

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE No. 1:24-cv-21226-RAR

DR. EDWIN A. HERNANDEZ and
EGLA CORP.,

Plaintiffs,

v.

STINGRAY GROUP, INC. f/k/a
STINGRAY DIGITAL GROUP, INC.,
STINGRAY MUSIC USA, INC.,
MOOD MEDIA LLC f/k/a MOOD
MEDIA CORPORATION, AT&T
ENTERPRISES, LLC f/k/a AT&T
CORP., MILLICOM
INTERNATIONAL SERVICES, LLC,
and BLUE STREAM
COMMUNICATIONS, LLC dba
BLUE STREAM FIBER,

Defendants.

JURY TRIAL DEMANDED

**DEFENDANT STINGRAY GROUP, INC.’S RESPONSES AND OBJECTIONS TO
PLAINTIFFS’ INTERROGATORIES (NOS. 1-7)**

Pursuant to Fed. R. Civ. P. 26 and 34, Stingray Group, Inc. (“Defendant” or “Stingray”) hereby objects and responds to Plaintiffs Dr. Edwin A. Hernandez and EGLA Corp.’s (collectively “Plaintiffs”) Interrogatories.

Defendant’s responses are made without waiving, in any way: (1) the right to object on any basis permitted by law to the use of any information provided, for any purpose, in whole or in part, in any subsequent proceeding in this case or any other case; and (2) the right to object on any basis permitted by law to any other discovery request or proceeding involving or relating to the subject

Stingray reserves its right to supplement this response, if necessary, to address any dependent claims from the ’441 Patent to the extent Plaintiffs identify any such dependent claim as an Asserted Claim in this case. Stingray similarly reserves its right to supplement this response following Plaintiffs’ disclosure of their infringement theories.

Stingray notes that it provides the above response without the benefit of Plaintiffs’ infringement contentions, and Stingray reserves its right to supplement this response with additional bases of non-infringement following Plaintiffs’ complete identification of their infringement theories, including to the extent Plaintiffs assert liability on the basis of any theory of joint infringement, or assert that Stingray otherwise exerts direction or control over any third party that Plaintiffs contend performs any step or supplies any component of any asserted claim, or assert that any step performed or any use of OSE2 outside the territorial limits of the United States gives rise to liability, or assert that any claim element is satisfied under the doctrine of equivalents or is otherwise not literally met by Stingray’s OSE2 product, or assert that Stingray actively induces any infringement or otherwise indirectly infringes under 35 U.S.C. § 271.

Stingray further responds by identifying its source code for the OSE2 product, which will be available for inspection in accordance with the provisions of the Parties’ Agreed Protective Order.

Stingray responds that discovery is ongoing and reserves the right to amend or supplement to provide additional information in accordance with the obligations under the Federal Rules of Civil Procedure, the Court’s local rules, and any Discovery Order entered in this case.

Interrogatory No. 2:

Describe in detail all factual bases supporting any contention that the ASSERTED PATENTS are invalid. In furnishing YOUR response to this Interrogatory, please IDENTIFY: (a) all facts that support the allegation; (b) all PERSONS who have knowledge of said facts; and (c) all DOCUMENTS that support the allegation

Response:

Stingray objects to this Interrogatory’s definition of “You” and “Your” to the extent it includes parties or individuals not accused of patent infringement by Plaintiffs. Stingray objects to this Interrogatory to the extent it seeks expert testimony on the subject of invalidity and objects to this Interrogatory as overbroad, unduly burdensome, and premature given that Plaintiffs have not provided infringement contentions in this case mapping the accused OSE2 functionality to any claim or claim element or otherwise identifying their infringement theories.

Subject to the above objections, Stingray responds as follows. Stingray incorporates by reference any upcoming expert disclosure on invalidity, which will be served as an opening report in accordance with the Court’s schedule and rules. Stingray also incorporates by reference the contents of its IPR Petitions: IPR2025-00349, IPR2025-00350, and IPR2025-00351, which have been previously served on Plaintiffs and their counsel of record. Stingray incorporates each of the grounds of invalidity raised in each of those three petitions. Stingray further reserves its right to

supplement this response following Plaintiffs’ disclosure of their infringement theories to the extent such theories would apply to a system or product of any party that predates the priority date of any of the Asserted Patents, including but not limited to Stingray’s On Screen Enhancement technology.

Stingray further incorporates by reference its indefiniteness arguments from its Opening Claim Construction Brief filed in this case, and Stingray reserves its right to supplement this response to include additional arguments of indefiniteness, to the extent warranted, following Plaintiffs’ disclosure of its infringement theories, including as it relates to the “dynamic change” limitation. For example, Stingray notes that Plaintiffs’ expert declaration accompanying its Responsive Claim Construction Brief (see Dkt. 194 at Exhibit A, Paragraph 45) states that a “dynamic change” as that term appears in the Asserted Patents “requires adding duplicates of the single screen captured.” To the extent Plaintiffs pursue such an infringement theory, Stingray reserves its right to argue (in addition to non-infringement) that the term “dynamic change” in the context of the claim element as a whole has no definite meaning. Similarly, Stingray reserves its right to supplement this response to raise invalidity due to Plaintiffs’ failure to properly disclose their purported invention to the Patent Office under the patent law’s written description requirement and best mode requirement.

Stingray responds that discovery is ongoing and reserves the right to amend or supplement to provide additional information in accordance with the obligations under the Federal Rules of Civil Procedure, the Court’s local rules, and any Discovery Order entered in this case.

Interrogatory No. 3:

Describe in detail all factual bases supporting any contention that the ASSERTED PATENTS are not enforceable, including but not limited to, contentions that equitable doctrines such as laches, equitable estoppel, unclean hands, acquiescence, and/or waiver, are applicable. In furnishing YOUR response to this Interrogatory, please IDENTIFY: (a) all facts that support the allegation; (b) all PERSONS who have knowledge of said facts; and (c) all DOCUMENTS that support the allegation

Response:

Stingray objects to this Interrogatory’s definition of “You” and “Your” to the extent it includes parties or individuals not accused of patent infringement by Plaintiffs. Stingray objects to this Interrogatory to the extent it seeks expert testimony on the subject of unenforceability and objects to this Interrogatory as overbroad, unduly burdensome, and premature given that Plaintiffs have not provided infringement contentions in this case mapping the accused OSE2 functionality to any claim or claim element or otherwise identifying their infringement theories.

Subject to the above objections, Stingray responds as follows. Stingray incorporates by reference any upcoming expert disclosure on unenforceability, which will be served as an opening report in accordance with the Court’s schedule and rules. Stingray notes that discovery is ongoing and reserves its right to supplement this response to the extent Plaintiffs disclose any facts relevant to