

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

PRATT RETAIL SPECIALTIES, LLC,

Plaintiff/Counterclaim
Defendant,

vs.

PROAMPAC HOLDINGS INC.,

Defendant/Counterclaim
Plaintiff.

Case No.: 1:24-cv-01073-RGA

JURY TRIAL DEMANDED

**PLAINTIFF PRATT RETAIL SPECIALTIES, LLC'S RESPONSES AND
OBJECTIONS TO DEFENDANT PROAMPAC HOLDINGS INC.'S SECOND SET
OF INTERROGATORIES (NO. 4)**

Pursuant to the Federal Rules of Civil Procedure Rules 26 and 33 and D. Del. LR 26.1, Plaintiff Pratt Retail Specialties, LLC ("Pratt"), by and through its undersigned attorneys, hereby responds to Defendant ProAmpac Holdings Inc.'s Second Set of Interrogatories.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 4:

Describe all factual and legal bases that support Your contention that you are entitled to pre-suit damages under 35 U.S.C. § 287 for the Asserted Patent, including Identifying all efforts by You, Sigma, any prior owners of the Asserted Patent, and any licensees of the Asserted Patent to satisfy the marking requirement of 35 U.S.C. §287, including Identifying all products by name, model number, and other identifying indicia purportedly covered by the Asserted Patent, stating whether each product has been marked, Identifying the precise language of the marking for each product, Identifying the

time period each product was marked, and describing in detail the surrounding facts and circumstances, including when, where, by whom, and to whom, You gave ProAmpac actual notice of the Asserted Patent to satisfy the notice requirement of 35 U.S.C. §287, and Identify any Documents, including Communications, and Things by Bates number and/or witnesses related thereto.

RESPONSE NO. 4:

Responding to Interrogatory No. 4, Pratt states that it has not marked any Pratt products that fall within the scope of one or more of the Asserted Claims of the Asserted Patent (U.S. Patent No. 11,072,148). Pratt nevertheless is entitled to pre-suit damages under 35 U.S.C. §287 based, upon information and belief, on actual notice. On July 31, 2024, a conversation took place between the purchasing leadership of Amazon (Matthew Larrick) and Pratt (Chris Stanton and Gregg McPheely). The conversation was part of an in-person meeting in Seattle, Washington. At that time, Pratt notified Amazon of U.S. Patent No. 11,072,148 and that it covered the ProAmpac bag in question. Upon information and belief, Amazon conveyed this conversation to ProAmpac.

Dated: September 22, 2025

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