**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF DELAWARE**

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| EYESMATCH LTD. and MEMOMI LABS INC.,<br><br>Plaintiffs,<br><br>v.<br><br>FACEBOOK, INC., INSTAGRAM, LLC and WHATSAPP LLC.,<br><br>Defendants. | C.A. No. 21-cv-111-RGA-JLH |

**EYESMATCH LTD.'S AND MEMOMI LABS INC.'S OBJECTIONS AND RESPONSES TO DEFENDANTS' FIRST SET OF INTERROGATORIES (NOS. 1-4)**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff EyesMatch Ltd. ("EyesMatch") and Memomi Labs Inc. ("Memomi") (collectively "Plaintiffs") based on their current knowledge, understanding, and belief of the facts and on the information available to it as of the date on which these Responses are made, hereby provides below their objections and responses (collectively, the "Responses" and each, a "Response") to Facebook, Inc.'s ("Facebook"), Instagram, LLC's ("Instagram") and WhatsApp LLC's ("WhatsApp") (collective "Defendants") First Set of Interrogatories (Nos. 1-4), dated June 1, 2021 (collectively the "Interrogatories" or "Requests" and each, an "Interrogatory" or a "Request").

**PRELIMINARY STATEMENT**

Plaintiffs qualify each and every response herein by stating that these Responses, while based on diligent exploration by Plaintiffs and their counsel, reflect only the current state of Plaintiffs' knowledge, understanding and belief with respect to matters about which an inquiry has been made. Discovery in this action is ongoing, and, consequently, Plaintiffs continue to investigate the facts relating to this dispute. These Responses are based upon information which is

to a specific Interrogatory is neither intended as, nor shall be construed as, a limitation or waiver of any General Objection or any other specific objection made herein.

Subject to and without waiving the above Preliminary Statement and General Objections, Plaintiffs object and respond to the Interrogatories as follows:

**SPECIFIC OBJECTIONS AND RESPONSES**

**INTERROGATORY NO. 1:**

Describe in detail and identify all supporting facts and evidence regarding the circumstances surrounding the conception and reduction to practice of the alleged invention(s) of the Asserted Claims, including the precise dates of conception and actual or constructive reduction to practice, the date and circumstances of any first experimental or test use, the activities constituting diligence from conception to actual or constructive reduction to practice, all Persons involved and the nature of their involvement.

**RESPONSE TO INTERROGATORY NO. 1:**

In addition to its General Objections above, which it incorporates herein by reference, Plaintiffs object to this Interrogatory as overbroad and unduly burdensome to the extent that it purports to require Plaintiff to "describe in detail" "all supporting facts and evidence". Plaintiffs object to this Interrogatory to the extent it seeks to elicit information subject to and protected by the attorney-client privilege, the attorney work-product doctrine, and/or any other applicable privilege or immunity. Plaintiffs further object to this request as premature given Defendants have not yet provided their invalidity contentions or placed the priority date at issue.

Subject to and without waiving the foregoing general and specific objections, Plaintiffs respond as follows:

The claims of the 109 and 110 Patents were conceived and constructively reduced to practice by December 18, 2012, with the filing of U.S. Provisional Application No. 61/738,957.

**INTERROGATORY NO. 2:**

For each product or service made, used, sold, offered for sale, imported by, or licensed from, You, Nissi Vilcovsky, Ofer Saban, or any express or implied licensee that you contend are covered by or practice one or more Asserted Claims of the Patents-in-Suit, describe each such practicing or embodying product or service, including an identification of when such product or service was first made, used, sold or offered for sale in the United States, and describe in detail, separately for each limitation of each asserted claim, how each such product or service is covered by or practices such claim(s).

**RESPONSE TO INTERROGATORY NO. 2:**

In addition to its General Objections above, which it incorporates herein by reference, Plaintiffs object to this Interrogatory as premature in that it seeks information that is properly the subject of expert opinion prior to the deadline established in the Scheduling Order in this Action. Plaintiffs object to this Interrogatory/Request as unduly burdensome to the extent that it seeks

Dated: July 2, 2021

Respectfully submitted,

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*/s/ Brian E. Farnan*

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