

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

OMNIVISION TECHNOLOGIES, INC.,

Plaintiff,

v.

RE SECURED NETWORKS, LLC,

Defendant.

C.A. No. 24-187-JLH-CJB

JURY TRIAL DEMANDED

**OMNIVISION TECHNOLOGIES, INC.’S RESPONSES AND OBJECTIONS
TO DEFENDANT’S FIRST SET OF INTERROGATORIES (NOS. 1-6)**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff OmniVision Technologies, Inc. (“OmniVision”) by and through its counsel, responds to Defendant RE Secured Networks, LLC’s (“RESN” or “Defendant”) First Set of Interrogatories (Nos. 1-6) (“Interrogatories”) as follows:

RESERVATION OF RIGHTS

OmniVision’s responses are made without in any way waiving or intending to waive, but on the contrary, intending to preserve and preserving:

1. The right to question as to competency, relevancy, materiality, privilege, and as evidence for any purpose, the answers or subject matter thereof in any subsequent proceeding or in the trial of this or any other action;
2. The right to object to the use of any such response or subject matter thereof in any subsequent proceeding or trial of this action or any other action; and
3. The right to revise, correct, clarify, or supplement any of these responses and objections propounded herein.

actions taken by OmniVision as a result, and identify each person with knowledge of the foregoing and all documents relating to the foregoing.

RESPONSE:

OmniVision objects to this interrogatory seeking “in detail all facts and circumstances” and the Definitions and Instructions of Defendant’s Interrogatories of “identify,” all,” “any,” and “each,” to the extent they are inconsistent with the Federal Rules of Civil Procedure, the Local Rules for the District of Delaware (“Local Rules”), or the Scheduling Order entered in this case (D.I. 35), as amended. OmniVision also objects to the phrase “became aware of that patent” as vague and ambiguous. OmniVision understands this interrogatory as seeking when OmniVision became aware of a patent as being potentially asserted as infringing by the patent owner. OmniVision further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, common interest, or that is subject to any other applicable privilege.

Subject to the General Objections and the foregoing specific objections, OmniVision responds as follows: For the ’651 patent, OmniVision was aware of this patent as of late October 2012. The ’651 patent was previously asserted against companies incorporating OmniVision image sensors in *Imperium (IP) Holdings v. Apple, Inc et al.*, Case No. 4:11-cv-00163-RC-ALM (E.D. Tex.). OmniVision was made aware of the ’651 patent by one or more defendants in the matter. For the ’145 and ’671 patents, OmniVision became aware of the patents in the course of discussions with alleged prior owner of the Patents-in-Suit, Pictos Technologies Inc. Vincent Capone and Greg Ewing initially asserted a different patent beginning on or about October 1, 2021 in correspondence directed to General Counsel, Robert Cleary. Neither Mr. Capone or Mr. Ewing contended that OmniVision infringed any of the Patents-in-Suit at that time. After tacitly

withdrawing its the infringement assertions for the patent that is not asserted in this Action, Messrs. Capone and Ewing identified the '145 patent on or about April 2022 and the '671 patent on or about June 2022 as patents that OmniVision allegedly infringed, but failed to provide any viable infringement allegations. The patents were apparently sold in July 2022 and over the course of several months, OmniVision repeatedly responded to the new patent owners as to why there was no basis for infringement and no need for a license. On February 9, 2024, Eric Spangenberg asserted that he would sue OmniVision because OmniVision did not agree to a license. On February 12, 2024, OmniVision filed the present declaratory judgment action in the United States District Court for the District of Delaware.

On July 18, 2004 counsel for RESN informed counsel for OmniVision, that RESN would be seeking to add other patents against OmniVision. On September 24, 2024, RESN identified that it would be seeking to allege infringement of the '671 patent as in an amended counterclaim. OmniVision first became aware of the '671 patent through counsel's identification of the '671 patent.

For each Patent-in-Suit, one or more members of the OmniVision legal department were the recipients of any identification of the patent and any infringement allegation and coordinated with outside counsel concerning actions taken in response.

INTERROGATORY NO. 3

Identify all opinions, evaluations, analyses, or reverse engineering reports, whether written or oral, that OmniVision has requested, received, or is aware of regarding any Patent-in-Suit, including, but not limited to, date, author(s), addressee(s), recipient(s), and whether it relates to infringement or non-infringement, validity or invalidity, enforceability or unenforceability, or any other affirmative defense or counterclaim, or a valuation of any Patent-in-Suit.

RESPONSE:

OmniVision objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, common interest, or that is subject to any other