IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

SPORTSCASTR INC. (d/b/a PANDA INTERACTIVE), Plaintiff, v. GENIUS SPORTS LTD., Defendant.	Civil Action No. 2:23-cv-00471-JRG

PLAINTIFF'S RESPONSES AND OBJECTIONS TO DEFENDANT GENIUS SPORTS LTD FIRST SET OF INTERROGATORIES (Nos. 1-19)

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, the Local Rules of this Court, the Court's Standing Order Governing Proceedings (OGP 4.2) – Patent Cases, any other rules of discovery to which the parties agree in writing, or applicable Court orders, Plaintiff SportsCastr Inc. (d/b/a Panda Interactive) ("Plaintiff" or "Panda") hereby provide the following objections and responses to Defendant Genius Sports Ltd. ("Genius" or "Defendant") First Set of Interrogatories to Plaintiff served on April 15, 2024.

Plaintiff has not completed its investigation, has not completed its discovery in this action, and has not completed its preparation for trial. The responses herein are thus based only on Plaintiff's knowledge as of the date of these responses. Pursuant to Rule 26(e), Fed. R. Civ. P., Plaintiff reserves the right to supplement their responses as discovery progresses in this action.

GENERAL OBJECTIONS

The objections set forth in this section apply to each of the Interrogatories as if each were set forth in full response to each Interrogatory. The assertion of the same, similar, or additional objections in Plaintiff's specific objections to individual Interrogatories, or the failure to assert any

additional objection to an Interrogatory, does not waive any of Plaintiff's objections set forth in this section or the following sections.

1. These objections are made without waiving or intending to waive, but rather intending to preserve and preserving: (a) all objections to competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose in the trial of this or any other action or any subsequent proceedings; (b) the right to object to the use of any documents (or the subject matter thereof) that may be produced in the trial of this or any other action or any subsequent proceedings on any grounds; (c) the right to preserve, prior to production and as a condition of production, the confidentiality or the proprietary nature of any documents that may be produced or the subject matter thereof; (d) the right to object on any ground at any time to a demand for further production or other discovery involving or relating to the subject matter of the Interrogatories; and (e) the right at any time to revise, supplement, clarify, or amend the responses and objections to the Interrogatories, if further factual developments or analysis warrants a modification, or if additional information is obtained or documents are located that are properly called for by the Interrogatories.

2. Plaintiff objects to Defendant's "Definitions" on the following grounds:

a. Plaintiff objects to each Interrogatory to the extent that it defines a term inconsistent with any definitions of such term in the Federal Rules of Civil Procedure and any applicable Local Rule or Order of this Court, or to the extent it seeks to create any obligation to provide information or documents in a manner not required under the Federal Rules of Civil Procedure, Local Civil Rules, or other applicable law.

b. Plaintiff objects to the purported definitions in the Interrogatories to the extent that they require words to be construed in any manner other than their plain meaning. To

the extent that Plaintiff adopts or uses any term or phrase purportedly defined in the Interrogatories, it does so solely for convenience in responding to the Interrogatories, and Plaintiff does not accept or concede that any of the terms, phrases, or definitions are appropriate, descriptive, or accurate.

c. Plaintiff objects to Defendant's definition of "You" and "Your" to the extent it includes persons or entities outside of Plaintiff's control, to the extent Defendant requests documents or materials outside of Plaintiff's control, and to the extent it includes persons or entities which are not parties to this action.

3. Plaintiff objects to each Interrogatory to the extent that it seeks information that is not relevant to the claims and defenses in this action. To the extent the Interrogatories seek any information or documents outside the scope of discoverable information, the Interrogatories are overbroad and call for the production of materials that are outside the scope of the issues relevant to this action, and are not proportional to the needs of this action.

4. Plaintiff objects to each and every Interrogatory to the extent that it seeks to impose burdens and obligations on Plaintiff beyond those required by the Federal Rules of Civil Procedure, the Patent Local Rules, and/or any other applicable statute, rule or Order and as such is not proportional to the needs of this action.

5. Plaintiff objects to the Interrogatories to the extent that they seek to impose an obligation on Plaintiff to search for information beyond where such information would be reasonably likely to be kept in the ordinary course of business, or to search for information in the files of custodians as to which Plaintiff reasonably expects would result in a production that is largely duplicative or otherwise of insignificant relevance to the matters at issue in this action.

6. Plaintiff objects to the Interrogatories to the extent they purport to require the production of electronically stored information from sources that are not reasonably accessible because of undue burden or cost. *See* Fed. R. Civ. P. 26(b)(2)(B). To the extent that significant expense and/or assistance of third-party vendors would be required to restore or otherwise render electronically stored information accessible, Plaintiff objects to producing it.

7. Plaintiff objects to the Interrogatories to the extent they seek documents or information not in Plaintiff's possession, custody, or control, and/or that cannot be located by a reasonable search.

8. Plaintiff objects to the Interrogatories to the extent they seek documents or information already in Defendant's possession, custody, or control, whether publicly available or otherwise equally available to Defendant and to Plaintiff.

9. Plaintiff objects to these Interrogatories to the extent that the answer to any Interrogatory may be derived or ascertained from publicly available documents or things, or documents or things to be produced by the parties, where the burden of deriving responsive information from those documents or things is substantially the same for Defendant as it is for Plaintiff.

10. Plaintiff objects to each and every Interrogatory to the extent it calls for documents or information which may be subject of expert opinion and testimony that is not required to be disclosed or exchanged at this stage in this action. All of the following responses are given without prejudice to Plaintiff's right to procure, rely on, and introduce expert witness testimony, and such expert's right to rely on, any documents or information deemed appropriate by that expert in formulating the expert's opinion, whether or not identified in these responses.

11. Plaintiff objects to each and every Interrogatory to the extent it calls for legal arguments and/or legal conclusions.

12. Plaintiff objects to each and every Interrogatory to the extent that it fails to specify a relevant time period or specifies a time period beyond the scope of this action as overbroad, unduly burdensome, and calling for information and/or the production of documents that are not relevant to any party's claim or defense and not proportional to the needs of this action.

13. Plaintiff objects to each and every Interrogatory to the extent that it fails to specify a relevant geographic scope or specifies a location beyond the geographic scope of this action as overbroad, unduly burdensome, and calling for information that is not relevant to any party's claim or defense and not proportional to the needs of this action.

14. Plaintiff objects to each and every Interrogatory to the extent it requires a response premised on a construction and understanding of the meaning of certain patent claim terms before Defendant has identified its proposed claim constructions, and/or before the Court has construed the meaning and scope of any claim in the patents asserted in this action.

15. Plaintiff objects to each and every Interrogatory as vague, ambiguous, and premature to the extent that its meaning or scope may depend on the construction of legal instruments that have not yet been construed by the Court, including the patents asserted in this action. Plaintiff reserves the right to supplement and amend their responses based upon any such legal construction by the Court.

16. Plaintiff objects to each and every Interrogatory to the extent that it seeks information protected by the attorney-client privilege, the consulting expert privilege, the attorney work product doctrine, or any other applicable restriction upon discovery. Inadvertent disclosure of any information that is privileged, protected from disclosure, or otherwise immune from

discovery shall not constitute a waiver of any privilege or protection or the right to object to the use of the information that was inadvertently disclosed. Plaintiff reserves the right to recall from discovery any inadvertently produced document that is protected by the attorney-client privilege, by the work product doctrine, or by any other applicable privilege, protection, or immunity from disclosure.

17. Plaintiff objects to each Interrogatory to the extent that it seeks any confidential, proprietary, and/or trade secret information. Plaintiff further objects to each Interrogatory to the extent that it seeks information that may contain personal identifying information, implicate privacy concerns of individuals, and the production of which to Defendant without proper consent or authorization may violate privacy laws.

18. Plaintiff objects to each and every Interrogatory to the extent that it seeks to circumvent any dates that have been or will be established by applicable statute or rule, the local rules (including local patent rules), or Court Order. To the extent that any Interrogatory conflicts with these rules and orders, Plaintiff will follow the dates established in the applicable statute or rule, local rules (including local patent rules), or Court Order.

19. Plaintiff objects to each and every Interrogatory to the extent it is unreasonably cumulative or duplicative, or to the extent that the information sought may be obtained from another source that is more convenient, less burdensome, or less expensive.

20. Plaintiff objects to each and every Interrogatory to the extent that it seeks information better obtained through requests for document production.

21. Plaintiff objects to each and every Interrogatory to the extent that it purports to require Plaintiff to create documents not already in existence.

22. Plaintiff objects to each and every Interrogatory to the extent it seeks information available through less burdensome means of discovery, including through the production of documents, requests for admission, and/or by a search of publicly available information.

23. Nothing contained in these objections and responses is an admission regarding the relevance, materiality, or admissibility of any document or information provided in response to an Interrogatory, or the truth or accuracy of any factual statement incorporated into the Interrogatory itself.

24. Any statement herein that Plaintiff will provide information responsive to any Interrogatory does not imply that Plaintiff has located information responsive to the Interrogatory, or that any such documents exist. Rather, any such statement means that Plaintiff will conduct a reasonable search for responsive information and provide relevant non-privileged information that are located through that search.

25. Plaintiff expressly reserves the right to supplement these General Objections.

26. Plaintiff expressly reserves the right to supplement their responses to Defendants' Interrogatories per Rule 26(e), Fed. R. Civ. P.

OBJECTIONS AND RESPONSES TO SPECIFIC INTERROGATORIES

Subject to the foregoing General Objections and to the specific objections set forth below, and without waiving any objections, Plaintiff submits the following responses to Defendant's Interrogatories:

INTERROGATORY NO. 1

For each Accused Product You contend has infringed or is infringing the Asserted Claims, describe in detail the complete factual and legal basis for Your contention that Genius Sports contributorily infringed or infringes, and/or induced or induces infringement of each Asserted Claim, including identifying any alleged direct infringers for any indirect infringement allegations, and an identification of each Person with knowledge of, and all Documents relating to, Your contentions.

RESPONSE TO INTERROGATORY NO. 1 (May 29, 2024)

Plaintiff hereby incorporates by reference their General Objections. Plaintiff objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work-product doctrine, expert privilege, common interest privilege, or any other applicable privilege or doctrine that limits discovery. Plaintiff also objects to this Interrogatory to the extent it seeks information already in Defendant's possession, custody, or control, whether publicly available or otherwise equally available to Defendant. Plaintiff also objects to this Interrogatory to the extent it seeks to impose an obligation on Plaintiff to perform a search beyond the reasonable search called for by the Federal Rules of Civil Procedure, the Patent Local Rules, and/or any other applicable statute, rule or Order, and, as such, is not proportional to the needs of this action. Plaintiff also objects to this Interrogatory to the extent it calls for legal arguments and/or legal conclusions. Plaintiff further objects to this Interrogatory to the extent it calls for documents or information which may be subject of expert opinion and testimony that is not required to be disclosed or exchanged at this stage in this action. Plaintiff also objects to this Interrogatory as premature because fact discovery in this case has just begun and Plaintiff has yet to receive substantial document productions from Defendant.

Subject to the foregoing objections, Plaintiff respond as follows:

As described in Plaintiff's Complaint and preliminary infringement charts, which are hereby incorporated by reference, Genius commits many acts that make it liable for contributorily infringement and induced infringement of its customers, partners, distributors, end-users, and any other entity that makes, uses, sells, offers for sale, or imports the Accused Product. In addition, as set forth in response to Interrogatory No. 2, which is incorporated by reference, Defendant had actual knowledge of the '687, '218, and '697 patents and of their infringement at least by October

4, 2023, and the ’088 patent at least by April 17, 2024, when they received notice letters from Plaintiff. Moreover, as set forth in response to Interrogatory No. 19, which is hereby incorporated by reference, Defendant has been aware of Plaintiff’s products and technology covered by the Asserted Patents at least since communications between executives began in 2018. Defendant had constructive knowledge through Plaintiff’s marking at least on Plaintiff’s website, marketing materials, client contracts, terms of service, and product documents since at least since February 2020. *See e.g.*, SCSTR00003984.

Further, Plaintiff incorporates by reference its complaint and description Genius’s infringing acts. For example, Plaintiff incorporates by reference paragraphs 28-35; 96-105; 140-149; 195-205; 248-258 from their Amended Complaint.

For example, Defendant’s partners, customers, and end users of its Accused Products and corresponding systems and services directly infringe the Asserted Patents, literally or under the doctrine of equivalents, at least by using the Accused Products and corresponding systems and services, as described above.

Defendant has actively induced and are actively inducing infringement of the Asserted Patents with specific intent to induce infringement, and/or willful blindness to the possibility that its acts induce infringement, in violation of 35 U.S.C. § 271(b). For example, Defendant encourages and induces customers to use Genius Sports in a manner that infringes the Asserted Patents at least by offering and providing the software and by engaging in activities relating to selling, marketing, advertising, promotion, installation, support, and distribution of the Accused Products.

Defendant encourages, instructs, directs, and/or requires third parties—including its certified partners and/or customers—to use the Accused Products in infringing ways.

Defendant further encourages and induces its customers to infringe the Asserted Patents: 1) by widely advertising those services, and providing technical support and instructions to users, and 2) through activities relating to marketing, advertising, promotion, installation, support, and distribution of the Accused Products, including its video streaming software, and services in the United States.

Further, as the entity that provides installation, implementation, and integration of the Accused Products in addition to ensuring the Accused Product remains operational for each customer through ongoing technical support, on information and belief, Defendant and/or Defendant's partners affirmatively aid and abet each customer's use of the Accused Products in a manner that infringes the Asserted Patents.

Defendant also contributes to the infringement of its partners, customers, and end-users of the Accused Products by providing within the United States or importing into the United States the Accused Products, constituting a material part of the inventions claimed, and not a staple article or commodity of commerce suitable for substantial non-infringing uses.

The Accused Products have no substantial non-infringing uses because the accused functionality, including the one-to-many socket architecture and separate channels for video and event information, is an integral part of the Accused Products and must be performed for the Accused Products to perform their intended purpose. These functionalities are continually running when the system is in use and, on information and belief, cannot be removed or disabled (or, if they could, the system would no longer suitably function for its intended purpose). Moreover, for the same reasons, without the system and components identified above that practice the Asserted Patents, that functionality could not be performed.

Additionally, the accused functionality, including the one-to-many socket architecture and

separate channels for video and event information, itself has no substantial non-infringing uses because the components, modules and methods identified above are a necessary part of that functionality. For example, without the one-to-many socket architecture, the Accused Products could not effectively synchronize the event information across multiple viewers. These functionalities are continually running when the system is in use and cannot be removed or disabled (or, if they could, the system would no longer suitably function for its intended purpose). Moreover, for the same reasons, without the system and components identified above that practice claimed in the Asserted Patents, that functionality could not be performed.

The products, systems, modules, and methods provided by Defendant constitute a material part of the invention—indeed, they provide all the components, modules, and features that perform the claimed methods and systems. For example, the Accused Products and accused functionalities (e.g., the one-to-many architecture) constitute a material part of the inventions claimed because such architecture is integral to the system as recited in the claims of the Asserted Patents. None of these products are staple goods—they are sophisticated and customized video-streaming products, methods, and systems.

The infringing actions of each partner, customer, and/or end-user of the Accused Products are attributable to Defendant. For example, Defendant directs and controls the activities or actions of its partners or others in connection with the Accused Products by contractual agreement or otherwise requiring partners or others to provide information and instructions to customers who acquire the Accused Products which, when followed, results in infringement. Defendant further directs and controls the operation of devices executing the Accused Products by programming the software which, when executed by a customer or end user, performs the claimed method of the Asserted Patents.

Plaintiff expects to rely upon expert testimony with respect to the contention that Genius Sports contributorily infringed or infringes, and/or induced or induces infringement of each Asserted Claim. Additional responsive and nonprivileged information on this subject will be provided in expert reports and other submissions at the appropriate time under the Court's Scheduling Order and the Federal Rules of Civil Procedure.

Plaintiff has not completed its investigation, have not completed discovery in this action, and have not completed their preparation for trial. The responses herein are thus based only on Plaintiff's knowledge as of the date of these responses. Pursuant to Rule 26(e), Fed. R. Civ. P., Plaintiff reserves the right to further supplement its responses as discovery progresses in this action.

INTERROGATORY NO. 2

Describe in detail the complete factual and legal basis for Your contention that Genius Sports willfully infringed or infringes the Asserted Patents as alleged in the Complaint, including without limitation the facts that support each basis, including but not limited to the complete factual and legal bases for Your contentions that Genius Sports' alleged infringement was or is knowing and that You provided affirmative notice of Genius Sports' alleged infringement as to each Asserted Patent prior to the filing of the Complaint, as asserted in the Complaint, and identify each Person with knowledge of, and all Documents relating to, Your contentions.

RESPONSE TO INTERROGATORY NO. 2 (May 29, 2024)

Plaintiff hereby incorporates by reference their General Objections. Plaintiff objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work-product doctrine, expert privilege, common interest privilege, or any other applicable privilege or doctrine that limits discovery. Plaintiff also objects to this Interrogatory to the extent it seeks information already in Defendant' possession, custody, or control, whether publicly available or otherwise equally available to Defendant. Plaintiff also objects to this Interrogatory to the extent it seeks to impose an obligation on Plaintiff to perform a search beyond the reasonable search called for by the Federal Rules of Civil Procedure, the Patent Local Rules, and/or any other

applicable statute, rule or Order, and, as such, is not proportional to the needs of this action. Plaintiff also objects to this Interrogatory to the extent it calls for legal arguments and/or legal conclusions. Plaintiff further object to this Interrogatory to the extent it calls for documents or information which may be subject of expert opinion and testimony that is not required to be disclosed or exchanged at this stage in this action. Plaintiff also objects to this Interrogatory as premature because fact discovery in this case has just begun and Plaintiff has yet to receive substantial document productions from Defendant.

Subject to the foregoing objections, Plaintiff responds as follows:

As to knowledge, *see* Plaintiffs' response to Interrogatory Number 1 above, which is incorporated by reference. Genius had knowledge of at least the '687, '218, and '697 patents and of the infringement by several of Genius Sports' offerings, when it received a notice letter. *See* October 4, 2023 Demand Letter. Defendant had actual or constructive notice of infringement of the '088 Patent as of April 17, 2024. Moreover, Genius has constructive (if not actual) notice of the patents and of its infringement at least because Plaintiffs marked their products, since at least 2020. This includes marking in Plaintiffs' product materials, client contracts, and website materials. *See e.g.*, SCSTR00003984. Despite its actual and constructive knowledge of the patents and its infringement, Defendant continued its infringing activities, including making, using, selling, and offering for sale the accused products, as well as contributing and inducing the infringement of others.

Furthermore, as set forth in response to Interrogatory No. 19, which is hereby incorporated by reference, Defendant has been aware of Plaintiff's products and technology covered by the Asserted Patents and other IP rights at least since communications between the parties began in 2018. Defendant used this knowledge to copy the patented technology from Plaintiff, knowing the

technology was protected by Plaintiff's intellectual property. As set forth in more detail in response to Interrogatory 19, Defendant had access to Plaintiff's product and even received an in-person demonstration of the SportsCastr platform under the guise of exploring a potential partnership and business opportunities. However, Defendant had other motives. After learning of the details of how Plaintiff's technology worked, they copied it wholesale and unfairly competed with Plaintiff's products, including through use (without compensation) of Plaintiff's intellectual property, and engaging in other unlawful conduct to takeaway Plaintiff's market share.

Plaintiff identifies Kevin April as someone likely to have knowledge concerning the facts related to this interrogatory.

Plaintiff expects to rely upon expert testimony with respect to the contention that Genius Sports willfully infringed or infringes each Asserted Claim. Additional responsive and nonprivileged information on this subject will be provided in expert reports and other submissions at the appropriate time under the Court's Scheduling Order and the Federal Rules of Civil Procedure.

Plaintiff has not completed their investigation, have not completed discovery in this action, and have not completed their preparation for trial. Plaintiff expects additional information about Defendant's knowledge of the patents and its infringement to be within Defendants discovery that has not yet been produced. The responses herein are thus based only on Plaintiff's knowledge as of the date of these responses. Pursuant to Rule 26(e), Fed. R. Civ. P., Plaintiff reserves the right to further supplement its responses as discovery progresses in this action.

INTERROGATORY NO. 3

If you contend that any limitations of the Asserted Claims are infringed under the doctrine of equivalents, for each such limitation describe in detail the complete factual and legal bases for Your contentions, including the identity of any element in the Accused Products that matches the function, way, and result of each claimed element, a description of the function, way, and result

that You allege are substantially the same between each Asserted Claim and each Accused Product, and identify each Person with knowledge of, and all Documents relating to, Your contentions.

RESPONSE TO INTERROGATORY NO. 3 (May 29, 2024)

Plaintiff hereby incorporates by reference their General Objections. Plaintiff objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work-product doctrine, expert privilege, common interest privilege, or any other applicable privilege or doctrine that limits discovery. Plaintiff also objects to this Interrogatory to the extent it seeks information already in Defendant's possession, custody, or control, whether publicly available or otherwise equally available to Defendant. Plaintiff also objects to this Interrogatory to the extent it seeks to impose an obligation on Plaintiff to perform a search beyond the reasonable search called for by the Federal Rules of Civil Procedure, the Patent Local Rules, and/or any other applicable statute, rule or Order, and, as such, is not proportional to the needs of this action. Plaintiff also objects to this Interrogatory to the extent it calls for legal arguments and/or legal conclusions. Plaintiff further objects to this Interrogatory to the extent it calls for documents or information which may be subject of expert opinion and testimony that is not required to be disclosed or exchanged at this stage in this action. Plaintiff also objects to this Interrogatory as premature because fact discovery in this case has just begun and Plaintiff has yet to receive substantial document productions from Defendant.

Subject to the foregoing objections, Plaintiff respond as follows:

As described in Plaintiff's Complaint and preliminary infringement charts, Genius literally infringes the asserted claims by making, using, offering to sell and selling the systems described in the preliminary infringement charts. Discovery has just begun and Defendant has not produced all the technical information for the Accused Products. Nor has Defendant adequately provided or explained its non-infringement positions for each of the Asserted Claims. Once Defendant has met

its obligations, Plaintiff will supplement this response, if necessary.

Plaintiff reserves its right, based on its review of ongoing discovery and its response to any theories of non-infringement adduced by Defendant, to supplement its theories of infringement under the doctrine of equivalents and to supplement its response based on the expert reports in accordance with the Procedural Schedule.

Plaintiff has not completed its investigation, have not completed discovery in this action, and have not completed their preparation for trial. The responses herein are thus based only on Plaintiff's knowledge as of the date of these responses. Pursuant to Rule 26(e), Fed. R. Civ. P., Plaintiff reserves the right to further supplement its responses as discovery progresses in this action.

INTERROGATORY NO. 4

Describe in detail the complete factual and legal basis for Your contention that any Accused Product includes a "socket server" or uses "event sockets" as alleged in the Complaint, including, without limitation, any interpretation of the terms "socket," "socket server," and "event socket" that You contend is required to bring the functionality of the Accused Products within the scope of any Asserted Claim; the meaning, if any, that the terms "socket," "socket server," and "event socket" would have to a person of ordinary skill in the art at the time of the alleged invention; and any express or implied definition that the patentees intended for the terms "socket," "socket server," and "event socket," and identify each Person with knowledge of, and all Documents relating to, Your contentions.

RESPONSE TO INTERROGATORY NO. 4 (May 29, 2024)

Plaintiff hereby incorporates by reference its General Objections. Plaintiff also objects to this Interrogatory to the extent it calls for legal arguments and/or conclusions. Plaintiff further objects to this Interrogatory to the extent it calls for documents or information which may be subject of expert opinion and testimony that is not required to be disclosed or exchanged at this stage. Plaintiff also objects to this Interrogatory to the extent it requires a response premised on a construction and understanding of the meaning of certain patent claim terms before Respondent has identified its proposed claim constructions, and/or before the Court has construed the meaning

and scope of any claim in the patents asserted in this action. Moreover, the Court has set forth the process by which claims are construed, and therefore Plaintiff objects to this interrogatory as premature and inconsistent with the Court's practice and orders. Plaintiff also objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work-product doctrine, expert privilege, common interest privilege, or any other applicable privilege or doctrine that limits discovery. Plaintiff objects to this Interrogatory as comprising multiple discrete subparts and therefore multiple Interrogatories.

Subject to the foregoing objections, Plaintiff responds as follows:

Plaintiff incorporates the allegations of its Complaint and incorporates its preliminary infringement charts and any supplements or amendments thereto, which describe how the Accused Products infringe the asserted claims, as well as any claim construction discovery or briefing. Plaintiff will supplement its response and/or address these issues in accordance with the Procedural Schedule, including for Claim Construction.

Plaintiff will respond to this contention Interrogatory in accordance with the Procedural Schedule. Plaintiff's investigation and discovery are ongoing, and Plaintiff reserves the right to amend and supplement this response as discovery and its investigation continue.

INTERROGATORY NO. 5

Describe in detail Your contentions regarding the application of 35 U.S.C. § 112(f) to the Asserted Claims, including for each claim limitation reciting the term "means for," whether You contend that the limitation is a means-plus-function limitation; the basis for Your contention, if any, that any claim limitation reciting the term "means for" recites sufficient structure to overcome the presumption that 35 U.S.C. § 112(f) has been invoked; for each claim limitation reciting the term "means for," the corresponding structure or algorithm in the specification of the Asserted Patents You contend the limitation covers or would cover if the Court determines that 35 U.S.C. § 112(f) applies; and identify each Person with knowledge of, and all Documents relating to, Your contentions.

RESPONSE TO INTERROGATORY NO. 5 (May 29, 2024)

Plaintiff hereby incorporates by reference its General Objections. Plaintiff also objects to this Interrogatory to the extent it calls for legal arguments and/or conclusions. Plaintiff further objects to this Interrogatory to the extent it calls for documents or information which may be subject of expert opinion and testimony that is not required to be disclosed or exchanged at this stage. Plaintiff also objects to this Interrogatory to the extent it requires a response premised on a construction and understanding of the meaning of certain patent claim terms before Respondent has identified its proposed claim constructions, and/or before the Court has construed the meaning and scope of any claim in the patents asserted in this action. Moreover, the Court has set forth the process by which claims are construed—including 112(f), and therefore Plaintiff objects to this interrogatory as premature and inconsistent with the Court's practice and orders. Plaintiff also objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work-product doctrine, expert privilege, common interest privilege, or any other applicable privilege or doctrine that limits discovery. Plaintiff objects to this Interrogatory as comprising multiple discrete subparts and therefore multiple Interrogatories.

Subject to the foregoing objections, Plaintiff responds as follows:

This Interrogatory is premature for the reasons stated above, including that this is subject to the Court's claim construction process. If Defendant satisfies its burden by making a prima facie case that 35 U.S.C. § 112(f) has been invoked, then Plaintiff reserves the right to rebut Defendant's position, including through their expert report. Plaintiff will supplement its response and/or address these issues in accordance with the Procedural Schedule, including for Claim Construction. Plaintiff reserves the right to supplement this response, including by supplementing it after receiving Defendant's expert report and after submitting Plaintiff's expert report.

Plaintiff has not completed their investigation, have not completed discovery in this action, and have not completed their preparation for trial. The responses herein are thus based only on Plaintiff's knowledge as of the date of these responses. Pursuant to Rule 26(e), Fed. R. Civ. P., Plaintiff reserves the right to further supplement its responses as discovery progresses in this action.

INTERROGATORY NO. 6

For each Asserted Claim, state when You contend that Genius Sports' alleged infringement began, describe how You first became aware of the alleged infringement by each Accused Product, identify each Person with knowledge of the alleged infringement, and identify all Documents relating to such knowledge.

RESPONSE TO INTERROGATORY NO. 6 (May 29, 2024)

Plaintiff hereby incorporate by reference their General Objections. Plaintiff objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work-product doctrine, expert privilege, common interest privilege, or any other applicable privilege or doctrine that limits discovery. Plaintiff also objects to this Interrogatory to the extent it calls for legal arguments and/or legal conclusions. Plaintiff further objects to this Interrogatory to the extent it calls for documents or information which may be subject of expert opinion and testimony that is not required to be disclosed or exchanged at this stage in this action. Plaintiff further objects that this Interrogatory contains numerous sub-parts. Plaintiff objects to this Interrogatory as seeking premature claim construction positions in contravention of the Procedural Schedule.

Subject to the foregoing objections, Plaintiff responds as follows:

Discovery has just begun, and Defendant has not produced all the technical, sales, and financial information for the Accused Products. Once Defendant has met its obligations, Plaintiff will supplement this response, if necessary.

Plaintiff has not completed their investigation, have not completed discovery in this action, and have not completed their preparation for trial. The responses herein are thus based only on Plaintiff's knowledge as of the date of these responses. Pursuant to Rule 26(e), Fed. R. Civ. P., Plaintiff reserves the right to further supplement its responses as discovery progresses in this action.

INTERROGATORY NO. 7

Separately for each Asserted Claim, explain in detail Your contention that each Asserted Claim is not invalid in light of the references and arguments in Genius Sports' Invalidity Contentions, including the reasons why any claim limitations are not disclosed or rendered obvious by the Prior Art, why a person of ordinary skill in the art would not have found it obvious to combine the Prior Art, why any cited references are not Prior Art to the Asserted Patents, and identify each Person with knowledge of, and all Documents relating to, Your contentions.

RESPONSE TO INTERROGATORY NO. 7 (May 29, 2024)

Plaintiff hereby incorporates by reference their General Objections. Plaintiff objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work-product doctrine, expert privilege, common interest privilege, or any other applicable privilege or doctrine that limits discovery. Plaintiff also objects to this Interrogatory to the extent it seeks information already in Defendant' possession, custody, or control, whether publicly available or otherwise equally available to Defendant. Plaintiff also objects to this Interrogatory to the extent it seeks to impose an obligation on Plaintiff to perform a search beyond the reasonable search called for by the Federal Rules of Civil Procedure, the Patent Local Rules, and/or any other applicable statute, rule or Order, and, as such, is not proportional to the needs of this action. Plaintiff also objects to this Interrogatory to the extent it calls for legal arguments and/or legal conclusions. Plaintiff further objects to this Interrogatory to the extent it calls for documents or information which may be subject of expert opinion and testimony that is not required to be disclosed or exchanged at this stage in this action.

Plaintiff further objects to the extent it attempts to improperly shift the burden of proof on invalidity to the Plaintiff. Defendant has the burden of proving invalidity by clear and convincing evidence. This burden never shifts. *See Tech Licensing Corp. v. Videotek Inc.*, 545 F.3d 1316, 1327 (Fed. Cir. 2008); *Microsoft Corp. v. i4i Ltd. Partnership*, 131 S. Ct. 2238, 2243 (2011) ("[T]he burden of proving invalidity [is] on the attacker. That burden is constant and never changes."); *Greenwood v. Hattori Seiko Co., Ltd.,* 900 F.2d 238, 241 (Fed. Cir. 1990) ("[O]ne attacking the validity of a patent must present clear and convincing evidence establishing the facts which lead to the legal conclusion that the patent is invalid.").

Subject to the foregoing objections, Plaintiff responds as follows:

This Interrogatory is premature and overly burdensome given the volume and lack of specificity in Defendant's invalidity contentions. If Defendant satisfies its burden by making a prima facie case of invalidity through its expert report, Plaintiff will rebut Defendant's position through its expert report. Plaintiff reserves the right to supplement this response, including by supplementing it after receiving Defendant's expert report and after submitting Plaintiff's expert report.

In any event, none of the prior art references cited in Defendant's invalidity contentions discloses each of the claim limitations as set forth in any asserted claims, and all of the claims have 112 written description support, are enabled, and are not indefinite. With regard to the prior art, until Defendant narrows its asserted prior art invalidity grounds, it would be unduly burdensome to respond to each reference, many of which Defendant will not rely on in this case.

Moreover, Defendant has failed to show how any of the references disclose each of the limitations in any of the independent claims (1, 19, 23, and 27) of the '687 Patent. As just a few examples from claim 1 as representative:

- A) a plurality of media sources to:
    - receive the first live stream of digital content and the second live stream of digital content;
    - provide a first copy of the first plurality of copies to a first viewer client device of the first plurality of viewer client devices via a first video Internet communication channel between the plurality of media sources and the first viewer client device of the first plurality of viewer client devices; and
    - provide a first copy of the second plurality of copies to a first viewer client device of the second plurality of viewer client devices via a second video Internet communication channel between the plurality of media sources and the first viewer client device of the second plurality of viewer client devices;
- B) a control server to periodically retrieve, via the Internet, first event information germane to the first live sporting event; and
- C) at least one socket server communicatively coupled to the control server to:
    - receive from the control server at least the first event information; and
    - transmit the first event information to at least the first viewer client device of the first plurality of viewer client devices via a first event information Internet communication channel between at least one first event socket of the at least one socket server and the first viewer client device of the first plurality of viewer devices, wherein the at least one first event socket corresponds to the first event information germane to the first live sporting event.
- sending/receiving event information about a live sporting event in real time
- the claimed event sockets

Nor do the references disclose at least the following limitations as recited in the dependent claims of the ’687 Patent. As just a few examples, Defendant has not shown that any prior art reference discloses:

- sending/receiving event information about a live sporting event in real time
- the claimed event sockets

- displaying real time information about trivia, chats, polls, photos, ads, gifts, or sponsorships
- the plurality of media sources: provide a second copy of the first plurality of copies to a second viewer client device of the first plurality of viewer client devices via a third video Internet communication channel between the plurality of media sources and the second viewer client device of the first plurality of viewer client devices; and
- provide a second copy of the second plurality of copies to a second viewer client device of the second plurality of viewer client devices via a fourth video Internet communication channel between the plurality of media sources and the second viewer client device of the second plurality of viewer client devices; and
- the at least one socket server: transmits at least the first event information to the second viewer client device of the first plurality of viewer client devices via a third event information Internet communication channel between the at least one first event socket of the at least one socket server and the second viewer client device of the first plurality of viewer devices; and transmits at least the second event information to the second viewer client device of the second plurality of viewer client devices via a fourth event information Internet communication channel between the at least one second event socket of the at least one socket server and the second viewer client device of the second plurality of viewer devices

Furthermore, Defendant has failed to show how any of the references disclose each of the limitations in any of the independent claims (1, 12, 16, and 21) of the ’218 Patent. As just a few examples from claim 1 as representative:

- A) a control server to periodically retrieve, via the Internet, the first event information germane to the first sporting event;
- B) at least one socket server communicatively coupled to the control server to:

        - receive from the control server at least the first event information; and
        - transmit at least some of the first event information, including the online gaming information, to at least a first viewer client device of the plurality of viewer client devices via a first event information Internet communication channel between a first event socket of the at least one socket server and the first viewer client device, wherein the first event socket corresponds to the first event information germane to the first sporting event; and
    - C) at least one webserver communicatively coupled to the at least one socket server to transmit, to the first viewer client device:
        - a first Internet address of a first media source to establish a first video Internet communication channel between the first media source and the first viewer client device to carry the first digital content relating to the first sporting event; and
        - a first socket address of the first event socket to establish the first event information Internet communication channel to carry the online gaming information.
- sending/receiving event information about a live sporting event in real time
- the claimed event sockets

Nor has Defendant shown that any of the references disclose the limitations as recited in the dependent claims of the ’218 Patent. As just a few examples, Defendant has not shown that any prior art reference discloses:

- sending/receiving event information about a live sporting event in real time
- the claimed event sockets
- displaying real time information about trivia, chats, polls, photos, ads, gifts, or sponsorships

- the at least one webserver transmits, to a second viewer client device of the plurality of viewer client devices, the first socket address of the first event socket to establish a second event information Internet communication channel between the first event socket and the second viewer client device; and
- the at least one socket server transmits at least some of the first event information, including the online gaming information germane to the first sporting event, to the second viewer client device via the second event information Internet communication channel, such that the online gaming information is shared in a synchronized manner by the first viewer client device and the second viewer client device

Furthermore, Defendant has failed to show how any of the references disclose each of the limitations in any of the independent claims (1, 19, 23, and 27) of the ’697 Patent. As just a few examples from claim 1 as representative:

- A) a plurality of media sources to:
  - receive the first broadcaster's live stream of digital content and the second broadcaster's live stream of digital content;
  - provide a first copy of the first plurality of copies to a first viewer client device of the first plurality of viewer client devices via a first video Internet communication channel between the plurality of media sources and the first viewer client device of the first plurality of viewer client devices; and
  - provide a first copy of the second plurality of copies to a first viewer client device of the second plurality of viewer client devices via a second video Internet communication channel between the plurality of media sources and the first viewer client device of the second plurality of viewer client devices;
- B) a control server to periodically retrieve, via the Internet and from an event information provider, first event information germane to a first live

sporting event, wherein the first event information includes first score information for the first live sporting event; and

- C) at least one socket server communicatively coupled to the control server to:
    - receive from the control server at least the first score information; and
    - transmit the first score information to at least the first viewer client device of the first plurality of viewer client devices via a first event information Internet communication channel between at least one first event socket of the at least one socket server and the first viewer client device of the first plurality of viewer devices, wherein the at least one first event socket corresponds to the first event information germane to the first live sporting event.

- sending/receiving event information about a live sporting event in real time
- the claimed event sockets

Nor does the Defendant show that any of the references disclose the limitations in the dependent claims of the ’697 patent. As just a few examples, Defendant has not shown that any prior art reference discloses at least the following limitations:

- the plurality of media sources: provide a second copy of the first plurality of copies to a second viewer client device of the first plurality of viewer client devices via a third video Internet communication channel between the plurality of media sources and the second viewer client device of the first plurality of viewer client devices; and
- provide a second copy of the second plurality of copies to a second viewer client device of the second plurality of viewer client devices via a fourth video Internet communication channel between the plurality of media sources and the second viewer client device of the second plurality of viewer client devices; and

- the at least one socket server: transmits at least the first score information of the first event information to the second viewer client device of the first plurality of viewer client devices via a third event information Internet communication channel between the at least one first event socket of the at least one socket server and the second viewer client device of the first plurality of viewer devices; and
- transmits at least the second score information of the second event information to the second viewer client device of the second plurality of viewer client devices via a fourth event information Internet communication channel between the at least one second event socket of the at least one socket server and the second viewer client device of the second plurality of viewer devices.
- sending/receiving event information about a live sporting event in real time
- the claimed event sockets
- displaying real time information about trivia, chats, polls, photos, ads, gifts, or sponsorships

Furthermore, Defendant has failed to show how any of the references disclose each of the limitations in any of the independent claims (1, 8, 13, and 24) of the ’088 Patent. As just a few examples from claim 1 as representative:

- at least one media source to receive an audio/video feed of a live event and provide a first copy of the audio/video feed of the live event from a first media server endpoint of the at least one media source; and
- a webserver configured to:
    - transmit first instructions to a first client device that includes at least one first display, the first instructions transmitted by the webserver enabling the at least one first display of the first client device to render a first video relating to the live event and render first event information relating to the live event, wherein the first

instructions transmitted by the webserver cause the first client device to:

- connect to the first media server endpoint of the at least one media source to receive, on a first communication channel between the first media server endpoint and the first client device, the first copy of the audio/video feed of the live event;
- connect to a first socket of a socket server to receive, on a second communication channel between the first socket and the first client device, first digital content corresponding to the first event information;
- render, on the at least one first display of the first client device, at least some of the first event information as at least one first user-interactive feature overlaid on or adjacent to the first video relating to the live event; and
- obtain access to first additional information relating to the live event and/or redirect to a first web site or first app when a first user selects at least a portion of the rendered at least one first user-interactive feature; and

▪ transmit second instructions to a second client device that includes at least one second display, the second instructions transmitted by the webserver enabling the at least one second display of the second client device to also render the first event information relating to the live event, wherein the second instructions transmitted by the webserver cause the second client device to:

▪ connect to the first socket of the socket server to receive, on a third communication channel between the first socket and the second client device, the first digital content corresponding to the first event information so that the first digital content received at the first client device and the second client device is synchronized and client-by-client latency between the first client device and second

client device to render the first event information is thereby mitigated or significantly reduced;

  - render, on the at least one second display of the second client device, at least some of the first event information as at least one second user-interactive feature; and
  - obtain access to the first additional information or second additional information relating to the live event and/or redirect to the first web site, the first app, a second web site or a second app when a second user selects at least a portion of the rendered at least one second user-interactive feature.

- sending/receiving event information about a live sporting event in real time
- the claimed event sockets

Nor do the references disclose at least the following limitations as recited in the dependent claims of the ’088 Patent:

- sending/receiving event information about a live sporting event in real time
- the claimed event sockets
- displaying real time information about trivia, chats, polls, photos, ads, gifts, or sponsorships

Plaintiff has not completed their investigation, have not completed discovery in this action, and have not completed their preparation for trial. The responses herein are thus based only on Plaintiff’s knowledge as of the date of these responses. Pursuant to Rule 26(e), Fed. R. Civ. P., Plaintiff reserves the right to further supplement its responses as discovery progresses in this action.

INTERROGATORY NO. 8

For each Asserted Claim of each Asserted Patent, describe in detail all secondary considerations (or objective indicia of non-obviousness), if any, that You contend support the

validity of each claim and identify each Person with knowledge of, and all Documents relating to, Your contentions.

RESPONSE TO INTERROGATORY NO. 8 (May 29, 2024)

Plaintiff hereby incorporates by reference their General Objections. Plaintiff objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work-product doctrine, expert privilege, common interest privilege, or any other applicable privilege or doctrine that limits discovery. Plaintiff also objects to this Interrogatory to the extent it seeks information already in Defendant' possession, custody, or control, whether publicly available or otherwise equally available to Defendant. Plaintiff also objects to this Interrogatory to the extent it seeks to impose an obligation on Plaintiff to perform a search beyond the reasonable search called for by the Federal Rules of Civil Procedure, the Patent Local Rules, and/or any other applicable statute, rule or Order, and, as such, is not proportional to the needs of this action. Plaintiff also objects to this Interrogatory to the extent it calls for legal arguments and/or legal conclusions. Plaintiff further objects to this Interrogatory to the extent it calls for documents or information which may be subject of expert opinion and testimony that is not required to be disclosed or exchanged at this stage in this action.

Plaintiff further objects to the extent it attempts to improperly shift the burden of proof on invalidity to the Plaintiff. Defendant has the burden of proving invalidity under 35 U.S.C. § 103 by clear and convincing evidence. This burden never shifts. *See Tech Licensing Corp. v. Videotek Inc.*, 545 F.3d 1316, 1327 (Fed. Cir. 2008); *Microsoft Corp. v. i4i Ltd. Partnership*, 131 S. Ct. 2238, 2243 (2011) ("[T]he burden of proving invalidity [is] on the attacker. That burden is constant and never changes."); *Greenwood v. Hattori Seiko Co., Ltd.,* 900 F.2d 238, 241 (Fed. Cir. 1990) ("[O]ne attacking the validity of a patent must present clear and convincing evidence establishing the facts which lead to the legal conclusion that the patent is invalid.").

Without waiving the foregoing, Plaintiff further states that they may rely upon secondary considerations or other objective evidence of non-obviousness. For example, secondary considerations and/or other objective indicia, such as commercial success, industry acclaim and/or praise, recognition in the industry, long-felt but unmet need, failure of others, skepticism and/or teaching away, recognition of a problem in the prior art, benefits over the prior art, and/or unexpected results, support the non-obviousness of the Asserted Patents. In addition, Plaintiff may contend that each of the Asserted Patents provided unexpected results, resulted in commercial success (at least based on Defendants' Accused Products) and/or there was copying by competitors (at least based on Defendants' Accused Products).

For example, by the early-to-mid-2010s, as social media and smartphones became widespread, the industry of live video streaming saw exponential growth. By the mid-2010s, many with a smartphone and internet access were able to become content broadcasters via one of the social media platforms, such as YouTube, Facebook Live, and/or TikTok.

Despite substantial investments in resources and time, conventional video streaming systems still suffer from several drawbacks that often lead to frustrating user experiences for broadcasters, viewers, or both. One such drawback is the synchronization between contextual-matched event information and the video signals. In many cases, such as with live streaming sports, or sports-betting related content, any noticeable offset (e.g., greater than 1 second) often confuses viewers, and greatly hampers the viewing experience. Relatedly, conventional live video streaming systems also struggle to synchronize the broadcasting among multiple viewers. The viewer latency, i.e., the delay between a first user generating a live video stream for transmission via the Internet and a second user receiving a copy of the live video stream via the Internet for viewing, was still significant. The offset between different viewers can become especially significant when

they watch videos of different qualities or use network connections having different bandwidths.

Furthermore, conventional video streaming systems also had difficulties in providing relatively low latency copies of live video streams with relatively high quality (e.g., high-definition HD and high bit rate, such as 2 to 5 megabits per second) or allowing for different classes or types of viewers to flexibly access copies of a live video stream via different live streaming formats, which may lead to different qualities of service. For example, mainstream platforms such as Twitch.tv and Facebook had about 10-15 seconds of view latency.

Prior art socket architectures were not designed or used for the delivery of interactive and synchronous content alongside live video streams, let alone multi-cast (or one-to-many) delivery of content over a single unauthenticated socket. Rather, prior art sockets were used in specific and limited applications, such as for chat rooms, delivering update notifications, or other lower data-rate information, where each individual user was connected to a separate socket and given a unique user id.

Plaintiff's patented technologies helped transform the way video streaming is conducted, reducing, and often even eliminating the shortcomings that plagued conventional video streaming systems. More specifically, Plaintiff's patented technologies use a novel socket server architecture that allows actionable and contextual-matched information to be provided in a synchronized and efficient way with online streaming video. For example, Plaintiff's patented technologies allow multiple users to connect to the same event socket, thereby achieving a one-to-many socket architecture. Plaintiff's patented technologies' use of a one-to-many socket architecture was counter to the then-conventional understanding and use of sockets.

For example, one technical challenge overcome by the inventive concepts described and claimed in the Asserted Patents relates to the display of event information updates (if present, e.g.,

if the broadcast is associated with an event), as well as screen animations and other special effects graphics that may be generally associated with the video associated with a live stream, in a manner that is synchronized across multiple live streams with appreciably low latency. This is a particularly relevant consideration when there are multiple video streams for the same event, and each of these broadcasters may have multiple viewers of their broadcast. Accordingly, the technical challenge is to provide the same event information, and periodic updates to this event information, in a synchronized and low-latency manner to all of these broadcasters and viewers interested in following the same event.

Event information and updates to event information are provided to broadcaster client devices and viewer client devices via a socket-based "event information channel" dedicated to the event, which is separate from the copy of the live stream of video provided on a "video channel." Thus, all viewers and broadcasters of the event, regardless of which live stream they may be generating, displaying, or watching, connect to one or more sockets of a socket server that is/are dedicated to the event, such that all live streams relating to the event are similarly synchronized to event information and updates to same.

Another technical challenge overcome by the Asserted Patents relates to client-side rendering of overlays, on-screen interactive animation, special effects, and/or event information. By way of background, in conventional sports broadcasting, game information (such as player and betting stats), and current score information, also sometimes referred to as a "scorebug," as well as screen animations and other special effects graphics, are hard-embedded into the live stream of the game broadcast itself that is received by viewers. This hard-embedding approach is inflexible and may cause licensing issues for right holders if the video feed is modified to add customized event information. Unlike conventional systems, in the technological solution offered by the

Asserted Patents, graphics and effects are generated by the client device itself, separate from a given broadcaster's video-based commentary or other video signals, and then integrated with (*e.g.*, superimposed or overlaid on) the broadcaster's video-based commentary or other video signals when rendered on the display of the client device.

In addition, Plaintiff has evidence of copying at least by Defendant. As set forth in response to Interrogatory Nos. 2 and 19, which are hereby incorporated by reference, Defendant has been aware of Plaintiff's products and technology covered by the Asserted Patents at least since communications between the parties began in 2018. Defendant used those meetings to gain knowledge of Plaintiff's products under the guise of exploring "business opportunities" and strategic partnerships, but in reality, was developing its own products by copying Plaintiff's patented products. This is strong evidence of the non-obviousness of the patents that cover those products that Defendant copied.

Plaintiff has not completed their investigation, have not completed discovery in this action, and have not completed their preparation for trial. The responses herein are thus based only on Plaintiff's knowledge as of the date of these responses. Pursuant to Rule 26(e), Fed. R. Civ. P., Plaintiff reserves the right to further supplement its responses as discovery progresses in this action.

INTERROGATORY NO. 9

If you contend that the Asserted Patents are directed to patent-eligible subject matter in compliance with 35 U.S.C. § 101, describe in detail the complete basis for Your contentions on a claim-by-claim and limitation-by-limitation basis, including without limitation Your contentions, if any, that the Asserted Patents are not directed to any abstract ideas, the specific alleged technological improvements to which the Asserted Patents are directed, any inventive concepts contained within the Asserted Claims, any concrete ways to achieve the results claimed by the Asserted Patents, any elements of the Asserted Claims that You contend were not well-understood, routine, or conventional as of the claimed priority date, and the reasons that the Asserted Claims would not monopolize or preempt every potential solution to the alleged problems the Asserted Patents purport to solve.

RESPONSE TO INTERROGATORY NO. 9 (May 29, 2024)

Plaintiff hereby incorporates by reference their General Objections. Plaintiff objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work-product doctrine, expert privilege, common interest privilege, or any other applicable privilege or doctrine that limits discovery. Plaintiff also objects to this Interrogatory to the extent it seeks information already in Defendant' possession, custody, or control, whether publicly available or otherwise equally available to Defendant. Plaintiff also objects to this Interrogatory to the extent it seeks to impose an obligation on Plaintiff to perform a search beyond the reasonable search called for by the Federal Rules of Civil Procedure, the Patent Local Rules, and/or any other applicable statute, rule or Order, and, as such, is not proportional to the needs of this action. Plaintiff also objects to this Interrogatory to the extent it calls for legal arguments and/or legal conclusions. Plaintiff further objects to this Interrogatory to the extent it calls for documents or information which may be subject of expert opinion and testimony that is not required to be disclosed or exchanged at this stage in this action.

Plaintiff further objects to the extent it attempts to improperly shift the burden of proof on invalidity to the Plaintiff. Defendant has the burden of proving invalidity under 35 U.S.C. § 101 by clear and convincing evidence. This burden never shifts. *See Tech Licensing Corp. v. Videotek Inc.*, 545 F.3d 1316, 1327 (Fed. Cir. 2008); *Microsoft Corp. v. i4i Ltd. Partnership*, 131 S. Ct. 2238, 2243 (2011) ("[T]he burden of proving invalidity [is] on the attacker. That burden is constant and never changes."); *Greenwood v. Hattori Seiko Co., Ltd.,* 900 F.2d 238, 241 (Fed. Cir. 1990) ("[O]ne attacking the validity of a patent must present clear and convincing evidence establishing the facts which lead to the legal conclusion that the patent is invalid.").

Subject to the foregoing objections, Plaintiff responds as follows:

This Interrogatory is premature. If Defendant satisfies its burden by making a prima facie case of invalidity under 35 U.S.C. § 101 through its expert report, Plaintiff will rebut Defendant's position through their expert report. Plaintiff reserves the right to supplement this response, including by supplementing it after receiving Defendant's expert report and after submitting Plaintiff's expert report.

Plaintiff incorporates by reference its complaint and description of the patents. For example, Plaintiff incorporates by reference paragraphs 49-57 from their Amended Complaint.

Plaintiff has not completed their investigation, have not completed discovery in this action, and have not completed their preparation for trial. The responses herein are thus based only on Plaintiff's knowledge as of the date of these responses. Pursuant to Rule 26(e), Fed. R. Civ. P., Plaintiff reserves the right to further supplement its responses as discovery progresses in this action.

INTERROGATORY NO. 10

If You contend that the Asserted Patents comply with 35 U.S.C. § 112(a), describe in detail the complete basis for Your contentions on a claim-by-claim and limitation-by-limitation basis, including without limitation an identification of all portions of the specification that You contend provide alleged written description support for the claimed subject matter (including all citations to relevant portions of the specifications and figures of the Asserted Patents) and all bases for Your contention that any such patent claim is allegedly enabled, and identify each Person with knowledge of, and all Documents relating to, Your contentions.

RESPONSE TO INTERROGATORY NO. 10 (May 29, 2024)

Plaintiff hereby incorporates by reference their General Objections. Plaintiff objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work-product doctrine, expert privilege, common interest privilege, or any other applicable privilege or doctrine that limits discovery. Plaintiff also objects to this Interrogatory to the extent it seeks information already in Defendant' possession, custody, or control, whether publicly available or otherwise equally available to Defendant. Plaintiff also objects to this Interrogatory to

the extent it seeks to impose an obligation on Plaintiff to perform a search beyond the reasonable search called for by the Federal Rules of Civil Procedure, the Patent Local Rules, and/or any other applicable statute, rule or Order, and, as such, is not proportional to the needs of this action. Plaintiff also objects to this Interrogatory to the extent it calls for legal arguments and/or legal conclusions. Plaintiff further objects to this Interrogatory to the extent it calls for documents or information which may be subject of expert opinion and testimony that is not required to be disclosed or exchanged at this stage in this action.

Plaintiff further objects to the extent it attempts to improperly shift the burden of proof on invalidity to the Plaintiff. Defendant has the burden of proving invalidity under 35 U.S.C. § 112(a) by clear and convincing evidence. This burden never shifts. *See Tech Licensing Corp. v. Videotek Inc.*, 545 F.3d 1316, 1327 (Fed. Cir. 2008); *Microsoft Corp. v. i4i Ltd. Partnership*, 131 S. Ct. 2238, 2243 (2011) ("[T]he burden of proving invalidity [is] on the attacker. That burden is constant and never changes."); *Greenwood v. Hattori Seiko Co., Ltd.,* 900 F.2d 238, 241 (Fed. Cir. 1990) ("[O]ne attacking the validity of a patent must present clear and convincing evidence establishing the facts which lead to the legal conclusion that the patent is invalid.").

Subject to the foregoing objections, Plaintiff responds as follows:

As an initial matter, all of the claims have written description support and are enabled under 35 U.S.C. § 112(a). To the extent Defendant claims otherwise, this Interrogatory is premature. If Defendant satisfies its burden by making a prima facie case of invalidity under 35 U.S.C. § 112(a), through its expert report, Plaintiff will rebut Defendant's position through their expert report. Plaintiff reserves the right to supplement this response, including by supplementing it after receiving Defendant's expert report and after submitting Plaintiff's expert report.

Subject to supplementation in the expert reports, Plaintiff incorporates by reference its

complaint and description of the patents. For example, Plaintiff incorporates by reference paragraphs 44-48 from their Amended Complaint.

Plaintiff has not completed their investigation, have not completed discovery in this action, and have not completed their preparation for trial. The responses herein are thus based only on Plaintiff's knowledge as of the date of these responses. Pursuant to Rule 26(e), Fed. R. Civ. P., Plaintiff reserves the right to further supplement its responses as discovery progresses in this action.

INTERROGATORY NO. 11

If You contend that the Asserted Patents comply with 35 U.S.C. § 112(b), describe in detail the complete basis for Your contentions on a claim-by-claim and limitation-by-limitation basis, including an identification of all portions of the specification and file histories that You contend provide alleged reasonable certainty about the scope of the invention (including all citations to any relevant portions of the specifications and file histories), and identify each Person with knowledge of, and all Documents relating to, Your contentions.

RESPONSE TO INTERROGATORY NO. 11 (May 29, 2024)

Plaintiff hereby incorporates by reference their General Objections. Plaintiff objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work-product doctrine, expert privilege, common interest privilege, or any other applicable privilege or doctrine that limits discovery. Plaintiff also objects to this Interrogatory to the extent it seeks information already in Defendant' possession, custody, or control, whether publicly available or otherwise equally available to Defendant. Plaintiff also objects to this Interrogatory to the extent it seeks to impose an obligation on Plaintiff to perform a search beyond the reasonable search called for by the Federal Rules of Civil Procedure, the Patent Local Rules, and/or any other applicable statute, rule or Order, and, as such, is not proportional to the needs of this action. Plaintiff also objects to this Interrogatory to the extent it calls for legal arguments and/or legal conclusions. Plaintiff further objects to this Interrogatory to the extent it calls for documents or

information which may be subject of expert opinion and testimony that is not required to be disclosed or exchanged at this stage in this action.

Plaintiff further objects to the extent it attempts to improperly shift the burden of proof on invalidity to the Plaintiff. Defendant has the burden of proving invalidity under 35 U.S.C. § 112(b) by clear and convincing evidence. This burden never shifts. *See Tech Licensing Corp. v. Videotek Inc.*, 545 F.3d 1316, 1327 (Fed. Cir. 2008); *Microsoft Corp. v. i4i Ltd. Partnership*, 131 S. Ct. 2238, 2243 (2011) ("[T]he burden of proving invalidity [is] on the attacker. That burden is constant and never changes."); *Greenwood v. Hattori Seiko Co., Ltd.,* 900 F.2d 238, 241 (Fed. Cir. 1990) ("[O]ne attacking the validity of a patent must present clear and convincing evidence establishing the facts which lead to the legal conclusion that the patent is invalid.").

Subject to the foregoing objections, Plaintiff responds as follows:

As an initial matter, none of the claims are indefinite under 35 U.S.C. § 112(b). To the extent Defendant argues otherwise, this Interrogatory is premature. If Defendant satisfies its burden by making a prima facie case of invalidity under 35 U.S.C. § 112(b) through its expert report, Plaintiff will rebut Defendant's position through their expert report. Plaintiff reserves the right to supplement this response, including by supplementing it after receiving Defendant's expert report and after submitting Plaintiff's expert report.

Subject to supplementation in the expert reports, Plaintiff incorporates by reference its complaint and description of the patents. For example, Plaintiff incorporates by reference paragraphs 47-48; 50-56 from their Amended Complaint.

Plaintiff has not completed their investigation, have not completed discovery in this action, and have not completed their preparation for trial. The responses herein are thus based only on Plaintiff's knowledge as of the date of these responses. Pursuant to Rule 26(e), Fed. R. Civ. P.,

Plaintiff reserves the right to further supplement its responses as discovery progresses in this action.

INTERROGATORY NO. 12

Identify the priority date to which You contend each claim of each Asserted Patent is entitled, describe the complete factual and legal bases for Your contentions that each claim of each Asserted Patent is entitled to the claimed priority date, and identify each Person with knowledge of, and all Documents relating to, Your contentions.

RESPONSE TO INTERROGATORY NO. 12 (May 29, 2024)

Plaintiff hereby incorporates by reference its General Objections. Plaintiff objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work-product doctrine, expert privilege, common interest privilege, or any other applicable privilege or doctrine that limits discovery. Plaintiff also objects to this Interrogatory to the extent it seeks information already in Defendant's possession, custody, or control, whether publicly available or otherwise equally available to Defendant. Plaintiff also objects to this Interrogatory to the extent it calls for legal arguments and/or legal conclusions. Plaintiff further objects to this Interrogatory to the extent it calls for documents or information which may be subject of expert opinion and testimony that is not required to be disclosed or exchanged at this stage in this action.

Subject to the foregoing objections, Plaintiff responds as follows:

The priority date for each of the Asserted Claims is no later than the earliest priority claim made in the specification of each associated Asserted Patent as described in Plaintiff's Complaint.

The '687 Patent is entitled "Systems, apparatus, and methods for scalable low-latency viewing of broadcast digital content streams of live events, and synchronization of event information with viewed streams, via multiple internet channels," was filed on September 24, 2019, and was duly and legally issued by the United States Patent and Trademark Office ("USPTO") on October 13, 2020. The '687 Patent claims priority to, and finds written description

support for each asserted claim in, provisional application No. 62/518,506, filed on Jun. 12, 2017, provisional application No. 62/485,878, filed on Apr. 14, 2017, provisional application No. 62/435,361, filed on Dec. 16, 2016, provisional application No. 62 /371,558, filed on Aug. 5, 2016. It is therefore entitled to the earliest filing date: August 5, 2016.

The ’218 Patent is entitled “Systems, apparatus and methods for rendering digital content relating to a sporting event with online gaming information,” was filed on January 5, 2021, and was duly and legally issued by the USPTO on June 15, 2021. The ’218 Patent claims priority to, and finds written description support for each asserted claim in, provisional application No. 62/518,506, filed on Jun. 12, 2017, provisional application No. 62/485,878, filed on Apr. 14, 2017, provisional application No. 62/435,361, filed on Dec. 16, 2016, provisional application No. 62 /371,558, filed on Aug. 5, 2016. It is therefore entitled to the earliest filing date: August 5, 2016.

The ’697 Patent is entitled “Systems, apparatus, and methods for scalable low-latency viewing of broadcast digital content streams of live events, and synchronization of event information with viewed streams, via multiple internet channels,” was filed on February 5, 2019, and was duly and legally issued by the USPTO on September 24, 2019. The ’697 Patent claims priority to, and finds written description support for each asserted claim in, provisional application No. 62/ 518, 506, filed on June 12, 2017, provisional application No. 62/485,878, filed on Apr. 14, 2017, provisional application No. 62/435,361, filed on Dec. 16, 2016, and provisional application No. 62/ 371,558, filed on Aug. 5, 2016. It is therefore entitled to the earliest filing date: August 5, 2016.

The ‘088 Patent is entitled “Systems, apparatus, and methods for providing event video streams and synchronized event information via multiple Internet channels,” was filed on June 6, 2022, and was duly and legally issued by the USPTO on January 9, 2024. The ‘088 Patent claims

priority to, and finds written description support for each asserted claim, in provisional application No. 62/627,859, filed on Feb. 8, 2018, provisional application No. 62/542, 729, filed on Aug. 8, 2017, and provisional application No. 62/507,158, filed on May 29, 2017. It is therefore entitled to the earliest filing date: May 29, 2017.

INTERROGATORY NO. 13

Describe in detail the complete factual and legal basis for Your claim that You are entitled to monetary relief, including but not limited to damages, from Genius Sports, including each legal theory under which such monetary relief is sought, an itemization of damages sought under each legal theory, the calculations supporting all monetary relief that You claim, and an identification of each Person with knowledge of, and all Documents relating to, the foregoing.

RESPONSE TO INTERROGATORY NO. 13 (May 29, 2024)

Plaintiff hereby incorporates by reference their General Objections. Plaintiff objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work-product doctrine, expert privilege, common interest privilege, or any other applicable privilege or doctrine that limits discovery. Plaintiff also objects to this Interrogatory to the extent it seeks to impose an obligation on Plaintiff to perform a search beyond the reasonable search called for by the Federal Rules of Civil Procedure, the Patent Local Rules, and/or any other applicable statute, rule or Order, and, as such, is not proportional to the needs of this action. Plaintiff also objects to this Interrogatory to the extent it calls for legal arguments and/or legal conclusions. Plaintiff further objects to this Interrogatory to the extent it calls for documents or information which may be subject of expert opinion and testimony that is not required to be disclosed or exchanged at this stage in this action. Plaintiff also objects to this Interrogatory as premature because fact discovery in this case has just begun and Plaintiff has yet to receive substantial document productions from Defendant, including financial documents concerning the products Plaintiffs contend are infringing in this case.

Subject to the foregoing objections, Plaintiff responds as follows:

Plaintiff intends to seek damages for Defendant's infringement for each category to which it is entitled, including but not limited to reasonable royalty, lost profits, price erosion where applicable, harm to reputation, and any increased costs resulting from Defendant's infringement. Any award is subject to enhancement for Defendant's willful infringement, particularly in view of the direct and blatant copying of Plaintiff's patented products by Defendant.

Plaintiff's computation of damages in this case will be developed through a retained independent damages expert, and the opinions of its damages expert will supersede any initial response to this Interrogatory that Plaintiff provides at this time, particularly in view of the fact that Plaintiff is still awaiting damages-related discovery from Defendant, including but not limited to sales and profitability information for all products accused of infringement during the time period of infringement, Defendant's plans for future infringement, and Defendant's future business plans. Plaintiff will provide its expert's report on damages in accordance with the schedule in this case.

By providing information in response to this Interrogatory based on its current investigation to date, Plaintiff does not waive any argument, category of damages for infringement, theory of recovery, computation of damages, reliance on any factual support to support any theory of recovery, or contention. The responses herein are thus based only on Plaintiff's knowledge as of the date of these responses. Pursuant to Rule 26(e), Fed. R. Civ. P., Plaintiff reserves the right to further supplement its responses as discovery progresses in this action.

INTERROGATORY NO. 14

Describe in detail the complete factual and legal bases for any equitable relief You contend You are entitled to, including without limitation the basis for Your contention that You have or will continue to suffer irreparable harm unless the Court issues preliminary and/or permanent injunctions against Genius Sports, as asserted in the Complaint, and identify each Person with knowledge of, and all Documents relating to, Your contentions.

RESPONSE TO INTERROGATORY NO. 14 (May 29, 2024)

Plaintiff hereby incorporates by reference its General Objections. Plaintiff objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work-product doctrine, expert privilege, common interest privilege, or any other applicable privilege or doctrine that limits discovery. Plaintiff also objects to this Interrogatory to the extent it seeks information already in Defendant's possession, custody, or control, whether publicly available or otherwise equally available to Defendant. Plaintiff also objects to this Interrogatory to the extent it calls for legal arguments and/or legal conclusions. Plaintiff further objects to this Interrogatory to the extent it calls for documents or information which may be subject of expert opinion and testimony that is not required to be disclosed or exchanged at this stage in this action.

Subject to the foregoing objections, Plaintiff responds as follows:

This request is premature at this time particularly in view of the fact that Plaintiff is still awaiting damages-related discovery from Defendant, including but not limited to sales and profitability information for all products accused of infringement. Pursuant to Federal Rule 33(d), Plaintiff will, after a reasonably diligent search, identify and produce any non-privileged documents within their custody, possession, or control regarding its continued irreparable harm.

In any event, Plaintiff and Defendant are direct competitors in the relevant markets. Defendant's continued infringement has caused and continues to cause irreparable harm, including lost market share and goodwill that remedies available at law, such as monetary damages, are inadequate to compensate for that injury. The harm is further shown by Defendant's willful infringement, particularly the direct and blatant copying of Plaintiff's patented products by Defendant, as well as the guise under which Defendant obtained that information through alleged attempts for strategic and business partnerships. All the while, Defendant was obtaining infromation about Plaintiff's product and platform to develop its own copy-cat version that used

the patented technology.

Plaintiff has not completed their investigation, have not completed discovery in this action, and have not completed their preparation for trial. The responses herein are thus based only on Plaintiff's knowledge as of the date of these responses. Pursuant to Rule 26(e), Fed. R. Civ. P., Plaintiff reserves the right to further supplement its responses as discovery progresses in this action.

INTERROGATORY NO. 15

Identify each Person or Entity with whom You, any prior or subsequent assignee or assignor of the Asserted Patents, or anyone else of whom You are aware, have communicated concerning any attempt to license, sell, or assign any right, title, or interest in, to, or under the Asserted Patents, any related patents, or any patents covering technologies comparable to those claimed by the Asserted Patents, and describe in detail each such attempt including without limitation for each a description of the substance and result of any Communications, cease-and-desist or demand letters, offers, negotiations, and/or discussions, an identification of any resulting licenses, assignments, agreements, and/or contracts, whether or not finalized or executed, and identify each Person with knowledge of, and all Documents relating to the foregoing.

RESPONSE TO INTERROGATORY NO. 15 (May 29, 2024)

Plaintiff hereby incorporates by reference their General Objections. Plaintiff objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work-product doctrine, expert privilege, common interest privilege, or any other applicable privilege or doctrine that limits discovery. Plaintiff also objects to this Interrogatory to the extent it seeks information already in Defendants' possession, custody, or control, whether publicly available or otherwise equally available to Defendants. Plaintiff also objects to this Interrogatory to the extent it seeks to impose an obligation on Plaintiff to perform a search beyond the reasonable search called for by the Federal Rules of Civil Procedure, the Patent Local Rules, and/or any other applicable statute, rule or Order, and, as such, is not proportional to the needs of this action. Plaintiff also objects to this Interrogatory to the extent it calls for legal arguments and/or legal conclusions. Plaintiff also objects to this Interrogatory as overbroad, unduly burdensome, and

disproportionate to the needs of the case to the extent it seeks "any attempt to license, sell, or assign" without a limitation of scope or time. Plaintiff objects to this Interrogatory as comprising multiple discrete subparts and therefore multiple Interrogatories.

Subject to the foregoing objections, Plaintiff responds as follows:

Pursuant to F.R.C.P. 33(d), Plaintiff will produce non-privileged responsive documents to the extent such documents exist, are within Plaintiff's possession, custody, or control, and can be located through a reasonable search. [SCSTR00003934, SCSTR00003945, SCSTR00003958, SCSTR00003965, SCSTR00003984, SCSTR00003994, SCSTR00004005, SCSTR00004015, SCSTR00004005, SCSTR00004025, SCSTR00004035, SCSTR00004047, SCSTR00004060; SCSTR00004071, SCSTR00004083, SCSTR00004093, SCSTR00004101, and the assignments for the patents-in-suit.

Plaintiff has not assigned or licensed any of the Asserted Patents to any third party, nor have they engaged in any efforts to do so.

INTERROGATORY NO. 16

Identify any licenses You contend relate to the technology in the Asserted Patents or any related patents or any comparable technologies, and describe each such license in detail, including a description of the license's name, parties, effective date, amount and form of payments, the licensed technology, and comparability (economic and/or technical) to the Asserted Patents, and identify each Person with knowledge of, and all Documents relating to, each such license.

RESPONSE TO INTERROGATORY NO. 16 (May 29, 2024)

Plaintiff hereby incorporates by reference their General Objections. Plaintiff objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work-product doctrine, expert privilege, common interest privilege, or any other applicable privilege or doctrine that limits discovery. Plaintiff also objects to this Interrogatory to the extent it seeks information already in Defendants' possession, custody, or control, whether publicly available or otherwise equally available to Defendants. Plaintiff also objects to this Interrogatory

to the extent it seeks to impose an obligation on Plaintiff to perform a search beyond the reasonable search called for by the Federal Rules of Civil Procedure, the Patent Local Rules, and/or any other applicable statute, rule or Order, and, as such, is not proportional to the needs of this action. Plaintiff also objects to this Interrogatory to the extent it calls for legal arguments and/or legal conclusions. Plaintiff also objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent it seeks "any licenses" on the Asserted Patents "or any comparable technologies" but does not limit or define "comparable technologies."

Subject to the foregoing objections, Plaintiff responds as follows:

Plaintiff is not aware of any licensees of any of the Asserted Patents to a third party. Discovery has just begun and Defendant has not produced all its license agreements and related documents for the Accused Products. Once Defendant has met its obligations, Plaintiff will supplement this response, if necessary.

Plaintiff has not completed their investigation, have not completed discovery in this action, and have not completed their preparation for trial. The responses herein are thus based only on Plaintiff's knowledge as of the date of these responses. Pursuant to Rule 26(e), Fed. R. Civ. P., Plaintiff reserves the right to further supplement its responses as discovery progresses in this action.

INTERROGATORY NO. 17

Describe in detail any valuations of the Asserted Patents, any related patents, or any patents covering technologies comparable to those claimed by the Asserted Patents, or that include or relate to such patents, and identify each Person with knowledge of, and all Documents relating to, each such valuation.

RESPONSE TO INTERROGATORY NO. 17 (May 29, 2024)

Plaintiff hereby incorporates by reference their General Objections. Plaintiff objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege,

work-product doctrine, expert privilege, common interest privilege, or any other applicable privilege or doctrine that limits discovery. Plaintiff further objects to this Interrogatory as overbroad, and unduly burdensome because it is unbounded in time or scope. Plaintiff also objects to this Interrogatory to the extent it seeks information already in Defendants' possession, custody, or control, whether publicly available or otherwise equally available to Defendants. Plaintiff also objects to this Interrogatory to the extent it seeks to impose an obligation on Plaintiff to perform a search beyond the reasonable search called for by the Federal Rules of Civil Procedure, the Patent Local Rules, and/or any other applicable statute, rule or Order, and, as such, is not proportional to the needs of this action. Plaintiff also objects to this Interrogatory to the extent it calls for legal arguments and/or legal conclusions in that it seeks "technologies comparable to those claimed by the Asserted Patents." Plaintiff also objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent it seeks "any patents" on but provides no limitation or definition of comparable technologies. Plaintiff objects to this Interrogatory as comprising multiple discrete subparts and therefore multiple Interrogatories. Plaintiff further objects to this Interrogatory to the extent it calls for documents or information which may be subject of expert opinion and testimony that is not required to be disclosed or exchanged at this stage in this action.

Subject to the foregoing objections, Plaintiff responds as follows:

Plaintiff is not aware of any valuations of the Asserted Patents, any related patents, or any patents covering technologies comparable to those claimed by the Asserted Patents.

Plaintiff has not completed their investigation, have not completed discovery in this action, and have not completed their preparation for trial. The responses herein are thus based only on Plaintiff's knowledge as of the date of these responses. Pursuant to Rule 26(e), Fed. R. Civ. P.,

Plaintiff reserves the right to further supplement its responses as discovery progresses in this action.

INTERROGATORY NO. 18

Describe in detail Your contentions, if any, regarding Your compliance with the marking requirements of 35 U.S.C. § 287, including without limitation an identification of all products or services that practice one or more claims of the Asserted Patents, an identification of each Person or Entity who made, offered, sold, or imported such products or services, the date of each such offer, sale, or importation, a description of the complete factual and legal bases for such contentions on a claim-by-claim and limitation-by-limitation basis, and an identification of each Person with knowledge of, and all Documents relating to, Your contentions. If You contend that the website accessible at https://pandainteractive.com/patents or any other website provides sufficient notice to the public that any product or service is covered by one or more claims of the Asserted Patents, additionally state when such website(s) were first published and when the patent number of each Asserted Patent was first included on the website, and identify each Person with knowledge of, and all Documents relating to, the public availability and content of such websites.

RESPONSE TO INTERROGATORY NO. 18 (May 29, 2024)

Plaintiff hereby incorporates by reference its General Objections. Plaintiff also objects to this Interrogatory to the extent it calls for legal arguments and/or conclusions. Plaintiff further objects to this Interrogatory to the extent it calls for documents or information which may be subject of expert opinion or testimony that is not required to be disclosed or exchanged at this stage. Plaintiff also objects to this Interrogatory to the extent it requires a response premised on a construction and understanding of the meaning of certain patent claim terms before Respondent has identified its proposed claim constructions, and/or before the Court has construed the meaning and scope of any claim in the patents asserted in this action. Plaintiff also objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work-product doctrine, expert privilege, common interest privilege, or any other applicable privilege or doctrine that limits discovery. Plaintiff objects to this Interrogatory as comprising multiple discrete subparts and therefore multiple Interrogatories.

Subject to the foregoing objections, Plaintiff responds as follows:

In addition, Plaintiffs marked their products, since at least 2020. This includes marking in Plaintiff's website, marketing materials, client contracts, terms of service, and product documents since at least since February 2020. *See e.g.*, SCSTR00003984.

Plaintiff has not completed their investigation, have not completed discovery in this action, and have not completed their preparation for trial. The responses herein are thus based only on Plaintiff's knowledge as of the date of these responses. Pursuant to Rule 26(e), Fed. R. Civ. P., Plaintiff reserves the right to further supplement its responses as discovery progresses in this action.

INTERROGATORY NO. 19

Describe in detail all facts related to Your allegation that You "have met with and had communications with executives at Genius Sports since 2018" as alleged in the Complaint, including, for each such Communication, the date of the Communication, each Person who was involved in or participated in the Communication, the form of the Communication, and a summary of the Communication, including whether or not in each Communication You provided affirmative notice of any of the Asserted Patents or of Your allegations that Genius Sports infringed any Asserted Patent.

RESPONSE TO INTERROGATORY NO. 19 (May 29, 2024)

Plaintiff hereby incorporates by reference its General Objections. Plaintiff also objects to this Interrogatory to the extent it calls for legal arguments and/or conclusions. Plaintiff further objects to this Interrogatory to the extent it calls for documents or information which may be subject of expert opinion or testimony that is not required to be disclosed or exchanged at this stage. Plaintiff also objects to this Interrogatory to the extent it requires a response premised on a construction and understanding of the meaning of certain patent claim terms before Respondent has identified its proposed claim constructions, and/or before the Court has construed the meaning and scope of any claim in the patents asserted in this action. Plaintiff also objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work-product doctrine, expert privilege, common interest privilege, or any other applicable

privilege or doctrine that limits discovery. Plaintiff objects to this Interrogatory as comprising multiple discrete subparts and therefore multiple Interrogatories. Plaintiff objects to this Interrogatory as comprising multiple discrete subparts and therefore multiple Interrogatories.

Subject to the foregoing objections, Plaintiff responds as follows:

In February 2018, Plaintiff had in-person meetings and email communications with Ben Turner, who was the Director of Sports Partnerships at Genius Sports at the time. Ben Turner was provided an in-person demonstration of the SportsCastr platform, and the focus of the conversations was potential introductions for commercial pilots and/or other strategic partnership and business opportunities.

Prior to meeting Ben Turner, Plaintiff started communicating with Alex Tavernier in September 2017 while he worked in the position of Account Manager at USA Today Sports Media Group, and Plaintiff was part of the USA Today Sports Media Group advertising network. Mr. Tavernier had an account on SportsCastr as of October 12, 2017. He was not alone. Umberto Righetti at Genius Sports also created a SportsCastr account on May 8, 2017. Between 2019 and 2022, Alex Tavernier worked for Genius Sports as a Senior Business Development manager. In January 2020, Alex Tavernier emailed Plaintiff wanting to discuss a partnership between SportsCastr and Genius.

In addition, in 2019, Plaintiff had conversations with Ethan Johnson, Sports Partnerships Manager - APAC for Genius Sports regarding accessing the live data feed for The Basketball League, which is one of Plaintiff's clients.

Pursuant to F.R.C.P. 33(d), Plaintiff will produce non-privileged responsive documents to the extent such documents exist, are within Plaintiff's possession, custody, or control, and can be located through a reasonable search.

Plaintiff has not completed their investigation, have not completed discovery in this action, and have not completed their preparation for trial. The responses herein are thus based only on Plaintiff's knowledge as of the date of these responses. Pursuant to Rule 26(e), Fed. R. Civ. P., Plaintiff reserves the right to further supplement its responses as discovery progresses in this action.

Dated: May 29, 2024

Respectfully submitted:
By: /*s/ Chris Campbell*
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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record as being served with a copy of the foregoing document via electronic mail on May 29, 2024.

/s/ Christopher C. Campbell
Christopher C. Campbell