

5. The term “Communication” shall include, without limitation, any conversation, meeting, visit, letter, correspondence, note, memorandum, cable, facsimile, telex, telephone call, electronic mail message, or other transmission of information or data in any form.

6. The terms “Documents” and “Things” shall have the broadest meanings ascribed to them by Federal Rule of Civil Procedure 34(a), and include Communications, documents, and things that are physical, tangible, electronically stored, or in any other reasonably accessible form.

7. The terms “Lawsuit” or “Action” refer to this lawsuit, styled as *Topsoe, Inc. v. Casale US, Inc., et al.*, Case No. 3:24-cv-00033 (S.D. Tex.).

8. The term “Complaint” refers to the operative complaint in this Action.

9. The term “’168 Patent” means U.S. Patent No. 11,286,168.

10. The term “Discovery Requests” means any Requests for Production, Interrogatories, Requests for Admission, and any other written forms of discovery propounded by Casale S.A.

11. The term “Named Inventors” means the inventors listed on the ’168 Patent, namely Mr. Francesco Baratto and Mr. Raffaele Ostuni.

12. The term “Prosecuting Attorney” means the attorney who prosecuted the ’168 Patent before the United States Patent and Trademark Office, namely Mr. Marcus Simon.

13. The term “Zardi Attorney” means the attorney who prosecuted EP 3,583,067, namely Mr. Marco Zardi.

14. The term “including” means “including without limitation.”

15. The term “person” means any natural person, corporation, partnership, proprietorship, firm, group, association, organization, business entity, government, governmental body, agency, any other kind of business or entity, and any agent of any of the foregoing.

16. The terms “and” and “or” shall be interpreted both conjunctively and disjunctively so as not to exclude any information otherwise within the scope of any discovery request.

17. The terms “relate,” “refer,” “reflect,” “concern,” or “pertain” mean discussing, evidencing, mentioning, memorializing, describing, constituting, analyzing, studying, reporting on, commenting on, recommending, concerning, reflecting, summarizing, referring to, pertaining to, supporting, refuting, and/or purporting to evidence, mention, memorialize, describe, constitute, contain, concern, reflect, summarize, refer to, support, refute, and/or in any way be relevant to, in whole or in part.

INSTRUCTIONS

1. The use of a singular form of any word includes the plural and vice versa.

2. These Requests are continuing in nature and You must supplement Your responses in a timely manner to the full extent required under Federal Rule of Civil Procedure 26(e).

3. These Requests are for Documents in Your possession, custody, or control, or in the possession, custody, or control of Your agents, servants, employees, present and

former attorneys, and any other person acting, purporting to act, or who has acted on Your behalf.

4. If any portion of a Document or Thing is responsive to a Request, the entire Document or Thing shall be produced, redacting only privileged material, if any.

5. If You decline to produce any Document or Thing or part thereof based on a claim of privilege or any other claim, identify the Document or Thing and describe the nature and basis of Your claim in a manner sufficient to (a) disclose the facts upon which You rely in asserting Your claim; (b) permit the grounds and reasons for withholding the Document or Thing to be identified unambiguously; and (c) permit the information withheld to be identified unambiguously.

6. If no Document or Thing are responsive to a particular Request, You are to state that no responsive Documents or Things exist.

7. In the event that You object to any Request on the ground that it is overbroad and/or unduly burdensome for any reason, respond to that Request as narrowed to the least extent necessary, in Your judgment, to render it not overbroad/unduly burdensome and state specifically the extent to which You have narrowed that Request for purposes of Your response and the factual basis for Your conclusion.

8. If, in responding to any of these Requests, You encounter any ambiguity in construing either the Request or a Definition or Instruction, please set forth the matter deemed ambiguous and the construction used in responding to the Request.

9. Electronically stored information should be produced in accordance with any ESI Order entered in this case.

10. Responsive Documents or Things should be produced in their original language and, if such original language is not English, these Requests also seek production of any English-language translations that may exist for such Documents or Things.

11. Documents or Things produced in response to these Requests should be produced as they are kept in the usual course of business or should be organized and labeled to correspond with the categories in the Requests. Documents or Things should be produced in electronic format. Unless otherwise specified in a Request, the deliverable format for Documents should contain load files, namely “.dat” files, with all metadata including OCR full text searching, “.opt,” and branded “PDF” images.

12. If a Request refers to a collectively defined term, but, in context, can refer only to certain individual entities encompassed by the collective term, respond for the individual entity or entities to which the Request applies.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: All Documents, Communications, and Things reviewed, considered, relied upon, or identified in responding to any of Casale S.A.’s Discovery Requests.

REQUEST FOR PRODUCTION NO. 2: All Documents concerning Communications with any non-party, including █████ concerning Casale S.A., the ’168 Patent, or this Action.

REQUEST FOR PRODUCTION NO. 3: All Documents, Communications, and Things relating to the '168 Patent.

REQUEST FOR PRODUCTION NO. 4: All Documents that refer or relate to your first knowledge of the '168 Patent.

REQUEST FOR PRODUCTION NO. 5: All Documents and things that refer or relate to Communications, whether to or from suppliers or customers or any other person, that relate to blue ammonia technology.

REQUEST FOR PRODUCTION NO. 6: All Documents and Things relating to the market for blue ammonia technology, including marketing and competitive analyses, market surveys, market share, and market forecasts.

REQUEST FOR PRODUCTION NO. 7: All Documents and Communications relating to any allegation by any person(s) that any claim(s) of the '168 Patent are invalid or unenforceable.

REQUEST FOR PRODUCTION NO. 8: All Documents and Things relating to any study, analysis, advice, communication, or opinion (whether oral or written) regarding the validity, patentability, enforcement, or enforceability of the '168 Patent.

REQUEST FOR PRODUCTION NO. 9: All Documents that refer or relate to competition by you with Casale S.A. related to the market for blue ammonia technology.

REQUEST FOR PRODUCTION NO. 10: All Documents produced by any person(s) on which Topsoe served a subpoena in this Litigation.

REQUEST FOR PRODUCTION NO. 11: All Communications related to any subpoena served by Topsoe in this Litigation.

REQUEST FOR PRODUCTION NO. 12: Documents sufficient to set forth Topsoe's organizational structure, including without limitation, the identification of those Person who are or were in a managerial position in regard to, respectively, the (i) design, (ii) development, (iii) production, (iv) sales, (v) distribution, (vi) advertising or promotion, (vii) pricing, (viii) assembly, (ix) training of other in the use, of any blue ammonia technology.

REQUEST FOR PRODUCTION NO. 13: All Documents and Communications that refer or relate to licenses or prospective licenses executed or negotiated (even if not consummated) or considered relating to any blue ammonia technology created, installed, repaired, or improved by Topsoe.

REQUEST FOR PRODUCTION NO. 14: All Documents and Communications that refer or relate to proposals and presentations made by Topsoe to third parties related to blue ammonia technology.

REQUEST FOR PRODUCTION NO. 15: All Documents supporting, refuting, or otherwise concerning Topsoe's allegations in Paragraph 5 of the Complaint that "in 2019 Casale filed for a U.S. patent application claiming to have 'invented' features of a low carbon ammonia process that had been used in Topsoe's own process for decades."

REQUEST FOR PRODUCTION NO. 16: All Documents supporting, refuting, or otherwise concerning Topsoe's allegations in Paragraph 17 of the Complaint that "Casale SA also purposefully directed its wrongful activities, including its false advertising and misleading statements, to at least one potential Topsoe customer to

dissuade that customer from installing Topsoe's ammonia technology at its facilities in Texas."

REQUEST FOR PRODUCTION NO. 17: All Documents supporting, refuting, or otherwise concerning Topsoe's allegation in Paragraph 12 of the Complaint that Casale US, Inc., is a "wholly owned subsidiary" of Casale S.A.

REQUEST FOR PRODUCTION NO. 18: All Documents supporting, refuting, or otherwise concerning Topsoe's allegations in Paragraph 31 of the Complaint that "Venue is proper in the Southern District of Texas pursuant to 28 U.S.C. §§ [sic] 1391" and "Venue is also proper in the Southern District of Texas pursuant to 28 U.S.C. § 1391(c)(3)."

REQUEST FOR PRODUCTION NO. 19: All Documents supporting, refuting, or otherwise concerning Topsoe's allegation in Paragraph 41 of the Complaint that "Materials from the [2009 FAI meeting] show that Casale attended the Topsoe presentation."

REQUEST FOR PRODUCTION NO. 20: All Documents supporting, refuting, or otherwise concerning Topsoe's allegation in Paragraph 138 of the Complaint that "2012 MEGAMMONIA® – the Mega-Ammonia Process: the Newest Trend in the ammonia Industry discloses a process in which CO₂ is removed from synthesis gas and split into two streams, one stream intended for synthesis of ammonia and one stream intended for use as fuel."

REQUEST FOR PRODUCTION NO. 21: All Documents supporting, refuting, or otherwise concerning Topsoe's allegation in Paragraph 46 of the Complaint that "As

part of Casale's work on the IFFCO ammonia units, it was given access to Topsoe's design for the ammonia units and learned . . . that Topsoe's design included splitting a synthesis gas stream into two streams of the same composition so one stream could be used as a fuel."

REQUEST FOR PRODUCTION NO. 22: Documents sufficient to identify the individuals enumerated under 37 CFR 1.56(c) related to the prosecution of the '168 Patent.

REQUEST FOR PRODUCTION NO. 23: Documents sufficient to identify each individual who was "substantively involved in the preparation or prosecution of the application" resulting in the '168 Patent "and who is associated with the inventor, the applicant, an assignee, or anyone to whom there is an obligation to assign the application." 37 CFR 1.56(c).

REQUEST FOR PRODUCTION NO. 24: All Documents supporting, refuting, or otherwise concerning Topsoe's allegation in Paragraph 144 of the Complaint that "Casale's failure to disclose the Topsoe prior art references and its own prior art disclosure during the initial prosecution of the '168 Patent was done knowingly and intentionally, with the intent to fraudulently obtain the '168 Patent by withholding material prior art references."

REQUEST FOR PRODUCTION NO. 25: All Documents supporting, refuting, or otherwise concerning the Named Inventors' alleged knowledge of the 2009 Fertilizer Association of India Annual Seminar presentation.

REQUEST FOR PRODUCTION NO. 26: All Documents supporting, refuting, or otherwise concerning the Prosecuting Attorney's and/or the Zardi Attorney's alleged knowledge of the 2009 Fertilizer Association of India Annual Seminar presentation.

REQUEST FOR PRODUCTION NO. 27: All Documents supporting, refuting, or otherwise concerning the Named Inventors' alleged knowledge of the 2009 FAI Paper.

REQUEST FOR PRODUCTION NO. 28: All Documents supporting, refuting, or otherwise concerning the Prosecuting Attorney's and/or the Zardi Attorney's alleged knowledge of the 2009 FAI Paper.

REQUEST FOR PRODUCTION NO. 29: All Documents supporting, refuting, or otherwise concerning the Named Inventors' alleged knowledge of Topsoe's technology installed in IFFCO's Aonla Fertilizer plant.

REQUEST FOR PRODUCTION NO. 30: All Documents supporting, refuting, or otherwise concerning the Prosecuting Attorney's and/or the Zardi Attorney's alleged knowledge of Topsoe's technology installed in IFFCO's Aonla Fertilizer plant.

REQUEST FOR PRODUCTION NO. 31: All Documents supporting, refuting, or otherwise concerning the Named Inventors' alleged knowledge of the article entitled "2012 MEGAMMONIA® – the Mega-Ammonia Process: the Newest Trend in the ammonia Industry."

REQUEST FOR PRODUCTION NO. 32: All Documents supporting, refuting, or otherwise concerning the Prosecuting Attorney's and/or the Zardi Attorney's alleged knowledge of the article entitled "2012 MEGAMMONIA® – the Mega-Ammonia Process: the Newest Trend in the ammonia Industry."

REQUEST FOR PRODUCTION NO. 33: All Documents supporting, refuting, or otherwise concerning Topsoe’s allegation in Paragraph 69 of the Complaint that “Casale began communicating with Topsoe customers about the Disputed Patents and Topsoe’s low carbon (blue) ammonia technology beginning in the Fall of 2022.”

REQUEST FOR PRODUCTION NO. 34: All Documents supporting, refuting, or otherwise concerning Topsoe’s allegation in Paragraph 79 of the Complaint that “Casale knew that its patent [the ’168 Patent] was invalid and unenforceable.”

REQUEST FOR PRODUCTION NO. 35: All Documents supporting, refuting, or otherwise concerning Topsoe’s allegation that Topsoe’s blue ammonia technology does not infringe the ’168 Patent, as alleged in Paragraph 154 of the Complaint, including documents sufficient to show the operation of Topsoe’s blue ammonia technology.

REQUEST FOR PRODUCTION NO. 36: All Documents constituting Casale S.A.’s “false and misleading representations to Topsoe’s customers regarding the validity and enforceability of the Disputed Patents and their alleged infringement” as alleged in Paragraph 169 of the Complaint.

REQUEST FOR PRODUCTION NO. 37: All Documents supporting, refuting, or otherwise concerning Topsoe’s allegation in Paragraph 169 of the Complaint that “As a result of Casale’s unfair competition, Topsoe has suffered monetary damages.”

Dated: May 3, 2024

Respectfully submitted,

/s/ Payton George

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**ATTORNEYS FOR DEFENDANTS
CASALE US, INC. AND CASALE S.A.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 3, 2024, a true and correct copy of the foregoing instrument was served on all counsel of record via electronic mail.

/s/ Payton George
Payton George