasonable search, and because ST did not design, manufacture, or sell any STMicro IMU Components to the Nintendo Defendants, there are no documents responsive to this Request.

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REQUEST FOR PRODUCTION NO. 8: All documentation relating to STMicro IMU Components in Accused Products that have been provided to Nintendo.

RESPONSE AND OBJECTIONS TO REQUEST NO. 8:

ST incorporates by reference herein each of its general objections and objections to definitions and instructions, as set forth above. ST objects to this Request as vague, ambiguous, and overbroad because it fails to sufficiently define the terms "documentation," "relating," and "provided to." ST objects on the grounds that this Request seeks information that is not in ST's possession, custody, or control, because ST did not design, manufacture, or sell any STMicro IMU Components to the Nintendo Defendants. ST objects to this Request as seeking information and/or documents that are not relevant to any of the claims or defenses asserted in this case, and not proportional to the needs of the case, including without limitation, because no ST product has been accused of infringement in this case.

Subject to and without waiving the foregoing specific and general objections, ST responds that, after a reasonable search, and because ST did not design, manufacture, or sell any STMicro IMU Components to the Nintendo Defendants, there are no documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 9: All Documents regarding American GNC's Asserted Patents.

RESPONSE AND OBJECTIONS TO REQUEST NO. 9:

ST incorporates by reference herein each of its general objections and objections to definitions and instructions, as set forth above. ST objects to this Request as not reasonably limited in time or scope, calling for a legal conclusion and seeking to impose an undue burden and harassment upon ST. ST further objects to this Request as vague, ambiguous, and overbroad because it fails to sufficiently define the term "regarding." ST objects to the

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Request on the grounds that it seeks all "Documents" relating to patents previously at issue in both subpoenas served by American GNC on ST in 2017, as well as subsequent litigation relying on such subpoenas filed by American GNC in 2020. ST further objects to the extent that this Request seeks matters protected by the attorney-client privilege and/or the attorney work product doctrine or any other applicable privilege or immunity from discovery. Nothing contained herein is intended to be, nor shall in any way be deemed to be, a waiver of such applicable privilege or immunity. ST further objects to this Request to the extent that it seeks documents or information which ST is under an obligation not to disclose, including information or documents that would require breach of a contract, protective order, settlement agreement or other duty to maintain confidentiality, or for which prior approval must be obtained from a third party prior to production or disclosure.

REQUEST FOR PRODUCTION NO. 10: All Documents regarding litigation between American GNC and Nintendo.

RESPONSE AND OBJECTIONS TO REQUEST NO. 10:

ST incorporates by reference herein each of its general objections and objections to definitions and instructions, as set forth above. ST objects to this Request as not reasonably limited in time or scope and seeking to impose an undue burden and harassment upon ST. ST further objects to this Request as vague, ambiguous, and overbroad because it fails to sufficiently define the terms "regarding," and "litigation." ST objects to the extent that this Request seeks matters protected by the attorney-client privilege and/or the attorney work product doctrine or any other applicable privilege or immunity from discovery. Nothing contained herein is intended to be, nor shall in any way be deemed to be, a waiver of such applicable privilege or immunity. ST further objects to this Request to the extent that it seeks documents or information which ST is under an obligation not to disclose, including

information or documents that would require breach of a contract, protective order, settlement agreement or other duty to maintain confidentiality, or for which prior approval must be obtained from a third party prior to production or disclosure.

REQUEST FOR PRODUCTION NO. 11: All correspondence with Nintendo regarding American GNC or this Action.

RESPONSE AND OBJECTIONS TO REQUEST NO. 11:

ST incorporates by reference herein each of its general objections and objections to definitions and instructions, as set forth above. ST objects to this Request as vague, overbroad, not reasonably limited in time or scope, and seeking to impose an undue burden and harassment upon ST. Specifically, and without limitation, the Request fails to specify a relevant time period or even limit the Request to correspondence sent by ST. ST further objects to this Request as seeking information and/or documents that are not relevant to any of the claims or defenses asserted in this case, and not proportional to the needs of the case, including without limitation, because no ST product has been accused of infringement in this case. ST further objects to this Request to the extent that it seeks documents or information which ST is under an obligation not to disclose, including information or documents that would require breach of a contract, protective order, settlement agreement or other duty to maintain confidentiality, or for which prior approval must be obtained from a third party prior to production or disclosure.

RESPONSES AND OBJECTIONS TO DEPOSITION TOPICS

TOPIC NO. 1: The design, function, and operation of the STMicro IMU Components.

RESPONSE AND OBJECTIONS TO TOPIC NO. 1:

ST incorporates by reference herein each of its general objections and objections to definitions and instructions, as set forth above. ST further objects to this Topic as vague,

ambiguous, and overbroad because it fails to sufficiently define the terms "design," "function," and "operation of." ST further objects on the grounds that this Topic would impose an undue burden, expense and harassment upon ST, a non-party, in contravention of Rule 45. ST objects to the Topic to the extent that it seeks testimony that is neither relevant nor calculated to lead to the discovery of admissible evidence because ST did not design, manufacture, or sell any STMicro IMU Components to the Nintendo Defendants. ST objects to the Topic to the extent that it seeks testimony that is neither relevant nor calculated to lead to discovery of admissible evidence because no ST product has been accused of infringement in this case. ST also objects on the grounds that this Topic improperly imposes upon ST the duty to interpret, construe, and/or speculate on various matters, including but not limited to technical terms at issue in the underlying matter, or the duty to provide responses that contain expert opinions or conclusions or call for speculation. ST objects to the extent that this Topic seeks information about which ST lacks knowledge, including without limitation, because ST did not design, manufacture, or sell any STMicro IMU Components to the Nintendo Defendants. ST also objects to the extent this Topic seeks information more readily available to the parties than to ST, as American GNC and the Nintendo Defendants understand the relevant technology and accused products in the case.

Subject to and without waiving the foregoing specific and general objections, ST responds that it does not have a witness with knowledge of this Topic.

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TOPIC NO. 2: The configuration and programming of the STMicro IMU Components used in the Accused Products, including via associated software and/or firmware.

RESPONSE AND OBJECTIONS TO TOPIC NO. 2:

ST incorporates by reference herein each of its general objections and objections to definitions and instructions, as set forth above. ST further objects to this Topic as vague, ambiguous, and overbroad because it fails to sufficiently define the terms "configuration," "programming," "associated," "software," and "firmware." ST further objects on the grounds that this Topic would impose an undue burden, expense and harassment upon ST, a non-party, in contravention of Rule 45. ST objects to the Topic to the extent that it seeks testimony that is neither relevant nor calculated to lead to the discovery of admissible evidence because ST did not design, manufacture, or sell any STMicro IMU Components to the Nintendo Defendants. ST objects to the Topic to the extent that it seeks testimony that is neither relevant nor calculated to lead to discovery of admissible evidence because no ST product has been accused of infringement in this case. ST also objects on the grounds that this Topic improperly imposes upon ST the duty to interpret, construe, and/or speculate on various matters, including but not limited to technical terms at issue in the underlying matter, or the duty to provide responses that contain expert opinions or conclusions or call for speculation. ST objects to the extent that this Topic seeks information about which ST lacks knowledge, including without limitation, because ST did not design, manufacture, or sell any STMicro IMU Components to the Nintendo Defendants. ST also objects to the extent this Topic seeks information more readily available to the parties than to ST, as American GNC and the Nintendo Defendants understand the relevant technology and accused products in the case.

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Subject to and without waiving the foregoing specific and general objections, ST responds that it does not have a witness with knowledge of this Topic.

TOPIC NO. 3: The authenticity and business record status of documents produced in response to this subpoena.

RESPONSE AND OBJECTIONS TO TOPIC NO. 3:

ST incorporates by reference herein each of its general objections and objections to definitions and instructions, as set forth above. ST further objects to this Topic as vague, ambiguous, and overbroad because it fails to sufficiently define the terms "authenticity" and "business record status." ST further objects on the grounds that this Topic is vague, overbroad and would impose an undue burden, expense and harassment upon ST, a non-party, in contravention of Rule 45. ST objects to the Topic to the extent that it seeks testimony that is neither relevant nor calculated to lead to the discovery of admissible evidence because ST did not design, manufacture, or sell any STMicro IMU components to the Nintendo Defendants. ST objects to the Topic to the extent that it seeks testimony that is neither relevant nor calculated to lead to discovery of admissible evidence because no ST product has been accused of infringement in this case. ST objects to the Definitions and Instructions to the extent they purport to require ST to search electronic communications or provide draft documents as such a search would be unlikely to lead to the production of relevant, non-privileged documents or communications and would be unduly burdensome, time-consuming, and expensive.

Subject to and without waiving the foregoing specific and general objections, ST responds that, because ST has not produced any documents in response to this Subpoena, ST does not have a witness with knowledge of this Topic.

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TOPIC NO. 4: STMicro's knowledge of, and communications with Nintendo regarding, this litigation, American GNC, or the American GNC Asserted Patents.

RESPONSE AND OBJECTIONS TO TOPIC NO. 4:

ST incorporates by reference herein each of its general objections and objections to definitions and instructions, as set forth above. ST further objects to this Topic as vague, ambiguous, and overbroad because it fails to sufficiently define the terms "knowledge of," "regarding," and "litigation." ST objects to the Topic on the grounds that it seeks all "knowledge of" and "communications" relating to patents previously at issue in both subpoenas served by American GNC on ST in 2017, as well as subsequent litigation relying on such subpoenas filed by American GNC in 2020. ST further objects on the grounds that this Topic would impose an undue burden, expense and harassment upon ST, a non-party, in contravention of Rule 45. Specifically, and without limitation, the Topic fails to specify a relevant time period. ST objects to the Definitions and Instructions to the extent they purport to require ST to search electronic communications or provide draft documents as such a search would be unlikely to lead to the production of relevant, non-privileged documents or communications and would be unduly burdensome, time-consuming, and expensive. ST objects to the extent that this Topic seeks information protected by the attorney-client privilege and/or the attorney work product doctrine or any other applicable privilege or immunity from discovery. Nothing contained herein is intended to be, nor shall in any way be deemed to be, a waiver of such applicable privilege or immunity. ST further objects to this Topic to the extent that it seeks information which ST is under an obligation not to disclose, including information that would require breach of a contract, protective order, settlement agreement or other duty to maintain confidentiality, or for which prior approval must be obtained from a third party prior to disclosure.

Subject to and without waiving the foregoing specific and general objections, ST responds that it does not have a witness with non-privileged knowledge of this Topic.

Dated: September 7, 2023

Andrew Mayo, Esq.
Attorney for Non-Party
STMicroelectronics, Inc.
750 Canyon Drive
Coppell, TX 75019

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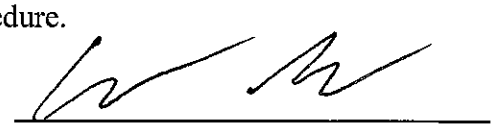
CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served on the parties set forth below by depositing same with Federal Express, on the 7th day of September, 2023, in accordance with the Federal Rules of Civil Procedure.



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