Scott Cummings

From: Rahul Sarkar <RSarkar@KSLAW.com>
Sent: Monday, September 30, 2024 4:33 PM
To: Nick Williamson; Patrick Lafferty; Mark Siegmund; Greg Love; William Ellerman; Brett Mangrum; Jennifer Inghram; William Ellerman; PANDA-SportRadar_23-cv-00472; BCLP_Sportradar_23-cv-00472
Cc: David Roodman; George Brell; Michael Smith
Subject: RE: Panda v. Sportradar (Case 2:23-cv-00472-JRG) - Service of Amended Contentions
Attachments: 2024-03-11 Panda (Sportradar) Disclosure of Preliminary Infringement Contentions (1).pdf; Ex 21 - Panda (Sportradar) Amended Preliminary Infringement Contentions.pdf

Counsel,

We have sent you a Box link that includes both the infringement contentions (served on March 11) and the amended infringement contentions that we attached as exhibits to our motion for leave. Set forth below is a fulsome list of what is present in the Box folder to which you have access. Attached are the cover pleadings for both sets of contentions. Please let us know if you have any questions or any difficulty accessing these files. Thank you.

2024/03/11 Disclosure of Infringement Contentions and 12 exhibits
Exhibit 1 – ‘088 claim chart (Sportradar LCT)
Exhibit 1 – ‘218 claim chart (Sportradar LCT)
Exhibit 1 – ‘687 claim chart (Sportradar LCT)
Exhibit 1 – ‘697 claim chart (Sportradar LCT)
Exhibit 2 – ‘088 claim chart (Sportradar OTT)
Exhibit 2 – ‘218 claim chart (Sportradar OTT)
Exhibit 2 – ‘687 claim chart (Sportradar OTT)
Exhibit 2 – ‘697 claim chart (Sportradar OTT)
Exhibit 3 – ‘088 claim chart (Sportradar emBET)
Exhibit 3 – ‘218 claim chart (Sportradar emBET)
Exhibit 3 – ‘687 claim chart (Sportradar emBET)
Exhibit 3 – ‘697 claim chart (Sportradar emBET)

2024-09-30 Amended Infringement Contentions and 12 exhibits
Exhibit 1 – ‘088 claim chart (Sportradar LCT)
Exhibit 1 – ‘218 claim chart (Sportradar LCT)
Exhibit 1 – ‘687 claim chart (Sportradar LCT)
Exhibit 1 – ‘697 claim chart (Sportradar LCT)
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Exhibit 3 – ‘697 claim chart (Sportradar emBET)

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Cc: David.Roodman <David.Roodman@bclplaw.com>; george.brell <george.brell@bclplaw.com>; Michael Smith <michael.smith@solidcounsel.com>
Subject: RE: Panda v. Sportradar (Case 2:23-cv-00472-JRG) - Missing Documents [_BCLP-USA.3010193.000004.FID9132754]

CAUTION: MAIL FROM OUTSIDE THE FIRM

Thank you, Patrick.

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Subject: RE: Panda v. Sportradar (Case 2:23-cv-00472-JRG) - Missing Documents [_BCLP-USA.3010193.000004.FID9132754]

Hi Nick,

We will consider your position on deposition dates and get back to you, but it is unlikely to be today since we just learned of Sportradar's position. We will get back to you with our position as soon as we are able.

Regards,

Patrick

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Cc: David.Roodman <David.Roodman@bclplaw.com>; george.brell <george.brell@bclplaw.com>; Michael Smith <michael.smith@solidcounsel.com>
Subject: RE: Panda v. Sportradar (Case 2:23-cv-00472-JRG) - Missing Documents [_BCLP-USA.3010193.000004.FID9132754]

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Patrick,

Thank you for returning my call. In view of the Court's ruling today, granting Panda leave to serve its prior Amended Infringement Contentions which include additional Accused Products, we suggest that we adjourn the upcoming depositions until after Defendants have an opportunity to collect and produce documents relating to the new Accused Products. Of course, if Panda elects to proceed before the documents are produced, we will not agree to produce the witnesses for a second deposition.

You asked that we identify when Defendants anticipate being able to produce the additional documents. We anticipate that the collection and production should be substantially complete by November 8, 2024. If Panda is interested in rescheduling the depositions, we will reach out to the witnesses and procure their availability thereafter.

Also, as we agreed, the parties will not proceed with the Patent Rule 4-1 disclosures today and will agree upon dates along with a proposed revised schedule pursuant to the Court's Order today.

Please let us know today as to whether you wish to reschedule the depositions. Thank you.

Best,
Nick

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Cc: David Roodman <David.Roodman@bclplaw.com>; George Brell <George.Brell@bclplaw.com>; Michael Smith <michael.smith@solidcounsel.com>
Subject: RE: Panda v. Sportradar (Case 2:23-cv-00472-JRG) - Missing Documents

Nick,

We do not believe it is necessary to rehash positions again via email. We have stated our position previously. We will not oppose Sportradar's requested extension as a courtesy.

Regards,

Patrick

Patrick M. Lafferty
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Cc: David.Roodman <David.Roodman@bclplaw.com>; george.brell <george.brell@bclplaw.com>; Michael Smith <michael.smith@solidcounsel.com>
Subject: RE: Panda v. Sportradar (Case 2:23-cv-00472-JRG) - Missing Documents

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Hi Patrick,

Attached for your review is a draft Consent Motion for Extension of Time, extending Defendants' time to respond to Plaintiff's Amended Complaint from October 1 to October 15. Please let us know whether Panda consents to the extension.

We again ask that you send us the necessary documents, including the P.R. 3-2 production, now. We do not have those documents and are unquestionably entitled to them. There is no reason to delay the requested and necessary production while Panda undertakes its internal investigation as to whether those documents were previously sent to us.

We disagree that it is somehow incumbent upon Defendants to request documents that Plaintiff relies upon in its pleadings, and documents comprising Plaintiff's P.R. 3-2 production that was due on or before March 11, as the responsibility to timely produce those documents lies with Plaintiff. While we have stated our basis for the extension, if Panda desires to view the extension as a courtesy it is welcome to do so. And, of course, we have been and remain amenable to reasonable requests for extensions of time – indeed, Defendants have consented to multiple such requests (Dkts. 15, 37). Should Plaintiff not consent to the extension, we will approach the Court to request an extension due to our need to review documents that Panda failed to timely produce.

We look forward to your response. Thank you.

Best,
Nick

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Cc: David Roodman <David.Roodman@bclplaw.com>; George Brell <George.Brell@bclplaw.com>; Michael Smith <michael.smith@solidcounsel.com>
Subject: RE: Panda v. Sportradar (Case 2:23-cv-00472-JRG) - Missing Documents

Hi Nick,

We will look into whether or not those documents have been produced. If they have not, we will produce them.

We are not inclined to agree to an extension of Sportradar's time to Answer the FAC based on your email below. As an initial matter, we know of no requirement that documents cited in a complaint must be produced for you to respond to the allegations therein. Moreover, you have had the complaint for almost a year, and this is the first time you raised an issue. Sportradar also had no issue filing multiple motions to dismiss, which presumably required you to review the complaint. Furthermore, the documents cited in the complaint are all publicly available documents (most are from Sportradar's website and/or include the URL) and therefore readily available to Sportradar if they have not been produced and are needed. In short, Sportradar has had plenty of time to prepare its response and request documents that it contends are needed for that response (assuming they have not been produced or are not publicly available). Sportradar's answer has already been delayed by more than eight months—there is no reason for further delay.

Of course, if you have another basis for requesting an extension, or you simply would like an extension as a courtesy that you will reciprocate in the future, please let us know and we would be happy to consider it. But incorrectly blaming PANDA for Sportradar's inability to respond timely is not appropriate.

Separately, on September 24, Mr. Price sent Sportradar an email requesting a meet and confer this week concerning Sportradar's deficient ESI discovery responses (attached). Sportradar has not responded to that email. Please provide a time tomorrow for a lead and local counsel meet and confer. We would be happy to also discuss your request for an extension of time to respond to the FAC on that meet and confer.

Regards,

Patrick

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Cc: David.Roodman <David.Roodman@bclplaw.com>; george.brell <george.brell@bclplaw.com>; Michael Smith <michael.smith@solidcounsel.com>
Subject: Panda v. Sportradar (Case 2:23-cv-00472-JRG) - Missing Documents

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Counsel,

While preparing Defendants' answers to Plaintiff's Amended Complaint following the Court's recent Order denying Defendants' Motion to Dismiss, we discovered that Plaintiff did not produce any of the documents cited/referenced in the Amended Complaint which should have been served last March as or with Plaintiff's P.R. 3-2 production. In light of Panda's failure to timely produce the documents, and our obvious need to review the documents in connection with responding to the Amended Complaint, we suggest that you promptly produce the documents and that Panda agrees to extending the deadline to answer the Amended Complaint to 14 days after Panda serves the missing documents. Please let us know whether Panda will promptly produce the documents and agree to the proposed extension. Thank you.

Best,
Nick

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