UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

MOSKOWITZ FAMILY LLC, Plaintiff, v. MEDTRONIC, INC., MEDTRONIC SOFAMOR DANEK, INC., MEDTRONIC SOFAMOR DANEK USA, INC., WARSAW ORTHOPEDIC, INC., and TITAN SPINE, INC., Defendants.	CASE NO. 25-cv-00769-PJS-DLM **JURY TRIAL DEMANDED**

PLAINTIFF'S RESPONSES TO DEFENDANTS'
FIRST SET OF INTERROGATORIES (NOS. 1-12)

Pursuant to Rules 26 and 33 of the Federal Rule of Civil Procedure, Plaintiff Moskowitz Family LLC ("Moskowitz"), serves its objections and responses to the First Set of Interrogatories (Nos. 1-12) served by Defendants Medtronic, Inc., Medtronic Sofamor Danek, Inc., Medtronic Sofamor Danek USA, Inc., Warsaw Orthopedic, Inc., and Titan Spine, Inc. (collectively, "Medtronic"). These responses are based on information presently available to Moskowitz. Moskowitz reserves the right to object to the admissibility of any information provided herein and to use or rely on information discovered later in this action.

GENERAL STATEMENT AND OBJECTIONS

1. These General Objections form a part of the response to each Interrogatory. Thus, the absence of a reference to a specific General Objection should not be construed as a waiver of any General Objections to a specific Interrogatory.

2. Moskowitz has not concluded its investigation of facts or the discovery of information and documents relating to these actions. Accordingly, Moskowitz's objections and responses are based on Moskowitz's current knowledge and reasonable beliefs. Moskowitz will modify, alter, amend, or supplement any of their objections and responses to these Interrogatories based on any subsequently obtained facts, information, or documents.

3. Nothing contained in these objections and responses is an admission by Moskowitz concerning the existence or nonexistence of any information or documents, and no objection is an admission regarding the relevance or admissibility of any information or documents or the truth or accuracy of any statement in any of Defendants' Interrogatories.

4. Moskowitz objects to each Interrogatory to the extent that it purports to require disclosure of (1) information subject to the attorney-client privilege; (2) information or documents prepared in anticipation of litigation or for trial, on the grounds that such information or documents are protected by the work product doctrine; and/or (3) information subject to other applicable privileges on the grounds that demand for such information is not the appropriate subject for discovery (hereinafter collectively "Privileged Information"). Any disclosure of such Privileged Information is inadvertent and shall not be deemed a waiver of any such privilege.

5. Moskowitz objects to each Interrogatory to the extent that it purports to require Moskowitz to provide information in violation of a legal or contractual obligation of nondisclosure to a third-party. Moskowitz will not provide such information without either the consent of the relevant third-party or a court order compelling production.

6. Moskowitz objects to each Interrogatory to the extent it seeks information relating to unconsummated licenses or settlement negotiations. Courts have repeatedly held that such ongoing or incomplete licensing or settlement discussions related to the asserted patents are not discoverable. *E.g.*, *Emerging Auto. LLC v. Toyota Motor Corp.*, No. 2:23-cv-00434-JRG, Dkt. No. 94 at 2 (E.D. Tex. Sept. 5, 2024) ("[O]ngoing or unconsummated settlement and licensing negotiations with the patents-in-suit are not discoverable.") (citing *Mondis Tech., Ltd. v. LG Elecs., Inc.*, 2011 WL 1714304, at *5 (E.D. Tex. May 4, 2011)); *Sol IP, LLC v. AT&T Mobility LLC*, 2020 WL 60140, at *3 (E.D. Tex. Jan. 6, 2020) (denying motion to compel responses regarding unconsummated licensing negotiations); *Daedalus Blue LLC v. Microsoft Corp.*, 2022 WL 3031076, at *1–2 (W.D. Tex. Aug. 1, 2022) (communications reflecting negotiations or drafts of unconsummated agreements are not discoverable absent good cause). Accordingly, Moskowitz will not provide any information relating to unconsummated licenses or settlement negotiations.

7. Moskowitz objects to each Interrogatory to the extent it seeks information concerning financing arrangements with third parties or fee agreements with counsel, as such materials are not relevant to any claim or defense in this action and are not otherwise discoverable. Courts have consistently held that such financing arrangements and related agreements, including any communications involving them, are not discoverable. *E.g.*, *Fleet Connect Sols. LLC v. Waste Connections US, Inc.*, No. 2:21-CV-00365-JRG, 2022 WL 2805132, at *2–3 (E.D. Tex. June 29, 2022); *Trustees of Purdue Univ. v. STMicroelectronics, Inc.*, No. 6:21-CV-00727-ADA, 2023 WL 11917023, at *3 (W.D. Tex. Jan. 18, 2023); *Fulton v. Foley*, No. 17-CV-8696, 2019 WL 6609298, at *2 (N.D. Ill.

Dec. 5, 2019) ("As a general matter, courts across the country that have addressed the issue have held that litigation funding information is generally irrelevant to proving the claims and defenses in a case."); *Odyssey Wireless, Inc. v. Samsung Elecs. Co., Ltd.*, No. 3:15-CV-01735-H-RBB, 2016 WL 7665898, at *5 (S.D. Cal. Sept. 20, 2016); *MLC Intellectual Prop., LLC v. Micron Tech., Inc.*, No. 14-cv-03657 SI, 2019 WL 118595, at *2 (N.D. Cal. Jan. 7, 2019); *V5 Techs. v. Switch, Ltd.*, 334 F.R.D. 306, 312 (D. Nev. 2019), *aff'd*, 2020 WL 1042515 (D. Nev. Mar. 3, 2020). Accordingly, Moskowitz will not provide any information relating to such financing arrangements or fee agreements with counsel.

8. Moskowitz objects to each Interrogatory to the extent it purports to impose obligations beyond those imposed by the Federal Rules of Civil Procedure, including without limitation, Fed. R. Civ. P. 26 and 33, the Local Rules for the District of Minnesota, the Court's scheduling order in this action, or applicable case law.

9. Moskowitz objects to each Interrogatory to the extent it purports to require Moskowitz to obtain information that is not within Moskowitz's possession, custody, or control. Any statement by Moskowitz that it will provide information or categories of information is not to be construed as a representation that such information exists or is in Moskowitz's possession, custody, or control.

10. Moskowitz objects generally to the definitions and instructions propounded by Defendants. By attempting to respond to the Interrogatories as Moskowitz reasonably understands them, Moskowitz in no way consents to the definitions and instructions set forth by Defendants. Nothing contained herein shall be construed as an admission or

acknowledgement by Moskowitz as to the accuracy or reasonableness of the definitions and instructions adopted by Defendants.

11. Moskowitz objects to Defendants' definitions of "Plaintiff," "You," "Your," and "Moskowitz" as overbroad, unduly burdensome, and otherwise improper in that they include entities that are not named as parties in this action and over which Moskowitz lacks control.

12. Moskowitz objects to Defendants' definitions of "Prior Art" as overbroad and unduly burdensome to the extent it encompasses documents, products, or activities beyond the scope of 35 U.S.C. §§ 102 and 103 and to the extent it calls for a legal conclusion.

13. Moskowitz objects to each Interrogatory to the extent it is overbroad, unduly burdensome, requires the production of information and/or documents that is not relevant to any party's claim or defense or is not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.

14. Moskowitz objects to each Interrogatory to the extent it is not limited to a reasonable and relevant time period.

15. Moskowitz objects to each purported single Interrogatory to the extent it contains discrete subparts or additional questions that should be treated as distinct Interrogatories.

16. Moskowitz objects to each Interrogatory to the extent that it seeks discovery of material within the scope of Fed. R. Civ. P. 26(b)(4)(A), and therefore constitutes an improper and premature attempt to reveal facts known and opinions held by experts.

17. Moskowitz objects to each Interrogatory to the extent that it seeks information that originated from Defendants, is already in Defendants' possession, custody, or control, is a matter of public record, or is otherwise equally available to Defendants because such information is obtainable from a more convenient, less burdensome, or less expensive source.

18. Moskowitz objects to each Interrogatory to the extent that it uses terms that are undefined or that are subject to more than one reasonable interpretation.

19. Moskowitz's responses to Defendants' Interrogatories are based on Moskowitz's understanding and interpretation of each Interrogatory. If Defendants subsequently assert any interpretation of any Interrogatory that differs from Moskowitz's interpretation, Moskowitz reserves the right to supplement its objections and responses.

The General Objections set forth above, and the objections to specific Interrogatories set forth below, are made as to the matters that are objectionable from the face of the Interrogatory. These objections are made without prejudice to or waiver of Moskowitz's right to further object on additional appropriate grounds. Moskowitz incorporates these General Objections into each and every response to Defendants' specific Interrogatories.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1

For each asserted claim of the Patents-in-Suit, provide the earliest priority date that You contend applies, stating in detail the facts that You contend support each asserted claim's entitlement to that priority date, including the dates, locations, and circumstances of conception and actual reduction to practice (and, if applicable, constructive reduction to practice), as well as any alleged diligence between the asserted conception and reduction to practice dates, including the dates and nature of each event, the identity of Persons involved as participants or witnesses and how they were involved, and the identity of all Documents and Persons that can support or refute the circumstances described in Your response.

RESPONSE TO INTERROGATORY NO. 1

Moskowitz incorporates by reference its General Objections as though fully set forth herein. Moskowitz further objects to this Interrogatory as vague, ambiguous, and overbroad, particularly with respect to the phrases "earliest priority date that You contend applies," "facts that You contend support each asserted claim's entitlement to that priority date," "circumstances of conception and actual reduction to practice," "alleged diligence between the asserted conception and reduction to practice dates," "nature of each event," and "Persons involved as participants or witnesses," as these phrases are undefined, unbounded in scope, and/or susceptible to multiple reasonable interpretations. Moskowitz also objects to this Interrogatory as unduly burdensome and not proportional to the needs of the case under Fed. R. Civ. P. 26(b)(1), particularly because it seeks the identification and description of "all Documents and Persons that can support or refute the circumstances described in Your response" regardless of their relevance, time frame, or materiality.

Moskowitz also objects to the Interrogatory because it seeks information that is not relevant to any claim or defense, as Medtronic has not made any specific priority-related

challenge. Moskowitz also objects to this Interrogatory to the extent it exceeds the requirements under this Court's Rules and Orders.

Moskowitz further objects to this Interrogatory to the extent it calls for legal conclusions, including determinations about what constitutes conception and actual and constructive reduction to practice. Moskowitz further objects to this Interrogatory as premature to the extent it seeks expert opinion or analysis, Moskowitz's claim construction positions, and/or Moskowitz's rebuttal invalidity contentions before the service of Medtronic's invalidity expert report.

Moskowitz further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work-product doctrine, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, and to the extent this Interrogatory is understood, Moskowitz identifies the following documents from which information sought by this Interrogatory can be derived:

MOSKOWITZ-00009296–00009329	MOSKOWITZ-00009364–00009388
MOSKOWITZ-00009392–00009402	MOSKOWITZ-00009404–00009423
MOSKOWITZ-00062681–00069368	MOSKOWITZ-00069369–00083348

Moreover, for each Asserted Patent that claims priority to an earlier application, the table below identifies the priority applications and corresponding filing dates to which each asserted claim is presently alleged to be entitled, at a minimum, based on the information currently available.

Asserted Patent	Asserted Claims	Priority Date	Application
’293 Patent	Claims 1, 6, 7, 8, 9, 10, 13, 14, 17, 18, 19, 26, 27, 28, 29, 30, 39, 43, 44, 46, and 47	August 21, 2007	11/842,855 (which incorporates by reference 11/536,815; 11/208,644; 60/670,231); *see also* 13/108,982.
’674 Patent	Claims 34, 35, 36, 37, 39, 41, 42, 43, 44, and 46	August 21, 2007	11/842,855 (which incorporates by reference 11/536,815; 11/208,644; 60/670,231); *see also* 13/084,543; 13/741,361.
’284 Patent	Claims 1, 2, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, and 20	October 25, 2012	61/718,707 (which incorporates by reference 13/084,543; 11/842,855; 13/108,982; 11/842,855; 11/536,815; 11/208,644; 60/670,231); *see also* 13/210,150; 13/210,157; 13/210,162; 13/210,168; 13/741,361 61/801,783; 15/820,232; 14/063,197.
’738 Patent	Claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 22, 24, 25, 28, 30, 31, 32, and 33	May 22, 2009	12/471,340 (which incorporates by reference 12/054,335; 11/842,855; 11/536,815; 11/208,644; 60/670,231); *see also*

Asserted Patent	Asserted Claims	Priority Date	Application
			15/490,107; 14/257,650; 12/471,340; 12/054,335.
’505 Patent	Claims 1, 2, 4, 5, 6, 7, 8, 9, 14, 15, 16, 17, 19, and 20	March 24, 2008	12/054,335 (which incorporates by reference 11/208,644; 11/536,815; 11/842,855; 60/670,231); *see also* 15/678,401; 13/401,829; 13/103,994; 13/084,543; 61/451,582; 61/451,579; 61/445,034.
’633 Patent	Claims 1, 2, 4, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, and 20	October 25, 2012	61/718,707 (which incorporates by reference 13/084,543; 11/842,855; 13/108,982; 11/842,855; 11/536,815; 11/208,644; 60/670,231); *see also* 13/741,361; 13/210,150; 13/210,157; 13/210,162; 13/210,168 16/025,667; 15/820,232; 14/063,197; 13/210,150; 61/801,783.

Asserted Patent	Asserted Claims	Priority Date	Application
’183 Patent	Claims 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, and 20	May 22, 2009	12/471,340 (which incorporates by reference 12/054,335; 11/842,855; 11/536,815; 11/208,644; 60/670,231); *see also* 16/100,410; 15/490,107; 14/257,650.
’797 Patent	Claims 16 and 19	October 25, 2012	61/718,707 (which incorporates by reference 13/084,543; 11/842,855; 13/108,982; 11/842,855; 11/536,815; 11/208,644; 60/670,231); *see also* 16/587,993; 16/025,667; 15/820,232; 14/063,197; 13/210,150; 13/210,157; 13/210,162; 13/210,168; 13/741,361; 61/801,783; 61/718,707.
’136 Patent	Claims 9, 10, 11, 12, 14, 16, 17, 18, and 20	August 21, 2007	11/842,855 (which incorporates by reference 11/536,815; 11/208,644; 60/670,231); *see also* 13/084,543; 13/108,982; 13/210,157;

Asserted Patent	Asserted Claims	Priority Date	Application
			15/894,471; 15/944,117; 16/744,755.
’755 Patent	Claims 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 17, 18, 19, and 20	April 12, 2005	60/670,231; *see also* 17/208,640; 16/362,152; 15/934,622; 13/093,812; 12/347,990; 11/208,644.
’367 Patent	Claims 8, 9, 13, 17, 18, 19, 20, and 21	October 25, 2012	61/718,707 (which incorporates by reference 13/084,543; 11/842,855; 13/108,982; 11/842,855; 11/536,815; 11/208,644; 60/670,231); *see also* 17/408,068; 16/587,993; 16/025,667; 15/820,232; 14/063,197; 13/741,361; 13/210,150; 13/210,157; 13/210,168; 13/210,162; 61/801,783; 61/718,707.

The above-listed priority applications are based on information reasonably available to Moskowitz at this time. Moskowitz states that its investigation and analysis regarding its conception, reduction to practice, and priority claims are ongoing; accordingly,

Moskowitz reserves the right to supplement or amend this response as discovery proceeds and additional information becomes available. Moskowitz also reserves the right to supplement or amend this response based on information developed during this litigation, including through discovery or additional factual investigation. Moskowitz further reserves the right to amend or supplement its response based on the Court's claim construction, as well as any interpretations of the claim language advanced by Medtronic in its contentions concerning infringement or validity of the Asserted Patents. To the extent applicable, Moskowitz incorporates by reference its forthcoming expert reports.

INTERROGATORY NO. 2

For each named inventor on any of the Patents-In-Suit, Identify and describe in detail their specific contributions to the conception and/or reduction to practice of the claimed subject matter for each of the asserted claims of the Patents-in-Suit, including, without limitation, (a) the nature and scope of their contribution; (b) the date of their contribution; (c) the circumstances under which their contribution was made; and (d) all Documents or Communications that refer or relate to such contribution.

RESPONSE TO INTERROGATORY NO. 2

Moskowitz incorporates by reference its General Objections as though fully set forth herein. Moskowitz further objects to this Interrogatory as vague, ambiguous, and overbroad, particularly with respect to the phrases "specific contributions to the conception and/or reduction to practice," "claimed subject matter," "nature and scope of their contribution," and "circumstances under which their contribution was made," as these phrases are undefined, unbounded in scope, and/or susceptible to multiple reasonable interpretations. Moskowitz also objects to this Interrogatory as unduly burdensome and not proportional to the needs of the case under Fed. R. Civ. P. 26(b)(1), particularly

because it seeks detailed disclosures regarding individual inventor contributions, as well as "all Documents or Communications that refer or relate to such contribution," regardless of their relevance, time frame, or materiality.

Moskowitz objects to this Interrogatory to the extent it purports to require Moskowitz to obtain or produce information that is not within its possession, custody, or control, including information known only to persons not affiliated with Moskowitz and who are not parties to this action. Moskowitz further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work-product doctrine, and/or any other applicable privilege or immunity. Moskowitz further objects to this Interrogatory to the extent it calls for legal conclusions, including determinations about what constitutes conception and reduction to practice. Moskowitz further objects to this Interrogatory to the extent it calls for expert opinion and/or analysis, or seeks Moskowitz's claim construction positions, which are subject to separate disclosures under the Court's scheduling order.

Subject to and without waiving its General and Specific Objections, and to the extent this Interrogatory is understood, Moskowitz responds as follows:

Moskowitz's response to Interrogatory No. 1 includes information responsive to this Interrogatory; thus, Moskowitz incorporates that response by reference (including any supplements) here in its entirety. Moskowitz also identifies the following documents from which information sought by this Interrogatory can be derived:

MOSKOWITZ-00009296–00009329	MOSKOWITZ-00009364–00009388
MOSKOWITZ-00009392–00009402	MOSKOWITZ-00009404–00009423
MOSKOWITZ-00062681–00069368	MOSKOWITZ-00069369–00083348

Moskowitz reserves the right to supplement or amend this response as discovery proceeds and additional information becomes available

INTERROGATORY NO. 3

Identify all Prior Art to the Patents-in-Suit known to Moskowitz including author, title, date of publication, publication source (e.g., journal name, book name) for each Prior Art reference identified and, if applicable, manufacturer, date of sale and/or offer for sale, model name and model number for all Prior Art devices.

RESPONSE TO INTERROGATORY NO. 3

Moskowitz incorporates by reference its General Objections as though fully set forth herein. Moskowitz further objects to this Interrogatory as vague, ambiguous, and overbroad, including with respect to the phrases "all Prior Art," "known to Moskowitz," "Prior Art reference," and "Prior Art devices," as these phrases are undefined, unbounded in scope, and/or susceptible to multiple reasonable interpretations. Moskowitz further objects to this Interrogatory as unduly burdensome and not proportional to the needs of the case under Fed. R. Civ. P. 26(b)(1), including because it seeks all purported Prior Art without regard to relevance, materiality, time period, or whether such information remains accessible. Moskowitz further objects to this Interrogatory to the extent it seeks information not within Moskowitz's possession, custody, or control, including information about prior art references or devices known by persons not affiliated with Moskowitz. Moskowitz further objects to this Interrogatory to the extent it seeks information protected by the attorney-client

privilege, work-product doctrine, common interest doctrine, and/or any other applicable privilege or immunity. Moskowitz further objects to this Interrogatory to the extent it calls for legal conclusions, including whether any particular reference or device qualifies as "Prior Art." Moskowitz further objects to this Interrogatory to the extent it calls for expert opinion and/or analysis or premature disclosure of claim construction or validity positions, which are subject to disclosure pursuant to the Court's scheduling order.

Subject to and without waiving its General or Specific Objections, and to the extent this Interrogatory is understood, Moskowitz responds as follows:

Moskowitz identifies documents bearing Bates Nos. MOSKOWITZ-00062681–MOSKOWITZ-00069368, which contain or reference materials that have been identified by the U.S. Patent and Trademark Office, third parties, or Moskowitz as prior art or potentially relevant to the patentability of the inventions claimed in the Asserted Patents. Moskowitz also identifies the references cited in the following PTAB proceedings: IPR2026-00162, IPR2026-00163, IPR2026-00124, IPR2026-00121, and IPR2026-01598 (which are publicly available). Moskowitz also identifies the references cited in Defendants' forthcoming Invalidity Contentions. Moskowitz makes no representation or concession that any such documents or systems constitute prior art under the patent laws or that they are material to the validity of any claim of the Asserted Patents.

Moskowitz reserves the right to supplement or amend this response as discovery proceeds and additional information becomes available.

INTERROGATORY NO. 4

Identify each product—excluding products made, used, sold, offered for sale or imported into the United States by Medtronic—that Plaintiff or anyone else, including any Predecessor in Interest, has ever suggested, contended, or reported practiced any claim of the Patents-in-Suit or was an embodiment of the subject matter claimed in any of the Patents-in-Suit and Identify any documents reflecting any such suggestion, contention or report. In the event that You contend that any product of Plaintiff, a Predecessor in Interest, or any licensee of the Patents-in-Suit does not practice or embody any subject matter claimed in any of the Patents-in-Suit, a complete response to this interrogatory will so state such contention.

RESPONSE TO INTERROGATORY NO. 4

Moskowitz incorporates by reference its General Objections as though fully set forth herein. Moskowitz further objects to this Interrogatory as vague, ambiguous, and overbroad, including with respect to the phrases "Predecessor in Interest," "suggested, contended, or reported practiced any claim of the Patents-in-Suit," "suggested, contended, or reported … was an embodiment of the subject matter claimed in any of the Patents-in-Suit," "reflecting any such suggestion, contention or report," and "product of Plaintiff, a Predecessor in Interest, or any licensee of the Patents-in-Suit," as these phrases are undefined, unbounded in scope, and/or susceptible to multiple reasonable interpretations. Moskowitz also objects to this Interrogatory as unduly burdensome and not proportional to the needs of the case under Fed. R. Civ. P. 26(b)(1), particularly because it seeks the identification of "each product … Plaintiff or anyone else … has ever suggested, contended, or reported practiced any claim of the Patents-in-Suit or was an embodiment of the subject matter claimed in any of the Patents-in-Suit," as well as identification of products that do "not practice or embody any subject matter claimed in any of the Patents-in-Suit," without regard to materiality, relevance, or time period.

Moskowitz objects to this Interrogatory to the extent it purports to require

Moskowitz to obtain information not within Moskowitz's possession, custody, or control, including information on products that practice or embody the claims of the Asserted Patents. Moskowitz further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work-product doctrine, and/or any other applicable privilege or immunity. Moskowitz further objects to this Interrogatory to the extent it calls for legal conclusions, including whether specific products embody and/or practice the claims of the Asserted Patents. Moskowitz further objects to this Interrogatory to the extent it calls for expert opinion or analysis or seeks Moskowitz's claim construction positions.

Subject to and without waiving its General and Specific Objections, and to the extent this Interrogatory is understood, Moskowitz responds as follows:

Moskowitz refers Medtronic to Moskowitz's actions against Globus (Nos. 2:20-cv-03271; 6:19-cv-00672), Zimvie (No. 1:22-cv-01632), and NuVasive (No. 1:25-cv-00711), which are publicly available and include infringement claim charts as attachments. The complaints and attached claim charts in those matters identify products that practice or embody claims of Moskowitz's patents. Moskowitz also states that, following a reasonable investigation, it is not presently aware of any other responsive, non-privileged or non-work-product-protected information responsive to this Interrogatory.

Moskowitz reserves the right to supplement or amend this response as discovery proceeds and additional information becomes available.

INTERROGATORY NO. 5

Separately for Each Patent-in-Suit, describe in detail the dates and circumstances of Your first knowledge that Medtronic purportedly was selling in the United States a product that You believe infringes the patent, including but not limited to when and how such knowledge was obtained, what actions were taken by or on behalf of Plaintiff after gaining such knowledge, and any Communications Plaintiff had with Medtronic or any other Person concerning such knowledge, including, without limitation, Communications alleged in Paragraphs 40 to 53 of the Amended Complaint.

RESPONSE TO INTERROGATORY NO. 5

Moskowitz incorporates by reference its General Objections as though fully set forth herein. Moskowitz further objects to this Interrogatory as vague, ambiguous, and overbroad, particularly with respect to the phrases "circumstances of Your first knowledge," "purportedly was selling," "product that You believe infringes," and "actions were taken by or on behalf of Plaintiff," as these phrases are undefined, unbounded in scope, and/or susceptible to multiple reasonable interpretations. Moskowitz also objects to this Interrogatory as unduly burdensome and not proportional to the needs of the case under Fed. R. Civ. P. 26(b)(1), particularly because it seeks detailed information relating to Plaintiff's beliefs and circumstances surrounding such beliefs regardless of their relevance, time frame, or materiality.

Moskowitz objects to this Interrogatory to the extent it purports to require Moskowitz to obtain information not within Moskowitz's possession, custody, or control. Moskowitz further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work-product doctrine, and/or any other applicable privilege or immunity. Moskowitz further objects to this Interrogatory to the extent it calls for legal conclusions, including any determination as to what constitutes infringement

and/or a belief of infringement. Moskowitz further objects to this Interrogatory to the extent it calls for expert opinion or analysis or seeks Moskowitz's claim construction positions.

Subject to and without waiving its General and Specific Objections, to the extent this Interrogatory is understood, Moskowitz responds as follows:

Moskowitz states that its counsel, Avantech Law, LLP, began reviewing, inspecting, evaluating, and analyzing publicly available information regarding Medtronic's Accused Products in late 2024. Moskowitz also refers to the allegations and exhibits in its Amended Complaint, which include Medtronic's notice of Dr. Moskowitz's patent portfolio, as well as Moskowitz's infringement allegations and accompanying claim charts concerning the Asserted Patents. Moskowitz also refers to its Infringement Contentions (and any amendments or supplements), which are incorporated here by reference. Moskowitz states that, following a reasonable investigation, it is not presently aware of any other responsive, non-privileged or non-work-product-protected information responsive to this Interrogatory.

Moskowitz reserves the right to supplement or amend this response as discovery proceeds and additional information becomes available.

INTERROGATORY NO. 6

For each of the Patents-in-Suit, state principal and material facts on which Moskowitz relies regarding its assertion that the alleged Infringement by Medtronic is willful.

RESPONSE TO INTERROGATORY NO. 6

Moskowitz incorporates by reference its General Objections as though fully set forth herein. Moskowitz further objects to this Interrogatory as vague, ambiguous, and overbroad, particularly with respect to the phrases "principal and material facts," "on which Moskowitz relies," and "assertion that the alleged infringement … is willful," as these phrases are undefined, unbounded in scope, and/or susceptible to multiple reasonable interpretations. Moskowitz objects to this Interrogatory as unduly burdensome and not proportional to the needs of the case under Fed. R. Civ. P. 26(b)(1), particularly because it seeks detailed disclosure of Moskowitz's willfulness allegations before the completion of fact discovery.

Moskowitz further objects to this Interrogatory because it calls for legal conclusions. Moskowitz further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work-product doctrine, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, and to the extent this Interrogatory is understood, Moskowitz responds as follows:

Medtronic has willfully infringed, and continues to willfully infringe, the asserted claims of the Asserted Patents. The basis for Moskowitz's willfulness allegations includes, among other things, the facts, allegations, and evidence set forth in its Amended Complaint

and accompanying exhibits, all of which are incorporated here by reference. As detailed in the Amended Complaint, Medtronic has engaged in direct and indirect infringement of the Asserted Patents with knowledge of Dr. Moskowitz's patented technology and of its infringing conduct. In addition, or in the alternative, Medtronic acted with willful blindness to Moskowitz's patent rights by deliberately avoiding confirmation of infringement despite receiving notice of Dr. Moskowitz's patent portfolio and having access to the technical disclosures of the Asserted Patents and their predecessors, and by continuing to develop and market the Accused Products without taking reasonable steps to investigate or avoid infringement. This deliberate disregard further supports Moskowitz's claim that Medtronic's infringement has been and remains willful.

Moskowitz's Infringement Contentions and accompanying claim charts further describe Medtronic's infringing conduct and provide additional support for Moskowitz's willfulness allegations. Accordingly, Moskowitz incorporates here its Infringement Contentions and claim charts, together with any amendments or supplements, in their entirety.

Moskowitz reserves the right to supplement or amend this response as discovery proceeds and additional information becomes available.

INTERROGATORY NO. 7

Identify each instance in which Medtronic cited patents or published applications from the Moskowitz patent families in Information Disclosure Statements submitted to the U.S. Patent and Trademark Office between 2015 and 2024, as alleged in Paragraph 59 of the Amended Complaint, including for each such instance: (a) the specific Moskowitz patent or published application cited; (b) the Medtronic patent application in which the citation occurred (including application number and filing date); and (c) the date of submission of the Information Disclosure Statement.

RESPONSE TO INTERROGATORY NO. 7

Moskowitz incorporates by reference its General Objections as though fully set forth herein. Moskowitz further objects to this Interrogatory as vague, ambiguous, and overbroad, including with respect to the phrases "each instance" and "patent families," as these phrases are undefined, unbounded in scope, and/or susceptible to multiple reasonable interpretations. Moskowitz further objects to this Interrogatory as unduly burdensome and not proportional to the needs of the case under Fed. R. Civ. P. 26(b)(1), including because it seeks information on Medtronic's own USPTO submissions, which are known to Medtronic and publicly available. Moskowitz further objects to this Interrogatory to the extent it calls for legal conclusions.

Moskowitz further objects to this Interrogatory because it calls for legal conclusions. Moskowitz further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work-product doctrine, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, and to the extent this Interrogatory is understood, Moskowitz responds as follows:

Medtronic encountered Moskowitz's patents and/or published patent applications—including Asserted Patents, published applications that issued as Asserted Patents, and/or family members of Asserted Patents—during the prosecution of at least the following Medtronic patents and/or patent applications:

US12485019B2	US11564724B2	US9364341B2
US12440349B2	US11517443B2	US9283089B2
US12414863B2	US11517363B2	US9095444B2
US12324753B2	US11395743B1	US8795368B2
US12318308B2	US11376134B1	US8740980B2
US12310855B2	US11344429B2	US8657882B2
US12295865B2	US11311312B2	US8080062B2
US12268614B2	US11291554B1	US7981157B2
US12239544B2	US11285014B1	US7914581B2
US12171439B2	US11273046B2	US7879096B2
US12121453B2	US11020239B2	US7758648B2
US11963881B2	US10863976B2	US7708779B2
US11850163B2	US10856997B2	USD957639S1
US11833059B2	US10660685B2	USD955579S1
US11806250B2	US10226353B2	USD948048S1
US11730608B2	US9937053B2	US20170095240A9
US11638653B2	US9918848B2	US20110106157A1
US11612499B2	US9895235B2	US20100137916A1

US20080177333A1 WO2024241245A1 WO2015054066A1

The prosecution histories of these Medtronic patents and applications, including Information Disclosure Statements, are publicly available.

Medtronic has access to both public and non-public patent prosecution materials associated with its own patent prosecution activities. Accordingly, the complete identification of Medtronic patents and/or patent applications that reference Moskowitz's patents and/or patent applications is known to Medtronic and within Medtronic's possession, custody, or control.

Moskowitz reserves the right to supplement or amend this response as discovery proceeds and additional information becomes available.

INTERROGATORY NO. 8

Describe in detail the method used to calculate any damages Moskowitz claims as a result of the alleged infringement under 35 U.S.C. §§ 284 and 285, including, without limitation, principal and material facts, contentions, circumstances, documents, and things that Moskowitz alleges support: any royalty rate(s) that constitute a reasonable royalty, an appropriate royalty base for the application of a reasonable royalty, an award of attorneys' fees, and a permanent injunction.

RESPONSE TO INTERROGATORY NO. 8

Moskowitz incorporates by reference its General Objections as though fully set forth herein. Moskowitz further objects to this Interrogatory as vague, ambiguous, and overbroad, including with respect to the phrases "method used to calculate any damages," "principal and material facts, contentions, circumstances, documents, and things " "any royalty rate(s) that constitute a reasonable royalty," and "an appropriate royalty base for the application of a reasonable royalty," as these phrases are undefined, unbounded in scope, and/or susceptible

to multiple reasonable interpretations. Moskowitz further objects to this Interrogatory as overbroad, unduly burdensome, and not proportional to the needs of the case under FRCP 26(b)(1), including to the extent it seeks "principal and material facts, contentions, circumstances, documents, and things that Moskowitz alleges support" its damages contentions without limitation as to scope, time period, or relevance.

Moskowitz further objects to this Interrogatory as premature, as discovery is ongoing and Medtronic has not yet produced sufficient documents or information necessary to allow Moskowitz to fully assess the scope and extent of Medtronic's infringing activity, revenues, costs, comparable agreements, and/or other financial details relevant to a damages calculation. Moskowitz further objects to this Interrogatory to the extent it seeks expert analysis, opinion, or testimony, which are subject to disclosure at the time identified by the Court's schedule. The computation of damages, including the methodologies to be applied, apportionment of value, and royalty rates, will be addressed in expert reports.

Moskowitz also objects to this Interrogatory to the extent it calls for legal conclusions, including any implication of admission regarding the legal sufficiency of Moskowitz's damages theory or the admissibility of supporting evidence. Moskowitz further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work-product doctrine, and/or any other applicable privilege or immunity. Moskowitz also objects to this Interrogatory to the extent it implicates confidentiality obligations that Moskowitz owes to third parties.

Subject to and without waiving its General and Specific Objections, and to the extent this Interrogatory is understood, Moskowitz responds as follows:

Moskowitz is entitled to damages in the form of a reasonable royalty adequate to compensate Moskowitz for Medtronic's infringement of the Asserted Patents. Moskowitz also seeks pre-and post-judgment interest and costs as fixed by the Court, and an accounting of damages resulting from infringement not presented at trial. Moskowitz may also seek enhanced damages for willful infringement and attorney fees under 35 U.S.C. §§ 284 and 285.

The royalty owed to Moskowitz by Medtronic may be calculated based on a variety of financial metrics, including Medtronic's revenue, profits, cost savings, or other monetary and non-monetary benefits derived from the infringement by the Accused Products. The calculation of damages will consider the applicable damages period for each Accused Instrumentality and each Asserted Patent. The royalty may be expressed as a percentage of sales, a fixed per-unit amount, or another appropriate economic construct consistent with the circumstances of the hypothetical negotiation between the parties.

Moskowitz will apportion the royalty base and/or royalty rate to isolate the value of the patented inventions, distinguishing them from unpatented features of the Accused Products. This apportionment may be accomplished by adjusting the royalty base, the royalty rate, or both. In addition, the damages analysis will also consider any alleged noninfringing alternatives, including their existence, availability, cost and ability to be implemented, and commercial viability, such as the impact of such alternatives on product performance or commercial appeal.

Moskowitz's damages will include consideration of the *Georgia-Pacific* factors, which are incorporated here by reference, and related evidence. This may include, but is not

limited to: (1) the value and advantages of the patented inventions, including specific features that drive demand for the Accused Products or create cost efficiencies for Medtronic, and how these advantages map to claim elements of the Asserted Patents; (2) the extent and nature of Medtronic's use of the patented inventions, as well as their use by Medtronic's customers and/or end users; (3) the role of the patented inventions in supporting or promoting Medtronic's broader product offerings or generating revenue, such as through additional features that enhance brand perception, value, or that enables additional revenue; (4) the commercial relationship between the parties, including whether Medtronic's use of the patented technology affects either party's competitive position or market opportunities; and (5) any comparable license agreements, including those that reflect market-based royalties for similar technology under similar economic circumstances.

This analysis will further involve the hypothetical negotiation framework contemplated under *Georgia-Pacific*. At the appropriate time, and after Moskowitz has been provided sufficient information, the determination of the hypothetical negotiation date(s) will be made with the assistance of expert analysis and will consider several relevant factors, including, but not limited to, the date of first infringement by Medtronic for each Asserted Patent, including when the Accused Products for each patent were first used, sold, implemented, or otherwise practiced by Medtronic and the issuance date of each Asserted Patent.

Moskowitz refers to the face of each Asserted Patent for its respective issuance date, which have been produced multiple times, including as exhibits to the Amended Complaint. In addition, while each Asserted Patent may have a distinct issuance date and potentially

different infringement timelines, this does not preclude the application of a single hypothetical negotiation date to multiple or all Asserted Patents. Many of the Asserted Patents are related by priority, claim similar or overlapping subject matter, or are directed to the same or closely related technological features. As such, depending on the economic, technical, and factual context developed during discovery, and subject to expert analysis, the appropriate hypothetical negotiation date may be shared across multiple Asserted Patents, or determined based on a common event or feature release, even where the patents themselves issued at different times. Moskowitz and Medtronic would be present at the hypothetical negotiation; however, Moskowitz reserves the right to include other third parties in the hypothetical negotiation.

The negotiation would have been informed by economic considerations, licensing practices, market demand, availability of alternatives, and the technical and commercial value of the patented inventions. Moskowitz may also rely on additional or alternative damages theories, including the use of value-based approaches or other economic benefits derived from the patented inventions.

Moskowitz will rely on expert testimony and analysis to quantify damages owed to Moskowitz with specificity, which may include specific methodologies, data sources, apportionment techniques, and comparable benchmarks. Expert reports related to damages will be disclosed according to the case schedule. This response is preliminary, reflects Moskowitz's current understanding of the available facts, and is subject to change as discovery progresses.

Because Medtronic has not yet provided sufficient documents and information to assess and develop a complete damages analysis, Moskowitz reserves all rights to amend, retract, or supplement this response as discovery proceeds and through the conclusion of expert discovery, or as otherwise permitted by the Court.

INTERROGATORY NO. 9

Identify each instance, including but not limited to Identifying the third party involved, where Moskowitz or any of its Predecessors in Interest attempted to negotiate entering into, or did successfully enter into, an agreement Related To any of the Patents-in-Suit, including but not limited to any and all assignments, licenses, settlements, covenants or any other agreement, and describe in detail the circumstances of each, including the dates, parties, products covered, any offers made or received, payments, and agreed royalties (if any), Identify each Person who participated in these discussions and Identify all Documents Relating To or reflecting these discussions and agreements.

RESPONSE TO INTERROGATORY NO. 9

Moskowitz incorporates by reference its General Objections as though fully set forth herein. Moskowitz further objects to this Interrogatory as vague, ambiguous, and overbroad, including with respect to the phrases "each instance," "Predecessors in Interest," "attempted to negotiate entering into, or did successfully enter into, an agreement," "Related To any of the Patents-in-Suit," "any other agreement," and "Documents Relating To or reflecting these discussions and agreements," as these phrases are undefined, unbounded in scope, and/or susceptible to multiple reasonable interpretations. Moskowitz further objects that this Interrogatory is unduly burdensome and not proportional to the needs of the case under Fed. R. Civ. P. 26(b)(1), including because it seeks detailed disclosures regarding every instance in which Moskowitz attempted to negotiate an agreement regardless of relevance, time frame, or materiality.

Moskowitz objects to this Interrogatory to the extent it seeks information relating to unconsummated licenses or settlement negotiations. Courts have repeatedly held that such ongoing or incomplete licensing or settlement discussions related to the asserted patents are not discoverable. Accordingly, Moskowitz will not provide any information relating to unconsummated licenses or settlement negotiations.

Moskowitz also objects to this Interrogatory to the extent it seeks information concerning financing arrangements with third parties or fee agreements with counsel, as such materials are not relevant to any claim or defense in this action and are not otherwise discoverable. Courts have consistently held that such financing arrangements and related agreements, including any communications involving them, are not discoverable. Accordingly, Moskowitz will not provide any information relating to such financing arrangements or fee agreements with counsel.

Moskowitz also objects to this Interrogatory to the extent it calls for legal conclusions. Moskowitz further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work-product doctrine, and/or any other applicable privilege or immunity. Moskowitz also objects to this Interrogatory to the extent it implicates confidentiality obligations that Moskowitz owes to third parties.

Subject to and without waiving its General and Specific Objections, and to the extent this Interrogatory is understood, Moskowitz responds as follows:

Moskowitz identifies documents labeled MOSKOWITZ-00009547–MOSKOWITZ-00009569, from which information sought by this Interrogatory can be derived. Moskowitz

also refers to the allegations in its Amended Complaint and accompanying exhibits, all of which are incorporated here by reference (including any amendments or supplements).

Moskowitz bases its response on the information currently available and reserves the right to supplement or amend this response as discovery proceeds and additional information becomes available.

INTERROGATORY NO. 10

For each of the Patents-in-Suit, describe in detail all valuations, appraisals, assessments or assignments of any value (whether monetary or otherwise) or analyses performed by any Person, whether or not by or for You, Relating To any value, strength or other assessment of any of the Patents-in-Suit or Patented Technology, or any group of patents that includes any of the Patents-in-Suit or Patented Technology, and Identify the Documents reflecting these valuations, appraisals, assignments or analyses.

RESPONSE TO INTERROGATORY NO. 10

Moskowitz incorporates by reference its General Objections as though fully set forth herein. Moskowitz further objects to this Interrogatory as vague, ambiguous, and overbroad, particularly with respect to the phrases "all valuations, appraisals, assessments or assignments of any value " and "analyses performed … Relating To any value, strength or other assessment," as these phrases are undefined, unbounded in scope, and/or susceptible to multiple reasonable interpretations. Moskowitz also objects to this Interrogatory as overbroad, unduly burdensome, and not proportional to the needs of the case under FRCP 26(b)(1), particularly because the Interrogatory seeks "all" valuations, appraisals, assessments, or assignments of any value, as well as analyses and other assessments, regardless of their relevance, time frame, or materiality. Moskowitz further objects to this Interrogatory to the extent it purports to require Moskowitz to obtain or produce information

not within its possession, custody, or control, including documents or communications solely held by persons that are not affiliated with Moskowitz and are not parties to this action. Moskowitz further objects to this Interrogatory to the extent it seeks expert analysis, opinion, or testimony, which are subject to disclosure at the time identified by the Court's schedule. The computation of damages, including the methodologies to be applied, apportionment of value, and royalty rates, will be addressed in expert reports.

Moskowitz objects to this Interrogatory to the extent it seeks information relating to unconsummated licenses or settlement negotiations. Courts have repeatedly held that such ongoing or incomplete licensing or settlement discussions related to the asserted patents are not discoverable. Accordingly, Moskowitz will not provide any information relating to unconsummated licenses or settlement negotiations.

Moskowitz also objects to this Interrogatory to the extent it seeks information concerning financing arrangements with third parties or fee agreements with counsel, as such materials are not relevant to any claim or defense in this action and are not otherwise discoverable. Courts have consistently held that such financing arrangements and related agreements, including any communications involving them, are not discoverable. Accordingly, Moskowitz will not provide any information relating to such financing arrangements or fee agreements with counsel.

Moskowitz also objects to this Interrogatory to the extent it calls for legal conclusions, including any determination as to what constitutes valuations, appraisals, assessments, assignments, and/or analyses. Moskowitz further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work-product doctrine, common

interest privilege, and/or any other applicable privilege or immunity. Moskowitz also objects to this Interrogatory to the extent it implicates confidentiality obligations that Moskowitz owes to third parties.

Subject to and without waiving its General and Specific Objections, and to the extent this Interrogatory is understood, Moskowitz states that, following a reasonable investigation, it is not presently aware of any responsive, non-privileged or non-work-product-protected information.

Moskowitz reserves the right to supplement or amend this response as discovery proceeds and additional information becomes available, including information that may be disclosed during expert discovery.

INTERROGATORY NO. 11

Describe in detail Your corporate structure, including any past or present relationship to parent companies or owners, subsidiaries, sister entities, partners, affiliates, or related companies, and the identification of all past or present employees, independent contractors, consultants, officers, managing members, or board members, specifying each Person's current (or last known) contact information (address, phone and email). Your response should include an identification of any and all documents Relating to Your response.

RESPONSE TO INTERROGATORY NO. 11

Moskowitz incorporates by reference its General Objections as though fully set forth herein. Moskowitz further objects to this Interrogatory as vague, ambiguous, and overbroad, including with respect to the phrases "corporate structure," "any past or present relationship," "parent companies or owners, subsidiaries, sister entities, partners, affiliates, or related companies," and "past or present employees, independent contractors, consultants, officers,

managing members, or board members," as these phrases are undefined, unbounded in scope, and/or susceptible to multiple reasonable interpretations. Moskowitz further objects to this Interrogatory as unduly burdensome and not proportional to the needs of the case under Fed. R. Civ. P. 26(b)(1), including because it seeks identification of "all past or present employees, independent contractors, consultants, officers, managing members, or board members" and "any and all documents Relating to Your response," as well as personal information from the identified individuals, regardless of relevance, time period, or materiality.

Moskowitz also objects to this Interrogatory to the extent it calls for legal conclusions, including any determination as to what constitutes parent companies or owners, subsidiaries, sister entities, partners, affiliates, related companies, employees, independent contractors, consultants, officers, managing members, and/or board members. Moskowitz further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work-product doctrine, common interest privilege, and/or any other applicable privilege or immunity. Moskowitz further objects to this Interrogatory to the extent it seeks information not within its possession, custody, or control, including information concerning individuals not affiliated with Moskowitz. Moskowitz also objects to this Interrogatory to the extent it implicates confidentiality obligations that Moskowitz owes to third parties.

Subject to and without waiving its General and Specific Objections, and to the extent this Interrogatory is understood, Moskowitz responds as follows:

Moskowitz Family LLC is a Maryland limited liability company that was formed on February 16, 2018. Moskowitz identifies documents labeled MOSKOWITZ-00052495–

MOSKOWITZ-00052497, from which information sought by this Interrogatory can be derived. Moskowitz Family LLC has no parent, subsidiaries, or affiliates.

Moskowitz reserves the right to supplement or amend this response as discovery proceeds and additional information becomes available.

INTERROGATORY NO. 12

Identify Moskowitz's financial records and performance since 2005. As part of your response, segment the financial figures by source, such as licensee, litigant, customer, assignee/assignor, or counter-party to any agreement or contract.

RESPONSE TO INTERROGATORY NO. 12

Moskowitz incorporates by reference its General Objections as though fully set forth herein. Moskowitz further objects to this Interrogatory as vague, ambiguous, and overbroad, including with respect to the phrases "financial records and performance" and "segment the financial figures by source," as these phrases are undefined, unbounded in scope, and/or susceptible to multiple reasonable interpretations. Moskowitz also objects to this Interrogatory to the extent it seeks information that is neither relevant to any claims or defenses, nor reasonably calculated to lead to the discovery of admissible evidence. Moskowitz further objects to this Interrogatory as unduly burdensome and not proportional to the needs of the case under Fed. R. Civ. P. 26(b)(1), particularly because the burden of locating, compiling, analyzing, and describing financial information spanning over two decades is substantial—far outweighing any benefit to the development or resolution of the issues in this case.

Moskowitz further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, work-product doctrine, common interest privilege, and/or any other applicable privilege or immunity. Moskowitz further objects to this Interrogatory to the extent it seeks information not within its possession, custody, or control, including information held by individuals not affiliated with Moskowitz. Moskowitz also objects to this Interrogatory to the extent it implicates confidentiality obligations that Moskowitz owes to third parties.

Moskowitz also objects to this Interrogatory to the extent it seeks the requested information in a specific format—such as by source—that differs from how such information is maintained in the ordinary course of business.

Subject to and without waiving its General and Specific Objections, and to the extent this Interrogatory is understood, Moskowitz responds as follows:

Moskowitz will conduct a reasonable search for relevant information responsive to this Interrogatory regarding financial records and performance from Moskowitz Family LLC's inception to the present. Moskowitz's discovery and investigation of the information requested by this Interrogatory is ongoing; Moskowitz thus reserves the right to further respond to this Interrogatory and/or to modify or supplement its current response.

DATED: January 5, 2026

Respectfully submitted,

By: */s/ Jason M. Zucchi*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Plaintiff's Responses to Defendants' First Set of Interrogatories (Nos. 1-12) has been served on January 5, 2026, via electronic mail to counsel of record for Defendants.

Date: January 5, 2026

/s/ Shelleaha L. Jonas
Shelleaha L. Jonas