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

VASU HOLDINGS, LLC, a Texas Corporation, Plaintiff, v. SAMSUNG ELECTRONICS CO., LTD., a Korean Corporation, and SAMSUNG ELECTRONICS AMERICA, INC., a New York Corporation, Defendants.	)	Case No. 2:24-cv-00034-JRG-RSP

PLAINTIFF VASU HOLDINGS, LLC'S OBJECTIONS AND RESPONSES TO DEFENDANTS SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG ELECTRONICS AMERICA, INC.'S SECOND SET OF INTERROGATORIES (NO. 26)

Pursuant to Fed. R. Civ. P. Rules 26 and 33, Plaintiff Vasu Holdings, LLC ("Vasu"), responds to Defendant Samsung Electronics Co., Ltd. ("SEC") and Samsung Electronics America, Inc. ("SEA") (collectively with SEC, "Defendants" or "Samsung") Second Set of Interrogatories. Vasu makes these objections and responses herein (collectively "Responses") based solely on its current knowledge, understanding, and belief as to the facts and information reasonably available to it as of the date of the Responses.

Additional discovery and investigation may lead to additions to, changes in, or modifications of these Reponses. The Responses, therefore, are given without prejudice to Vasu's right to supplement these Responses pursuant to Fed. R. Civ. P. 26(e), or to provide subsequent discovered information and to introduce such subsequently discovered information at the time of any trial or proceeding in this action.

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GENERAL OBJECTIONS

1. Vasu hereby incorporates by reference each and every general objection set forth below into each and every specific Response. From time to time, a specific Response may repeat a general objection for emphasis or for some other reason. The omission of a general objection in a specific Response shall not be interpreted as a waiver of that general objection to that Response.

2. Vasu objects to each and every Interrogatory, Definition, and Instruction to the extent that they are vague, ambiguous, unintelligible, or compound.

3. Vasu objects to each and every Interrogatory, Definition, and Instruction to the extent that they are overly broad, unduly burdensome, seek information not relevant to the claim or defense of any party, and are not proportional to the needs of this case.

4. Vasu objects to each and every Interrogatory, Definition, and Instruction to the extent that they are not reasonably calculated to lead to the discovery of admissible information.

5. Vasu objects to each and every Interrogatory, Definition and Instruction to the extent they are not reasonably calculated to lead to the discovery of admissible evidence because they are not properly limited in time.

6. Vasu objects to each and every Interrogatory, Definition, and Instruction to the extent that they are unduly burdensome and oppressive, to the extent they subject Vasu to unreasonable and undue effort or expense.

7. Vasu objects to each and every Interrogatory, Definition, and Instruction to the extent that they seek information beyond Vasu's actual knowledge, possession, custody, or control.

8. Vasu objects to each and every Interrogatory, Definition, and Instruction to the extent they are unreasonably cumulative or duplicative.

9. Vasu objects to each and every Interrogatory, Definition, and Instruction to the

extent they seek information that is obtainable from some other source that is more convenient, less burdensome, or less expensive.

10. Vasu objects to each and every Interrogatory, Definition, and Instruction to the extent that they seek information within Defendants' possession, custody or control.

11. Vasu objects to each and every Interrogatory, Definition, and Instruction to the extent they seek information in the public domain, information equally available to Defendant from another source and/or information that can be obtained more efficiently by Defendants through other means of discovery. Defendants can ascertain such information from its own records or from other sources at least as readily as Vasu.

12. Vasu objects to each and every Interrogatory, Definition, and Instruction to the extent that they seek confidential, business, financial, proprietary or sensitive information, or trade secrets of third parties, which may be subject to pre-existing protective order(s) and/or confidentiality agreements or in which any third party has an expectation of privacy. Such information shall not be provided absent an express order to the contrary from a court of competent jurisdiction, or an authorization from the third party having the interest in the information's confidentiality.

13. Vasu objects to each and every Interrogatory, Definition, and Instruction to the extent they seek information protected by the attorney-client privilege, the work product doctrine, common interest doctrine or any other applicable law, privilege, doctrine or immunity. Vasu will not disclose any information so protected, and the inadvertent disclosure or identification of any such information is not intended as, and will not constitute, a waiver of such privilege, doctrine, or immunity.

14. Vasu objects to each and every Interrogatory, Definition, and Instruction to the extent they call for a legal conclusion. Vasu's responses shall not be construed as providing legal conclusions concerning the meaning or application of any terms used in Defendant's Interrogatories.

15. Vasu objects to each and every Interrogatory, Definition, and Instruction to the extent that they are premature, as they seek documents that are set to be disclosed on scheduled dates directed by the Court or the District of Texas Patent Local Rules.

16. Vasu objects to each and every Interrogatory, Definition, and Instruction to the extent that they are premature as the Court has not yet entered a claim construction order in this action.

17. Vasu objects to each and every Interrogatory, Definition, and Instruction as premature to the extent they seek information that will be the subject of expert testimony.

18. Vasu objects to each and every Interrogatory, Definition, and Instruction to the extent that they impose obligations inconsistent with the Scheduling Order, Protective Order, ESI Order to be entered in this case or any applicable standing orders.

19. Vasu objects to each and every Interrogatory, Definition, and Instruction to the extent they assume or mischaracterize any facts. Vasu's responses shall not be construed as agreeing to any facts or characterizations contained in Defendants' Interrogatories.

20. Vasu objects to each and every Interrogatory, Definition, and Instruction to the extent that they purport to impose any requirement or discovery obligation greater than or different from those imposed by the Federal Rules of Civil Procedure, the Local Rules of this Court, or orders of the Court governing these proceedings.

21. Vasu objects to each and every Interrogatory, Definition, and Instruction to the extent that they are unduly burdensome and oppressive on the grounds that they purport to require Vasu to search its facilities and inquire of its employees other than those facilities and employees that would reasonably be expected to have responsive information. Vasu's Responses and productions are based upon: (1) a search of facilities and files that could reasonably be expected to contain responsive information and (2) inquiries of Vasu's employees and/or representatives who could reasonably be expected to possess responsive information.

22. Vasu objects to each and every Definition, Instruction, and Interrogatory to the extent it is compound and/or contains multiple subparts. Vasu will count each subpart as a separate interrogatory pursuant to Federal Rule of Civil Procedure 33(a). Vasu will not respond to interrogatories in excess of the allotted number of interrogatories established in the Court's scheduling order.

23. Vasu's written responses and production of documents are not intended to waive, and do not constitute waiver of, any objection that Vasu may have to the admissibility, authenticity, competency, relevance, or materiality of any documents produced or referred to in response to an Interrogatory. For any and all written responses and production of documents, Vasu reserves all objections or other questions regarding the admissibility, authenticity, competency, relevance, or materiality of any documents produced or referred to in response to an Interrogatory, as evidence in this Litigation or any other proceeding, action, or trial.

24. Vasu's written responses and production of documents are based upon information and writings available to and located by its attorneys as of service of these Responses. Vasu has not completed its investigation of the facts relating to this case, has not completed discovery in this action, and has not completed preparation for trial. All the information supplied and

documents and things produced are based only on such information and documents that are reasonably available and specifically known to Vasu and its attorneys as of the date of service of these Responses. Therefore, Vasu's written responses and production of documents are without prejudice to its right to supplement and/or amend its written responses and production of documents and to present at trial or other proceeding evidence discovered hereafter.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

In addition to the objections set forth below, Vasu hereby specifically incorporates each and every general objection set forth above in its objections to Defendants' definitions and instructions.

1. Vasu objects to Defendants' Definitions of the terms "Plaintiff," "You," "Your," and "Vasu" and objects to each Interrogatory that incorporates any of these terms, to the extent they are overly broad and unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Vasu further objects to these definitions, and to each Interrogatory that incorporates any of these terms, to the extent that they call for a legal conclusion or seek documents or information protected from discovery by the attorney-client privilege, the work product doctrine, the common interest doctrine or any other applicable law, privilege, doctrine or immunity. Vasu further objects to these definitions, and to each Interrogatory that incorporates any of these terms, to the extent they include entities and persons over whom Vasu has no control.

2. Vasu objects to Defendants' Definition of the term "Defendants" and "Samsung" and to each Interrogatory that incorporates these terms, to the extent they are too narrow and fail to include each of Samsung's past and present officers, directors, employees, counsel, agents, consultants, representatives, and any other persons acting on behalf of any of the foregoing, and

Defendants' affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, predecessors, and successors in interest, and any other legal entities, whether foreign or domestic, that are owned or controlled by Samsung, and all predecessors and successors in interest to such entities.

3. Vasu objects to Defendants' Definition of the term "Asserted Patents" or "Patents-in-Suit" and to each Interrogatory that incorporates these terms, to the extent that they are vague, ambiguous, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, and to the extent they seek information not at issue in this case.

4. Vasu objects to Defendants' Definition of the term "Asserted Claim(s)" and to each Interrogatory that incorporates these terms, to the extent that they are vague, ambiguous, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, and to the extent they seek information not at issue in this case.

5. Vasu objects to Defendants' Definition of "Related Patents" and to each Interrogatory that incorporates these terms, to the extent that they are ambiguous, overbroad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and to the extent they seek information that is not relevant and/or not proportional to the needs of the case. Vasu objects to these Definitions to the extent they seek information that exceeds the scope of the relevance to the Asserted Patents. Vasu further objects to these Definitions to the extent they call for legal conclusions.

6. Vasu objects to Defendants' Definition of "Related Litigation" and to each Interrogatory that incorporates these terms, to the extent that they are ambiguous, overbroad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and to the extent they seek information that is not relevant and/or not proportional to the needs of the

case. Vasu objects to these Definitions to the extent they seek information that exceeds the scope of the relevance to the Asserted Patents. Vasu further objects to these Definitions to the extent they call for legal conclusions.

7. Vasu objects to Defendants' Definition of the term "Accused Product(s)" and to each Interrogatory that incorporates these terms, to the extent that they are vague, ambiguous, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, and to the extent they seek information not at issue in this case.

8. Vasu objects to Defendants' Definition of the terms "Infringe," and "Infringement" and to any Interrogatory that incorporates these terms, to the extent that they call for a legal conclusion.

9. Vasu objects to Defendants' Definition of the term "Person" and to each Interrogatory that incorporates this term as overbroad and seeking to impose obligations greater or different than those imposed by the Federal Rules of Civil Procedure, the Federal Rules of Evidence and/or protective order entered in or applicable to this action. Vasu further objects to this Definition, and to each Interrogatory that incorporates any of these terms, because it is not proportional to the needs of the case, such that the burden or expense of the proposed discovery outweighs its likely benefit. Vasu further objects to this Definition, and to each Request that incorporates this term, to the extent it is vague, overbroad, and unduly burdensome.

10. Vasu objects to Defendants' Definition of the term "Document" and "Thing" and to each Interrogatory that incorporates this term, to the extent they seek to impose obligations greater or different than those imposed by the Federal Rules of Civil Procedure, the Federal Rules of Evidence and/or ESI order or protective order entered in this action. Vasu further objects to this Definitions, and to each Interrogatory that incorporates this terms, to the extent that they call

for the production of information that the parties have agreed not to preserve or produce. Vasu further objects to these definitions, and to each Interrogatory that incorporates this term, to the extent they are vague, overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

11. Vasu objects to Defendant's Definition of the term "Communication" and to each Interrogatory that incorporates this term, to the extent they seek to impose obligations greater or different than those imposed by the Federal Rules of Civil Procedure, the Federal Rules of Evidence and/or ESI order or protective order entered in this action. Vasu further objects to this Definition, and to each Interrogatory that incorporates this terms, to the extent that they call for the production of information that the parties have agreed not to preserve or produce. Vasu further objects to these definitions, and to each Interrogatory that incorporates this term, to the extent they are vague, overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

12. Vasu objects to Defendants' Definitions of the terms "Concern," "Concerning," "Evidence," "Evidencing," "Reflect," "Reflecting," "Relating to," "Relates to," "Referring to," "Refer to," "Refers to," "Referred to," and "Regarding," "Refer or relate to," "Referring or relating to," and "Referred or related to" and to each Interrogatory that incorporates these terms, to the extent they are overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence, and to the extent they call for legal conclusions. Vasu further objects to these definitions, and to each Interrogatory that incorporates them, to the extent that they are vague, ambiguous and/or unintelligible.

13. Vasu objects to Defendants' Definition of "Prior Art," and to each Interrogatory that incorporates this term, to the extent it is vague, ambiguous, unintelligible and/or calls for a

legal conclusion, and to the extent that it is broader than the meaning of "prior art" pursuant to 35 U.S.C. §101 et seq. and related case law. Vasu further objects to the Definition of the term "Prior Art," and to each Interrogatory that incorporates this term, to the extent it seeks information about patents that are not at issue in this case.

14. Vasu objects to Defendants' Definitions of the terms "any," "all," "every," and "each" and variations thereof, to each Interrogatory that incorporates any of these terms, to the extent they are overbroad, unduly burdensome and is not proportional to the needs of the case, such that the burden or expense of the proposed discovery outweighs its likely benefit. Vasu further objects to these Definitions, and to each Interrogatory that incorporates them, to the extent that they are vague, ambiguous, and/or unintelligible.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 26:

Separately for each Asserted Claim, state the complete factual and legal basis for Your contention, including in Your response to Interrogatory No. 8, that Defendants have copied the technology in the Asserted Patents, including, without limitation, identification of the specific information that was copied, the specific Documents and things from which information was copied, how Defendants accessed the copied information, the date(s) on which Defendants accessed the copied information, which employees of Defendants accessed the copied information, the circumstances of Defendants first and each additional use of the copied information, all Documents and things evidencing such copying, and all Persons knowledgeable about such copying.

RESPONSE TO INTERROGATORY NO. 26:

Vasu incorporates its General Objections and Objections to Definitions and Instructions by reference. Vasu objects to this Interrogatory to the extent it is vague and ambiguous. Vasu objects to this Interrogatory as overbroad and unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence and neither relevant nor proportional to the needs of this case. Vasu objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product doctrine, the common interest doctrine, or any other applicable law, privilege, doctrine, or immunity; Vasu will not disclose any privileged information. Vasu objects to this Interrogatory to the extent it calls for a legal conclusion. Vasu objects to this Interrogatory as premature to the extent it calls for subsequent discovery in this action and/or expert testimony that will be provided according to deadlines set forth by the Court. Vasu objects to this Interrogatory as being compound and having multiple subparts, which should count toward the limits on Interrogatories.

Subject to and without waiving the foregoing General Objections and any specific objections contained herein, Vasu responds as follows:

Samsung was aware of Vasu's technology at least for the reasons specified in Response to Interrogatory No. 8, Vasu incorporates by reference. In particular, Defendants was aware of patents and applications that Vasu had filed because the were cited as prior art against Defendants' own patent applications and were explicitly considered by the Examiner. In particular, Samsung received explicit rejections in two patents—U.S. Patent Nos. 10,638,428 and 10,363,376—in view of Vasu's patents.

Vasu's investigation of this matter is ongoing, and its response to this Interrogatory will be supplemented as additional information becomes known to it. Discovery is ongoing and much

of the relevant information is in Defendants' possession. Vasu reserves the right to supplement its response pursuant to Fed. R. Civ. P. 26(e).

Dated: October 28, 2024

By: *<u>/s/ Kristopher Kastens</u>*

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CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2024, a complete copy of the foregoing **PLAINTIFF VASU HOLDINGS, LLC'S OBJECTIONS AND RESPONSES TO DEFENDANTS SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG ELECTRONICS AMERICA, INC.'S SECOND SET OF INTERROGATORIES (NO. 26)** was served via electronic mail upon the following counsel of record for Defendant Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.:

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