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

OMNI MEDSCI, INC., Plaintiff, v. SAMSUNG ELECTRONICS, CO. LTD., SAMSUNG ELECTRONICS AMERICA, INC., FOSSIL GROUP, INC., FOSSIL STORES I, INC., FOSSIL PARTNERS, L.P., ONEPLUS TECHNOLOGY (SHENZHEN) CO., LTD., and ŌURA HEALTH OY, Defendants.	§ § § § § § § § § § § § § § §	Civil Action No. 2:24-CV-01070-JRG-RSP **JURY TRIAL DEMANDED**

PLAINTIFF OMNI MEDSCI, INC.'S
FIRST SET OF COMMON INTERROGATORIES TO DEFENDANTS

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Omni MedSci, Inc. ("Plaintiff" or "Omni MedSci") hereby propounds the following First Set of Interrogatories and demands that Defendants Samsung Electronics, Co. Ltd., Samsung Electronics America, Inc., Fossil Group, Inc., Fossil Stores I, Inc., Fossil Partners, L.P., and Ōura Health Oy (collectively, "Defendants") respond to each of the following Interrogatories in writing within thirty (30) days of service. These Interrogatories are deemed to be continuing up to and including the time of trial and impose upon Defendants the obligations set forth in Fed. R. Civ. P. 26(e).

Each of the Interrogatories herein is subject to and incorporates the following definitions and instructions. The below definitions apply whether or not the term is capitalized or in all capitals in the body of the Interrogatories.

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DEFINITIONS

1. "Accused Wearable Devices" means devices identified in Plaintiff's Preliminary Infringement Contentions, including any further amendments, as served on Defendants in accordance with the agreed amendments to the Docket Control Order (*see* Dkt. 46-1).

2. "Accused Samsung Wearable Devices" means Samsung branded products identified in Plaintiff's Preliminary Infringement Contentions, including any further amendments, as served on Defendants in accordance with the agreed amendments to the Docket Control Order (*see* Dkt. 46-1).

3. "Accused Fossil Wearable Devices" means Fossil branded products identified in Plaintiff's Preliminary Infringement Contentions, including any further amendments, as served on Defendants in accordance with the agreed amendments to the Docket Control Order (*see* Dkt. 46-1).

4. "Accused Ōura Wearable Devices" means Ōura branded products identified in Plaintiff's Preliminary Infringement Contentions, including any further amendments, as served on Defendants in accordance with the agreed amendments to the Docket Control Order (*see* Dkt. 46-1).

5. "Affiliate" means any corporation or Entity that is under common ownership or control, and/or is related through corporate ownership of stocks such as parent, subsidiary, or sister-company or through common directors, officers and employees, either at the present time or at any time in the past. References to any Affiliate include, in addition to the Affiliate, any agent, employee, Representative, attorney, superior, or principal thereof.

6. "All" means "any and all;" "any" means "any and all."

7. “And,” “or,” and “and/or” shall be construed either disjunctively or conjunctively, as necessary to bring within the scope of the discovery request all responses that might otherwise be outside of its scope.

8. “Asserted Claim” means any claim or claims identified in Plaintiff’s Preliminary Infringement Contentions, including any further amendments, as served on Defendants in accordance with the agreed amendments to the Docket Control Order (*see* Dkt. 46-1).

9. “Asserted Patent” means any patent or patents identified in Plaintiff’s Preliminary Infringement Contentions, including any further amendments, as served on Defendants in accordance with the agreed amendments to the Docket Control Order (*see* Dkt. 46-1).

10. “Communication” means the transmittal of information, in the form of facts, ideas, inquiries, or otherwise by any means, written, oral, or otherwise, at any time or place under any circumstances. The definition is not limited to transmittals between Persons, but also includes other transmittals, such as records and memoranda to file; any written letter, email, SMS, MMS, memorandum, or other document that was sent by one or more Persons to another or others; any telephone call between one or more Persons and another or others, whether such call was by chance or prearranged or not, formal or informal; and any conversation or meeting between one or more Persons and another, whether such contact was by chance or prearranged or not, formal or informal.

11. “Defendants” means Samsung Electronics, Co. Ltd. and Samsung Electronics America, Inc., Fossil Group, Inc., Fossil Stores I, Inc., Fossil Partners, L.P., and/or Ōura Health Oy.

12. “Document” is defined to be synonymous in meaning and equal in scope to the use of the term “documents or electronically stored information” in Rule 34(a) of the Federal Rules of

Civil Procedure, including Communications and ESI. Each draft or non-identical copy is a separate document within the meaning of this term. Any document that contains any comment, notation, addition, deletion, insertion, or marking of any kind, which is not part of another document, is a separate document.

13. "Each" includes the word "every," and "every" includes the word "each."

14. "Entity" means, without limitation, any corporation, company, partnership, proprietorship, joint venture, business, business trust, or association, as well as any governmental unit, and any officer, director, employee, partner, corporate parent, subsidiary, affiliate, agent, Representative, attorney, or principal thereof. References to any Entity include, in addition to the Entity, any agent, employee, Representative, attorney, superior, or principal thereof.

15. "ESI" means electronically stored information, including electronic mail ("email").

16. "Fossil" means Defendants Fossil Stores I, Inc. and Fossil Partners, L.P. collectively and/or individually, and its predecessors, successors, assigns, parents, subsidiaries and divisions, affiliates, partners, and all past and present directors, officers, employees, agents, 50% or more shareholder, and Representatives (including consultants and attorneys) of any of the foregoing, and all Persons acting or purporting to act on their behalf, and all others under each Defendant's control.

17. "Identify" means to fully and in detail state:

a. When referring to a natural Person, the Person's full name, present or last known address, email address, phone number, and the last known title and place of employment;

b. when referring to an Entity, including without limitation, a business, legal, or governmental entity or association, the name and address of such Entity as well as the name, email address, and phone number for a contact person at such entity;

c. when referring to a fact, the fact and the documentary or testimonial evidence that supports or contradicts that fact;

d. when referring to a product or thing, the title, make, brand, or model name/number, and any code by which it has been referred, and a general description of the product or thing;

e. when referring to a written Communication, the Document(s) in which the Communication was made, the identity of the Persons participating in the Communication, the substance of the Communication, and the approximate date of the Communication;

f. when referring to a date, the most precise form of the date determinable;

g. when referring to Document(s), the custodian, location, and general description of each Document, the Bates/production number (if any), the type of Document, the date of creation, and all authors, addressees, and recipients;

h. when referring to conduct, the nature of the conduct, the date it occurred, and the name of the Person(s) responsible for the conduct; and

i. when referring to an occasion, the time, date, place, and circumstances relating to that occasion.

18. "Including" means "including but not limited to" and "including without limitation."

19. "Ōura" means Ōura Health Oy and its predecessors, successors, assigns, parents, subsidiaries and divisions, affiliates, partners, and all past and present directors, officers,

employees, agents, 50% or more shareholder, and Representatives (including consultants and attorneys) of any of the foregoing, and all Persons acting or purporting to act on their behalf, and all others under each Defendant's control.

20. "Person" means any natural person or any Entity. References to any Person include, in addition to the Person, any agent, employee, Representative, attorney, superior, or principal thereof.

21. "Physiological Parameters" means glucose levels, heartrate, blood pressure, blood oxygen levels, body temperature, respiratory rate, and/or peripheral oxygen saturation.

22. "Plaintiff" or "Omni MedSci" means Plaintiff Omni MedSci, Inc. and its employees, managers, officers, directors, partners, agents, Representatives, attorneys, or anyone acting or purporting to act on its behalf or under its control.

23. "Refer," "relate," "referring to," "relating to," and "related to" mean, in whole or in part, concerning, constituting, containing, comprising, depicting, referring to, embodying, connected to, reflecting, describing, analyzing, summarizing, showing, evidencing, discussing, identifying, illustrating, involving, stating, regarding, supporting, refuting, rebutting, responding to, commenting on, evaluating, about, in respect of, arising out of, mentioning, dealing with, in connection with, or in any way pertaining to or having any logical or factual connection, directly or indirectly, explicitly or implicitly.

24. "Representative" means any consultant, expert, attorney, contractor, or other Person or Entity engaged by the designated Person or Entity to perform some task or assignment for the Person or Entity.

25. "Samsung" means Defendants Samsung Electronics, Co. Ltd. and Samsung Electronics America, Inc., collectively and/or individually, and its predecessors, successors,

assigns, parents, subsidiaries and divisions, affiliates, partners, and all past and present directors, officers, employees, agents, 50% or more shareholder, and Representatives (including consultants and attorneys) of any of the foregoing, and all Persons acting or purporting to act on their behalf, and all others under each Defendant's control.

26. "Thing" or "things" are used in the broadest sense permitted by the Federal Rules of Civil Procedure.

27. "Third Party" means any Person that is not a named party in This Action.

28. "This Action" means all litigation between Omni MedSci and Defendants, including the above-captioned matter.

29. "You," "Your," and "Yourself" means Defendants Samsung Electronics, Co. Ltd. and Samsung Electronics America, Inc., Fossil Group, Inc., Fossil Stores I, Inc., Fossil Partners, L.P., and Ōura Health Oy, collectively and/or individually.

30. Each of "Documents," "Communications," and "Things" means "Documents, Communications, and Things."

31. The singular form shall include the plural. The plural form of any word shall be deemed to include the singular.

32. The use of a verb in any tense shall be construed as including the use of the verb in all other tenses.

33. Grammar and syntax, as used in these Interrogatories, shall be construed and interpreted to give proper meaning and consistency to their context.

INSTRUCTIONS

1. If You elect to identify and produce documents in response to any Interrogatory in accordance with Rule 33(d) of the Federal Rules of Civil Procedure, the response shall be in

sufficient detail to permit Omni MedSci to locate and identify, as readily as You can, the documents from which the answer may be ascertained. For example, any such response relying on Rule 33(d) shall include identifying any responsive or relevant documents by production number and what aspects of the Interrogatory those documents are responsive to. Any such documents should be produced within thirty (30) days of service of these Interrogatories in accordance with this Court's Orders, by agreement of the parties (*see e.g.*, Dkt. 47-1 or any agreements to a protective order), or at the offices of Nixon Peabody, LLP, 70 West Madison St., Suite 5200, Chicago, IL 60602.

2. Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, these Interrogatories are deemed to be continuing in nature to the full extent required by the Federal Rules of Civil Procedure. If further information, Documents, Communications, and Things come into the possession or to the attention of Defendants or its attorneys at any time during the course of This Action, Your responses to these Interrogatories and production of Documents, Communications, and Things in response to the following Interrogatories are to be promptly supplemented to include subsequently acquired information.

3. In answering the following Interrogatories, furnish all available information, including information in the possession, custody, or control of any of You, Your attorneys, directors, officers, agents, employees, Representatives, associates, investigators, or division affiliates, partnerships, parents, or subsidiaries, and Persons under Your control, who have the best knowledge, not merely information known to You based on Your own personal knowledge. If You cannot fully respond to the following Interrogatories after exercising due diligence to secure the information requested in those Interrogatories, so state and specify the portion of each Interrogatory to which You cannot respond fully or completely. In the latter event, state what efforts have been made to obtain the requested information and the facts upon which You rely to support

the contention that the Interrogatory cannot be answered fully or completely, and state what knowledge information, or belief You have concerning the unanswered portion of any such Interrogatory. If You object to any portion of any Interrogatory, respond to the portions to which the objection or objections do not apply and state the precise nature of the objection to any unanswered part.

4. If You are producing Documents, Communications, and Things relating to these Interrogatories, each Document, Communication, and Thing that is responsive in whole or in part to any portion of any Interrogatory shall be produced in its entirety, including all attachments, enclosures, and metadata as may be applicable. If a Document, Communication, and Thing responsive to any Interrogatory cannot be produced in full, it shall be produced to the extent possible with an explanation stating why production of the remainder is not possible.

5. If You are producing Documents, Communications, and Things relating to these Interrogatories, ESI such as Microsoft Excel files, QuickBooks files, or other financial or accounting information shall be produced in native electronic format, including with all corresponding metadata as maintained in the ordinary course of business. All other ESI shall be produced as required by any agreements to, or this Court's entry of, an ESI order, or as either (1) searchable PDFs, or (2) electronic TIFF images with associated OCR data or extracted text files; and, as may be appropriate, with load files in Relativity, Concordance, iPro, and Summation formats.

6. If You are producing Documents, Communications, and Things relating to these Interrogatories, the selection of Documents, Communications, and Things from the files and other sources, and the numbering of such Document, Communication, and Thing, shall be performed in

such a manner as to ensure that the source of each Document, Communication, and Thing may be determined as necessary.

7. These Interrogatories seek the production of Documents, Communications, and Things in the same form, and in the same order, in which they existed prior to production. In accordance with the provisions of Rule 34(b) of the Federal Rules of Civil Procedure, Documents, Communications, and Things responsive to these Interrogatories shall be produced as they are kept in the usual course of business, or shall be organized and labeled to correspond with these Interrogatories. The Documents, Communications, and Things are to be produced in boxes, files, folders, or other containers in which Documents, Communications, and Things were found. The titles, labels, or other descriptions of the Documents, Communications, and Things are to be left intact.

8. You are to produce Documents, Communications, and Things in such a manner as will facilitate their identification with the particular Interrogatory to which they are responsive.

9. Unless otherwise indicated in a particular Interrogatory, each Interrogatory is not limited in time.

10. Unless otherwise indicated, the use of the name of any party, person, or business organization in these discovery Interrogatories shall specifically include all agents, employees, shareholders, owners, officers, directors, joint ventures, Representatives, attorneys, and all other persons acting on behalf of the subject party, person, or business organization.

11. Whenever an objection is asserted to a particular Interrogatory or portion thereof, provide all responsive information and produce all responsive Documents, Communications, and Things or parts thereof that are not subject to the objection. Similarly, wherever Documents, Communications, or Things are not produced in full, please state with particularity the reason or

reasons that it is not being produced in full. Please also describe, to the best of Your knowledge, information, and belief, and with as much particularity as possible, those portions of the Documents, Communications, and Things that are not being produced in full.

12. For each aspect of each Interrogatory, the response must either provide the requested information or state with specificity the grounds for objecting to the Interrogatory, including the reasons. Any objection must state whether any responsive materials are being withheld on the basis of that objection. An objection to part of a Interrogatory must specify the part and provide information for the rest.

13. For each objection asserted, state: (i) the basis for the objection; (ii) facts supporting the assertion of the objection; and (iii) the statute, rule, or decision that is claimed to give rise to the objection.

14. If You object to any meaning of any term in any Interrogatory herein as unclear, identify Your broadest reasonable understanding of the term and provide Your response based on that broadest reasonable understanding.

15. If You object to any Interrogatory on the basis that it is premature, or on the basis that You have not completed Your investigation or preparation for trial, You shall respond with respect to the investigation and preparation that You have conducted to date and with the estimated date by which you expect to provide a response.

16. If You object to the scope or breadth of any of these Interrogatories, identify what You believe is the broadest reasonable scope or breadth and provide Your response based on that broadest reasonable scope or breadth.

17. If You withhold any Documents, Communications, Things, or information from discovery on the basis of attorney-client privilege, work product protection, or any other ground

of privilege or immunity, You must describe, in accordance with Rule 26(b)(5) of the Federal Rules of Civil Procedure, the nature of the Documents, Communications, Things, or information withheld in a manner that will enable the propounding party to assess the applicability of the claimed privilege or immunity.

18. If any Document, Communication, and Thing identified in response to any of these Interrogatories was, but is no longer in Your possession, custody, or subject to Your control, or is no longer in existence, state whether it: (i) is missing or lost; (ii) has been destroyed; (iii) has been transferred, voluntarily or involuntarily, to others, and state the identity of those persons to whom it has been transferred; (iv) has been otherwise disposed of, and in each instance, explain the circumstances surrounding such disposition, state the date or approximate date thereof, and the identity of the persons with knowledge of such circumstances; or (v) identify the writings that are missing, lost, destroyed, transferred, or otherwise disposed of, by author, date, subject matter, addressee, and the number of pages.

19. In the event that any Documents, Communications, and Things called for by this set of Interrogatories is known to have been destroyed (either as a result of a document retention/destruction policy or otherwise), any such Documents, Communications, and Things, or classes thereof, are to be identified by providing, for each such Document, Communication, and Thing, or class thereof, the following information: (i) author(s); (ii) addressee(s); (iii) indicated or blind copy recipient(s); (iv) identifying date(s); (v) subject matter; (vi) number of pages; (vii) attachments or appendices; (viii) all persons to whom the Documents, Communications, or Things was distributed, shown, or explained, or who would otherwise have seen and/or been in possession of the Documents, Communications, or Things, or copies thereof; (ix) date of destruction; (x)

person(s) authorizing the destruction; and (xi) person(s) destroying the Documents, Communications, or Things.

20. Definitions or usages of words or phrases in these Interrogatories are not intended to be, and shall not be, construed as admissions as to the meaning of words or phrases at issue in This Action, and will not have a binding effect on the propounding part in This Action or any other proceeding.

21. None of the Interrogatories set forth below shall be construed as an admission relating to the existence of any evidence, to the relevance or admissibility of any evidence, or to the truth or accuracy of any statement or characterization in the Interrogatory.

* * *

Notwithstanding the foregoing, each of the following Interrogatories may have its own additional and specific requirements for identification.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify, specifically by including the model name and model number, every device or combination of devices designed, developed, made, used, sold, offered for sale, or imported in the United States by You, or by any Person, Entity, Affiliate, or Third Party at Your behest, since December 2018 that detects, measures, analyzes, tracks, determines, monitors, stores, displays, and/or otherwise provides a user information about a user's health, wellness, and/or Physiological Parameters.

INTERROGATORY NO. 2:

For each device You identified in response to Interrogatory No. 1, describe in a claim chart the complete and factual basis for Your contention, if any, that each element, limitation, or step of each Asserted Claim for each Asserted Patent is not found within each identified device, including

an identification of any element, limitation, or step for which You have no such contention. A complete response should include an identification of supporting documents, by production number, supporting or refuting Your response.

INTERROGATORY NO. 3:

For each device You identified in response to Interrogatory No. 1, identify every component in the device—*e.g.*, by component name, component model, manufacturer, etc.—that You contend contributes to the functionality of detecting, measuring, analyzing, tracking, determining, monitoring, storing, displaying, or otherwise providing a user information about a user's health, wellness, and/or Physiological Parameters. A complete response should include an identification of supporting documents, by production number, supporting or refuting Your response.

INTERROGATORY NO. 4:

For each Accused Wearable Device and any additional devices identified in response to Interrogatory No. 1, describe in full and complete detail, all of Your revenues, costs or costs of goods, and selling or administrative expenses incurred with respect to actual and projected sales thereof since December 2018, including at least the total number of units sold, gross revenue, net revenue, gross profit, cost of goods sold, selling and administrative expenses, transfer pricing, and contribution margin. A complete response should include dates and an explanation what is included in all such sales, revenues, costs or costs of goods, selling or administrative expenses, pricing, and margins with respect to quarterly accounting periods; a description of how sales and/or profits are recorded; and an identification of documents, by production number, supporting or refuting Your response.

Date: May 12, 2025

Respectfully submitted,

/s/ *Elizabeth M. Chiaviello*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served via electronic mail on March 12, 2025 to all opposing counsel of record.

/s/ Elizabeth M. Chiaviello
Elizabeth M. Chiaviello