IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NL GIKEN INC., Plaintiff, v. AMAZON.COM, INC., AMAZON.COM SERVICES LLC, AMAZON WEB SERVICES, INC., and TWITCH INTERACTIVE, INC., Defendants.	Civil Action No. 1:24-cv-00028-MN

PLAINTIFF'S FIRST SET OF INTERROGATORIES (NOS. 1-15) TO DEFENDANTS

Under Local Rules 5.4 and 26.1 and Federal Rules of Civil Procedure 26 and 33, Plaintiff NL Giken Inc. ("NL Giken") serves its First Set of Interrogatories to Amazon.com, Inc., Amazon.com Services LLC, Amazon Web Services, Inc. (together, "Amazon"), and Twitch Interactive, Inc. ("Twitch") (all four collectively, "Defendants"). NL Giken requests that within thirty (30) days from the date of service hereof, Defendants answer the following interrogatories.

DEFINITIONS AND INSTRUCTIONS

1. NL Giken incorporates its Definitions and Instructions in NL Giken's First Set of Requests for Production to Defendants, served on May 20, 2024, and updates its definition of the phrase "Accused Products and Services" to mean the products and services identified in NL Giken's Final Identification of Accused Products and Services, served on March 31, 2025.

2. The phrases "timeshift" and "timeshifted" refer to the ability to pause, rewind, fast-forward, and/or start from the beginning a live event, as described in the document bearing the production number DEFS-NLG_0001380.

3. "Asserted Claims" means the claims asserted in NL Giken's Final Infringement Contentions, served March 31, 2025.

4. These interrogatories are addressed to Defendants and (i) their present or former directors, officers, employees, agents, representatives, accountants, investigators, consultants, attorneys, and predecessors or successors in interest and any parent, subsidiary, or affiliated entities; (ii) any other person acting on Defendants' behalf or on whose behalf Defendants acted; or (iii) any other person that is otherwise controlled by Defendants, or that controls Defendants, or that is under common control with Defendants.

5. These interrogatories are continuing, and require further and supplemental production in accordance with Fed. R. Civ. P. 26(e).

6. "Identify," "identification," or "identity" with respect to any person means, and requires You to state, the person's full name (including any aliases, trade names or fictitious names), the person's current (or last known) business affiliation, the person's current (or last known) business address and telephone number and the person's current (or last known) residential address and telephone number.

7. "Identify," "identification," or "identity" with respect to any document means, and requires You to state, the following:

a. the date of the document;

b. a detailed description of the document, including the production numbers;

c. a general summary of the contents of the document;

d. the identity of the custodian of the document;

e. the identity of each person who prepared the document;

f. the identity of each person to whom the document was addressed, to whom the document (or copy thereof) was sent and/or who at any time had possession of the document (or copy thereof); and

g. the identity of any drafts of the document prior to the final document, consistent with this definition of "identity."

In lieu of such a description, You may attach appropriately marked copies of such documents to Your answers to these interrogatories.

8. "Identify," "identification," or "identity" with respect to any communication (including oral, written, telephonic, electronic or non-verbal communications) means, and requires You to state, the following:

a. the communication's medium (e.g., written, oral, telephonic, electronic, or any other medium);

b. the date of the communication;

c. the identity of all persons who were present during the communication;

d. the substance and nature of the communication; and

e. the identity of all documents which relate to and reflect the communication.

9. When an interrogatory calls upon Defendants to "describe in detail" a particular claim, assertion, allegation, or contention, Defendants shall:

(a) identify each and every document (and, where pertinent, the section, article, or subparagraph thereof), which forms any part of the source of Defendants' information regarding the alleged facts or legal conclusions referred to by the interrogatory;

(b) identify each and every communication which forms any part of the source of Defendants' information regarding the alleged facts or legal conclusions referred to by the interrogatory;

(c) state separately the acts or omissions to act on the part of any person (and in doing so, identifying the acts or omissions to act by stating their nature, time, and place and identifying the persons involved) which form any part of Defendants' information regarding the alleged facts or legal conclusions referred to in the interrogatory; and

(d) state separately any other fact which forms the basis of Defendants' information regarding the alleged facts or conclusions referred to in the interrogatory.

10. If, after conducting a reasonable investigation, a full answer cannot be given for any of these interrogatories, state that such is the case and answer to the fullest extent possible, stating what responsive information is available, what information cannot be provided, why the information is unavailable, and what efforts were made to obtain the unavailable information.

11. If any information responsive to these interrogatories has been destroyed or is no longer available for any reason, describe the nature of such information, the last known location of any copies of such information, the date of such destruction, the reason for such destruction, and the name of the person who ordered or authorized such destruction.

INTERROGATORIES

INTERROGATORY 1

For each Accused Product and Service separately, for both the United States and worldwide, from January 2018 to present, identify on a monthly, quarterly, or yearly basis (whichever is the smallest time period in which Defendants keep the relevant information): total subscribers; subscription fees and revenues; premium fees and revenues; download fees and revenues; advertising fees and revenues; total minutes watched or streamed; total programs

watched or streamed; total programs downloaded; quantity sold worldwide; quantity sold in the United States; quantity sold in the United States to resellers (e.g., Best Buy); quantity imported into the United States by Defendants or a third party; revenue and profits generated by such sales; sales price; fixed and variable costs; profit margins; the person(s) most knowledgeable regarding such revenues, sales, imports, profitability, and pricing of each Accused Product and Service; and all documents or other evidence that support, corroborate, or relate to any of the facts in your response to this interrogatory.

INTERROGATORY 2

For each Accused Product and Service, identify (by production number) the most accurate schematic, block diagram, flow diagram, functional specification, hardware specification, technical design document, system architecture specification, engineering specification, software specification, product requirements document, design team product specification, and bill of materials You have produced that describe each version of such Accused Product and Service, and the person most knowledgeable concerning the subject matter and contents of each such document.

INTERROGATORY 3

Describe in detail Your first knowledge of the Asserted Patents or their published applications, including identifying the date(s) that You first learned of the existence of the Asserted Patents or their published applications; Your officer, representative, or employee who first learned of the existence of each of the Asserted Patents or their published applications; summarize the manner in which that person learned of that existence; and identify all facts and evidence, including without limitation persons with knowledge of these facts and circumstances,

relevant dates, product changes, and documents (by production number or otherwise), that reflect or support your first awareness of the Asserted Patents or their published applications.

INTERROGATORY 4

Separately for each Accused Product and Service, assuming the Accused Product and Service is found to infringe each Asserted Claim, describe in detail each design around of or change to each Accused Product and Service that is available to You and that You could implement or have implemented as an acceptable non-infringing alternative, including: the date when each such alternative was first available to You; any evidence that such alternatives have been made, used or sold; the extent to which You have manufactured, sold, or distributed any such alternatives; and the additional costs of designing around the Asserted Patents for each such alternative.

INTERROGATORY 5

Describe in detail what You contend to be the level of skill in the art (e.g., the educational background and experience of a person of ordinary skill in the art) as of what You contend to be the effective filing date for each Asserted Patent.

INTERROGATORY 6

Separately, for each of the Asserted Patents, identify by production number and describe in detail all licenses, settlement agreements, or covenants-not-to-sue, technology transfer agreements, or any other agreements or contracts entered into by Defendants ("Agreements") providing any rights to patents or technologies that concern: (i) the Accused Products and Services; (ii) streaming services (live and/or on-demand); or (iii) digital advertising services. In addition, for each of the Asserted Patents, identify any Agreements that You contend are

comparable to a license that Defendants and NL Giken would have agreed to in a hypothetical negotiation in this case. Your answer should identify by production number any documents that relate to, support, or refute Your answer.

INTERROGATORY 7

For each company that Defendants has purchased, acquired, or merged with and whose technology, patents, or products are related to streaming services (live and/or on-demand) or digital advertising services, identify the amount that Defendants paid for each company and the date(s) of each acquisition. This Interrogatory includes Amazon's purchase of Twitch.

INTERROGATORY 8

Separately for each Accused Product and Service, state the beginning and ending dates of any use, sale, offer for sale, and importation into the United States for each Accused Product and Service, including when each Accused Product and Service was first used, first offered for sale, first sold, and first imported into the United States and the end dates (if applicable) thereof. This Interrogatory includes the start and end dates for Amazon Prime Watch Party.

INTERROGATORY 9

Separately for each Accused Product and Service, identify and describe in detail the features, functions, and attributes of each Accused Product and Service that You contend drive customer demand for each Accused Product and Service, and rank from most to least important the features, functions, and attributes that You contend drive customer demand for each Accused Product and Service. Your answer should identify by production number any documents that relate to, support, or refute Your answer.

INTERROGATORY 10

Describe in detail the complete factual bases for Your third affirmative defense (prosecution history estoppel) and fourth affirmative defense (limitation on damages).

INTERROGATORY 11

For each Accused Product and Service, identify on a monthly basis: (a) the categories of information provided for the Accused Products and Services in DEFS-NLG_0001416, DEFS-NLG_0001719, DEFS-NLG_0004132 (including Shipped Units, Shipped Revenue, Net Shipped Revenue, COGS, Gross Profit, and more); (b) the categories of information provided for the Accused Products and Services in DEFS-NLG_0004767, DEFS-NLG_0004768, DEFS-NLG_0004769, DEFS-NLG_0004770 (including, Total Customers; SVOD WP Customers; Avg. DSD; Minutes Viewed /Active Customer; Minutes Viewed/ Session; WP Count; Total WP Sessions; Fatal Error Count; First Prime Stream; Reactivated 180d; Reactivated 365d; Attributed Prime Starts [Conversion]; Attributed Prime Starts [Discovery]; Single WP Customers; Retention Customers (more than 1 WP); Total Minutes Viewed; Web SVOD Customers; TVOD OPS, and more); (c) the categories of information provided for the Accused Products and Services in DEFS-NLG_0004771 (including KPIs, Metrics, all of the information under Input Metrics, Engagement Metrics, Host Metrics, Participant Metrics, Chat Metrics, Output Metrics, and more); (d) the categories of information in DEFS-NLG_0004539 (including pre-roll revenue, mid-roll revenue, and contribution margin) (e) the person(s) most knowledgeable regarding the foregoing information; and (f) all documents or other evidence that support, corroborate, or relate to any of the facts in your response to this interrogatory.

INTERROGATORY 12

For each Accused Product and Service and Asserted Patent, describe in detail all factual bases for Your position on damages in this case, including without limitation:

a. whether NL Giken's damages claims is properly based on lost profits, a reasonable royalty, or other damages theory, including identifying any royalty rate, royalty base, lost profits, disgorgements, enhanced damages, attorney's fees, or costs that You contend are appropriate, and the bases for such contentions;

b. the date of the hypothetical negotiation;

c. the time period for which Defendants contends that NL Giken is entitled to collect damages from Defendants due to infringement of each Asserted Claim;

d. whether NL Giken's damages are properly based on a lump-sum royalty or running royalty;

e. the license agreements, royalty agreements, covenants-not to-sue, or similar agreements that You contend are comparable to a license for the Asserted Patent that would be contemplated by the *Georgia Pacific* damages analysis in this case;

f. whether the royalty base is properly based on the value of the entire Accused Product and Service or a portion thereof, and the basis; and

g. identifying, by production number, documents sufficient to support Your contentions.

INTERROGATORY 13

Separately for each Accused Product and Service, identify any and all internal names for each said Accused Product and/or Service, including code names, project names, nicknames, and/or abbreviations that are used in any documents produced by You.

INTERROGATORY 14

Separately for each Accused Product in one of the "1PTV Product Line", "FireTV Product Line", "Tablet Product Line" or "Echo Product Line" as described in NL Giken's Final Identification of Accused Products and Services, served on March 31, 2025 ("NL Giken's Final Identification"), identify and describe in detail all differences, if any, with regard to the functionality described in NL Giken's Final Infringement Contentions served on March 24, 2025, that you contend exist between each said Accused Product and the representative product identified in NL Giken's Final Identification for the corresponding Product Line. Your answer should identify by production number any documents that relate to, support, or refute Your answer.

INTERROGATORY 15

Describe in detail the functionality of any services that provide Your users with the ability to "timeshift" any movie, television show, sports program, and/or other video content provided via live stream by Amazon (e.g., on Amazon Prime Video Live TV), including any differences between the data flow to a user when said content is streamed "live" and the data flow to a user after said content has been "timeshifted." Your answer should identify by production number any documents that relate to, support, or refute Your answer.

Date: April 7, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2025, I caused a true and accurate copy of the foregoing document to be served by email, upon the following:

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