

EXHIBIT B

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May 20, 2024

VIA EMAIL:

Jordan Jaffe
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Re: *Orca Security Ltd. v. Wiz, Inc.*, C.A. No. 23-0758-JLH

Counsel,

We write to address deficiencies in Wiz's discovery responses and productions, including inadequacies in Wiz's responses to Orca's Interrogatory Nos. 1-7, 9, 11-12, and 14-15 that require supplementation and issues with Wiz's source code production.

Orca's Interrogatory No. 1. Interrogatory No. 1 asks Wiz to, among other things, identify each Accused Product and component related to the Accused Functionalities, e.g., by Product name and version, disclose whether and to what extent such products are sold, used, or licensed in the United States, and identify the three persons most knowledgeable about these issues.

In its responses, Wiz failed to identify a single product or product under development, and did not even attempt to explain whether any such products are sold, used, or licensed in the United States. Wiz just cited two Bates ranges for documents, stating that information "relate[s] to the names and versions of what Wiz understands to be the Accused Product(s)." This is insufficient and an improper invocation of Rule 33(d). The documents Wiz cites (WIZ_0000101-105 and WIZ_0003047-3138) are inadequate, including because they do not address several Accused Product(s) and Functionalities at issue, and because they fail to describe "each Accused Product and component related to the Accused Functionalities of any Accused Product." The cited documents merely describe "REDACTED," at a high level, and certain, limited elements of Wiz's platform.

Wiz must supplement its response to identify what products, components, and products or components under development, have been, will be, or are likely to be, designed, developed, considered, made, used, offered for sale, or imported into the United States up to and through trial in this Action. To the extent Wiz has any internal names for its products or components that differ from how those products or components are referred to customers, that information must be provided.

Orca's Interrogatory No. 2. Interrogatory No. 2 asks Wiz to identify, among other things the source code associated with each Accused Product and the specific portions of operating systems, software, applications, and/or firmware used for performing the Accused Functionalities, including relevant source code modules, functions, dlls, libraries, algorithms, routines, and subroutines.

Wiz's response invokes Rule 33(d) and cites WIZ_0003047-3144, but that does not provide the requested information. Rather, the documents merely describe, at a high level, that ^{REDACTED}
See, e.g., WIZ_0003140.

Wiz's failure to make the identifications required by Interrogatory No. 2 significantly prejudices Orca. Wiz's failure to identify the relevant portions of source code performing the Accused Functionalities is particularly troubling in view of the fact that Orca's ongoing inspection of Wiz's source code has revealed numerous additional deficiencies. For example, at least the following source code and code-related documents appear to be missing from Wiz's source code production:

- documents from the "Docs" folder, located at wiz-2024-04-22\docs, which contains no documents;
- source code showing implementation of the ^{REDACTED} ;
- source code showing implementation of ^{REDACTED}
See, e.g., <https://www.wiz.io/blog/unveiling-ebpf-harnessing-its-power-to-solve-real-world-issues>; *see also, e.g.,* ^{REDACTED}
- source code showing implementation of the "REDACTED" module, which is referenced by several modules in Wiz's source code, including but not limited to "REDACTED"
^{REDACTED} *See, e.g.,* references to "REDACTED";
- source code showing implementation of the "REDACTED" module, which is referenced by several modules in Wiz's source code, including but not limited to "REDACTED"
^{REDACTED} *See, e.g.,* references to "REDACTED";
- source code showing implementation of the "REDACTED" module, which is referenced by several modules in Wiz's source code (*see, e.g.,* references to "REDACTED") and is located within a "REDACTED" directory, which appears to include modules relating to at least data issues, vulnerabilities, and descriptions;
- source code showing implementation of the "REDACTED" module, which is referenced by several modules in Wiz's source code, including but not limited to

“ REDACTED ,” and is located within the same “ REDACTED ” directory mentioned above;

- source code showing implementation of the “ REDACTED ” module, which is referenced by several modules in Wiz’s source code, including but not limited to “ REDACTED ,” and is located within the same “ REDACTED ” directory mentioned above; and
- source code showing implementation of the “ REDACTED ” module, which is included in the “ REDACTED ” module described above. *See, e.g.,* references to REDACTED .

The source code and documents identified above appear relevant to the operation of the Accused Functionalities and must be produced and/or made available for inspection. This information is also responsive to Orca’s RFP Nos. 2, 11-13, and 15. And, to the extent Wiz contends that such source code is available for inspection, it must be identified (by page and line number, module name, file name, or other, specific identifier), along with all other relevant source code, in Wiz’s response to Interrogatory No. 2. Wiz must also supplement its response to identify the source code used for at least the following components of the Accused Functionalities:

- The following components shown in WIZ 0002955 at -2968: REDACTED ;
- The following components shown in WIZ 0002955 at -2959: REDACTED ;
- Dashboards by Wiz;
- The components used to determine REDACTED (see, e.g., WIZ_0000001 at -58, -175, -192, -508), (2) REDACTED (see, e.g., WIZ_0000001 at -58, -228, -473), (3) REDACTED (see, e.g., WIZ_0000001 at -58, -448, -636);
- REDACTED (see, e.g., WIZ_0000001 at -395, -1798);
- REDACTED (see, e.g., WIZ_0000001 at -357-370, -2643);
- The components used to “ REDACTED ” (see, e.g., WIZ_0000001 at -51, -56, -70);
- The following components shown in WIZ 0003161 at -3161-3162: REDACTED ;
- The components used to perform REDACTED (see, e.g., WIZ_0000001 at -59, -253); and

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REDACTED

Orca's Interrogatory No. 3. Interrogatory No. 3 asks Wiz, among other things, to identify and describe Wiz's pricing model for each Accused Product and how Wiz licenses and/or permits use of such products.

Wiz's response to this interrogatory is deficient at least because there do not appear to be any documents regarding pricing models or licenses for Wiz for Gov.

Orca's Interrogatory No. 4. Interrogatory No. 4 asks Wiz, among other things, to describe the circumstances when Wiz first became aware of or received notices of each Asserted Patent or any Related Patent.

Wiz's response, however, only addresses notice of the Asserted Patents. Wiz must supplement its response to identify when it first became aware of Related Patents, including at least U.S. Patent Nos. 11,516,231 and 11,431,735. And Wiz must also identify pertinent communications and documents regarding that notice or awareness (*see also* Orca's RFP Nos. 62, 75-76), and actions taken in response to Wiz becoming aware of each Asserted Patent or Related Patent.

Orca's Interrogatory No. 5. Interrogatory No. 5 asks Wiz, among other things, to describe the bases for its contention that it does not infringe the Asserted Claims, identify any documents supporting that contention, and identify the three persons most knowledgeable about Wiz's position.

Wiz has not provided any substantive information in response to this interrogatory. Instead, Wiz merely stated, without any support (e.g., the identification of relevant documents), that it "REDACTED

," and then invoked the fact that, at the time of Wiz's response, Orca had not provided formal infringement contentions. Orca served infringement contentions on May 10, 2024. Accordingly, please provide a date certain when Wiz will substantively respond to this interrogatory.

Orca's Interrogatory No. 6. Interrogatory No. 6 asks Wiz to describe, among other things, the circumstances surrounding the development of the Accused Product(s) and Functionalities, and to identify the documents pertinent to that development and the people who were involved in same.

Wiz's response does not provide any narrative response, instead invoking Rule 33(d). Orca has reviewed the cited documents, however, and they do not provide the information called for by this interrogatory. For example, Wiz's cited documents include "REDACTED" for 2020, 2021, 2022, and 2024, but includes no similar information for 2023. Furthermore, the "REDACTED" for 2020 (WIZ_0003161-3162) refers only to information REDACTED but not the development of the Accused Functionalities as specifically requested.

Orca's Interrogatory No. 7. Interrogatory No. 7 asks Wiz, among other things, to, identify and describe financial information pertaining to the Accused Product(s) and any products incorporating Accused Functionalities, on a monthly basis, including information on sales, licensing, and projected future sales, through at least 2029.

Wiz's response to this interrogatory fails to provide any of the requested descriptions. And the single document Wiz cited (WIZ_0003037) provides *only* " REDACTED " for " REDACTED ." That document falls far short of providing the information requested by Interrogatory No. 7, and cannot excuse Wiz's failure provide a substantive, complete response to this interrogatory. For example, in response to Interrogatory No. 3, Wiz identifies various documents reflecting "REDACTED," for the Accused Product(s) that include, for example, " REDACTED " (see, e.g., WIZ_0003363; WIZ_0003364) and/or REDACTED (see, e.g., WIZ_0003370). Wiz must supplement its response to Interrogatory No. 7 to identify the number of billable workloads on a monthly basis, and the gross profits, net profits, and costs associated with the Accused Product(s), including for REDACTED (see, e.g., WIZ_0003372-3373; WIZ_0003378-3379). Wiz must also supplement its response to identify similar financial information for the Accused Product(s) from when they were first sold through May 2023, and any projected future sales of the Accused Product(s) through at least the year 2029.

Orca's Interrogatory No. 9. Interrogatory No. 9 asks Wiz, among other things, to, among other things, describe any planned, potential, or implemented non-infringing alternative or design around relating to the Asserted Patents, and to identify the persons involved with any such non-infringing alternative or design around and relevant documents.

Wiz has not provided a substantive response to this interrogatory. Instead, Wiz merely stated that it would "disclose any contentions as to non-infringing alternatives or design arounds in due course and pursuant to the Scheduling Order," and then invoked the fact that, at the time of Wiz's response, Orca had not provided formal infringement contentions. Orca served infringement contentions on May 10, 2024. Accordingly, a substantive response to Interrogatory No. 9 is due.

Orca's Interrogatory No. 11. Interrogatory No. 11 asks Wiz, among other things, to describe the decision by Wiz's Founders—Assaf Rappaport, Ami Luttwak, Yinon Costica, and Roy Reznik—to leave Microsoft and found Wiz, and to identify any original business plans or product proposals, communications with potential or actual investors, and the timing of those decisions relative to Orca's presentation to Microsoft in May 2019.

Wiz's response is deficient at least because Wiz fails to identify any relevant documents and communications, such as documents relating to original business plans or product proposals and communications with potential or actual investors. Wiz's response also states REDACTED

but fails to identify what the " REDACTED " were directed to. Wiz must supplement its response to provide that information. Wiz also refers to Rule 33(d) and states that "[s]uch information may be found in Wiz's forthcoming productions." As we have raised in numerous correspondence regarding this and other of Wiz's interrogatories, that statement is improper pursuant to Rule 33(d), which requires "specifying the records that must be reviewed, in

sufficient detail to enable the interrogating party to locate and identify them as readily as the responding party could,” and does not relieve Wiz of its obligation to provide a complete, substantive response to Orca’s interrogatory.

Orca’s Interrogatory No. 12. Interrogatory No. 12 asks Wiz to, among other things, identify the date when, and circumstances under which, Wiz first learned that Mr. Ben-Shimon prosecuted patents for Orca.

Wiz’s response must be supplemented to provide this information.

Orca’s Interrogatory No. 14. Interrogatory No. 14 asks Wiz, among other things, to identify and describe any competitive analyses performed or received by Wiz relating to the Accused Product(s), Orca and its products, and/or competitors other than Orca, as well as any investigation into the relevant market share for the Accused Product(s) or Orca’s Platform.

Wiz has not provided any descriptions of any competitive analyses performed or received by Wiz. Wiz has only cited two documents (WIZ_0003527 and WIZ_0003582) that, at best, tangentially relate to competition and do not substantively address the market for the Accused Product(s) or Orca’s Platform. They are also deficient because they conclude that “ REDACTED ” but does not provide any information underlying the alleged conclusion regarding Orca “ REDACTED .” It is also plain from Wiz’s customer facing documents that Wiz’s response is knowingly incomplete. Those documents reflect that Wiz performs substantial analysis and comparison of Wiz’s Platform to Orca’s Platform, and that Wiz has specifically analyzed Orca’s solutions to assert to customers that Orca either fully or “ REDACTED .” See, e.g., WIZ_0000001 at -61-62. Wiz must supplement its response to identify competitive analysis Wiz has performed or received relating to Orca’s products, including but not limited to the analysis underlying the conclusions set forth in WIZ_0000001 at -61-62, any further internal analysis by Wiz, documents underlying those analyses, and the persons most knowledgeable thereof.

Orca’s Interrogatory No. 15. Interrogatory No. 15 asks Wiz, among other things, to identify and describe all documents or communications Wiz received from Orca, related to Orca, created by Orca, or otherwise originating from Orca, and to explain how, from whom, and when Wiz first received such access.

Wiz’s response is deficient and must be supplemented. Wiz admits it possesses screenshots of Orca’s Platform, “ REDACTED ,” and recordings of Orca’s webinars. Wiz, however, does not cite any such screenshots, documents or recordings, and Orca has not identified any such documents that Wiz has produced. Wiz also has not described when Wiz received or the date(s) of Wiz’s first access to such documents. As another example, Wiz has not described or identified related communications with third parties, or Wiz’s understanding of confidentiality and contractual requirements governing its receipt of Orca’s information considering Wiz is neither a user or customer of Orca’s Platform.

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Wiz's responses to Orca's Interrogatory Nos. 1-7, 9, 11-12, and 14-15 are deficient for at least the reasons discussed above. Orca requests that, by no later than May 24, 2024, Wiz supplement its responses to these interrogatories to remedy their deficiencies. We further request that, if Wiz is unwilling to provide full and complete, substantive responses to these interrogatories by May 24, Wiz provide times during the week of May 20, 2024 to meet and confer to discuss these issues.

Best regards,

A handwritten signature in black ink, appearing to be "BD" or "B. Davis", written in a cursive, stylized manner.

Blake Davis