

Moulder, Chris (WDC)

From: Mark Halderman <mhalderman@villegascefo.com>
Sent: Tuesday, February 25, 2025 4:23 PM
To: Johnston, Karl (SFO)
Cc: *RazDog_Perkins; Francisco Villegas; Evan Rosenbaum; Damir Cefo; Allee, J. Lori; Lawrence Drucker - Spencer Fane (ldrucker@spencerfane.com); Bryan DeMatteo - Spencer Fane (bdematteo@spencerfane.com); Julia Kim
Subject: RE: RazDog v. Twitch [IMAN-LEGAL.FID186]

Karl,

We continue to wait for your response to my **December 18, 2024** letter characterizing our meet and confer concerning the Parties' first sets of discovery requests. RazDog needs to know which specific discovery deficiencies Twitch intends to cure, and the Parties need to agree on the timing for supplementation.

As for timing, for most of the responses that RazDog committed to supplement, we can agree to a quick turnaround—will Twitch agree to supplementation in two weeks?

Interrogatory Nos. 4-5 and 11, however, are contention interrogatories, and we believe that supplemental responses are premature at best. Twitch bears the burden for proving invalidity (Interrogatory Nos. 4-5), and you have yet to articulate the relevancy of non-infringing use (Interrogatory No. 11) given that RazDog has yet to assert indirect infringement. “[B]efore substantial documentary or testimonial discovery has been completed,” Twitch has the “burden of justification” for its contention interrogatories. See *In re Convergent Techs. Sec. Litig.*, 108 F.R.D. 328, 338 (N.D. Cal. 1985); see also *In re eBay Seller Antitrust Litig.*, No. C 07-1882 JF (RS), 2008 WL 5212170, at *1 (N.D. Cal. Dec. 11, 2008) (Courts deny premature contention interrogatories but may grant them if discovery is almost complete.). Once discovery progresses, the Parties can revisit the contention interrogatory issue.

Please promptly respond to my letter characterizing our meet and confer and confirm that Twitch agrees to supplement non-contention discovery responses by March 11, 2025.

Mark

From: Mark Halderman
Sent: Friday, February 21, 2025 10:02 AM
To: kjohnston@perkinscoie.com
Cc: RazDog_Perkins@perkinscoie.com; Francisco Villegas <fvillegas@villegascefo.com>; Evan Rosenbaum <erosenbaum@villegascefo.com>; Damir Cefo <dcefo@villegascefo.com>; Allee, J. Lori <JAllee@spencerfane.com>; Lawrence Drucker - Spencer Fane (ldrucker@spencerfane.com) <ldrucker@spencerfane.com>; Bryan DeMatteo - Spencer Fane (bdematteo@spencerfane.com) <bdematteo@spencerfane.com>
Subject: RE: RazDog v. Twitch

Karl,

We still have not received a response to this December 19, 2024 deficiency letter concerning Twitch's responses to RazDog's second set of RFPs. It has now been outstanding for over two months. Please respond no later than next week.

Also, during our last call, you agreed to respond in writing to my letter characterizing the meet and confer so that we can identify unresolved disputes and agree on a time to supplement discovery. Please provide a response as soon as possible. Thanks,

Mark

From: Mark Halderman

Sent: Thursday, December 19, 2024 1:21 PM

To: kjohnston@perkinscoie.com

Cc: RazDog_Perkins@perkinscoie.com; Francisco Villegas <fvillegas@villegascefo.com>; Evan Rosenbaum <erosenbaum@villegascefo.com>; Damir Cefo <dcefo@villegascefo.com>; Allee, J. Lori <JAllee@spencerfane.com>; Lawrence Drucker - Spencer Fane (ldrucker@spencerfane.com) <ldrucker@spencerfane.com>; Bryan DeMatteo - Spencer Fane (bdematteo@spencerfane.com) <bdematteo@spencerfane.com>

Subject: RazDog v. Twitch [IMAN-LEGAL.FID553]

Karl,

Please see the attached correspondence concerning deficiencies in Twitch's Objections and Responses to RazDog's Second Sets of RFPs. Thanks,

Mark

Villegas & Cefo LLP

Mark W. Halderman

1350 Avenue of the Americas

2nd Floor

New York, NY 10019

267.879.5887

mhalderman@villegascefo.com