

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA**

HOLLEY PERFORMANCE	)	
PRODUCTS INC.,	)	
	)	
Plaintiff and Counter-Defendant,	)	Case No. 1:26-cv-59-CEA-CHS
	)	
v.	)	
	)	
ACES FUEL INJECTION, INC.,	)	
	)	
Defendant and Counter-Plaintiff.	)	

**ACES FUEL INJECTION, INC.'S FIRST SET OF INTERROGATORIES TO HOLLEY
PERFORMANCE PRODUCTS, INC.**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant/Counter-Plaintiff Aces Fuel Injection, Inc. ("Aces"), by and through its undersigned attorneys, hereby serves its First Set of Interrogatories upon Plaintiff/Counter-Defendant Holley Performance Products Inc. ("Holley") to be answered, under oath, within thirty (30) days pursuant to Federal Rules of Civil Procedure 26 and 33 and such other rules of procedure as may be applicable.

INSTRUCTIONS

Scope of Required Response:

In responding to this discovery, the Plaintiff/Counter-Defendant is to furnish all requested information, not subject to a valid objection, that is known by, possessed by, or reasonably available to the Plaintiff/Counter-Defendant or to any agent of the Plaintiff/Counter-Defendant.

Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objections shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney making them.

If Plaintiff/Counter-Defendant is unable to respond fully to any of these interrogatories, Plaintiff/Counter-Defendant must respond to them to the fullest extent possible, specifying the reasons for the Plaintiff/Counter-Defendant's inability to respond to the remainder, and stating whatever information, knowledge, or belief the Plaintiff/Counter-Defendant has concerning the unanswerable portion.

Claim of Privilege:

If any interrogatories are deemed by the Plaintiff/Counter-Defendant to call for the disclosure of privileged or work product information and such privilege or work product is asserted, the Plaintiff/Counter-Defendant is to identify in writing the information so withheld and provide the following information:

- (a) the reason for withholding;
- (b) a statement of the basis for the claim of privilege, work product, or other ground of nondisclosure; and
- (c) a brief description of the withheld information sufficient to allow an evaluation of the validity of the asserted claim of privilege.

If the Plaintiff/Counter-Defendant objects to an interrogatory on the ground that it calls for information which is beyond the scope of discovery, the Plaintiff/Counter-Defendant must, nevertheless, respond to the interrogatory to the extent it is not objectionable.

DEFINITIONS

This discovery is governed by the following general definitions:

And/Or:

The conjunctions "and," "or," and "and/or" shall be interpreted in every instance both conjunctively and disjunctively, and shall never be interpreted so as to exclude any information otherwise within the scope of a request.

Any/All:

The word "all" shall be deemed to include and encompass the words "each," "every," and "any," and vice versa.

Disjunctive/Conjunctive:

The use of the disjunctive shall include the conjunctive, and vice versa.

Document:

The term "document" means all written, printed, or graphic matter of every kind or description, however produced or reproduced, whether original or reproduction, signed or unsigned, and regardless of whether approved, signed, sent, received, redrafted, or executed, and includes, but is not limited to, all paper material of any kind, whether written, typed, printed, punched, filmed, or marked in any way, and all mechanical or electronic audio or video recordings or transcripts thereof.

"Document" includes, but is not limited to, letters, correspondence, memoranda, handwritten notes, written communications, interoffice communications, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, telephone bills, summaries or records of meetings or conferences, summaries or reports of investigations or negotiations, opinions or reports of experts or consultants, messages, telegrams, telex messages, websites, brochures, catalogs, newsletters, diaries, journals, desk calendars, pocket calendars, appointment books, minutes, books, records, reports, studies, charts, graphs, ledgers, invoices, bills, receipts, checks, checkbooks, canceled checks, logs, worksheets, work papers, tax returns, computer printouts, prospectuses, financial statements, schedules, accounting or other work papers, expense account records, product and/or service schedules, territorial maps, financial records and statements, affidavits, written statements, summaries, contracts, agreements, purchase or sale orders, requisitions, client lists, product lists, customer accounts, transcripts, statistical

records, surveys, magazine or newspaper articles, designs, layouts, drawings, sketches, diagrams, photographs, film, slides, motion pictures, videos, digital images, computer disks, microfiche, microfilm, recording tape, and information contained in any computer database, in computer hardware or software, or contained in any data storage device such as compact disk, CD Rom, DVD, floppy disk, zip drive, etc.

"Document" also specifically refers to any e-mail or other electronically stored data, whether or not reduced to tangible form, on magnetic or optical storage media, including, but not limited to:

- (a) all "active," "deleted," "residual," or "archive" files,
- (b) all electronic information, such as "metadata," hidden "post-it notes," document history and activity records, formulae used to calculate fields in spreadsheets, hidden columns or fields in spreadsheets or databases, or other hidden characters or values, which do/does not appear on the hardcopy printouts, and
- (c) all electronic file fragments or files that have been deleted and partially overwritten with new data.

"Document" also means all drafts and all copies of documents by whatever means made if the copy bears any other marking or notation. If a document has been prepared and several copies or additional copies have been made that are non-identical (or are no longer identical by reason of any subsequent additions or notations or other modifications of such copies), each non-identical copy is to be construed as a separate "document."

Evidencing:

The word "evidencing" shall be construed in its broadest sense which shall mean directly, indirectly, circumstantially, inferentially, or otherwise having any tendency to prove (i.e., make more or less probable) the proposition, topic or subject in question, either in whole or in part.

Identify:

The word "identify" means that with respect to a document, set forth the following information: a general description thereof (e.g., letter, memorandum, report, etc.); a brief summary of its contents, or a description of the subject matter it concerns; the name and address of the persons who drafted, prepared, compiled, or signed it; and any other descriptive information necessary in order to adequately describe it in a subpoena duces tecum or in a motion or request for production thereof. With regard to a person, the term "identify" means set forth the person's name, occupation, and last known home and work address, telephone number and email address.

Masculine/Feminine/Neuter:

The masculine gender shall also include the feminine and neuter genders. Any reference to any gender shall include all other genders.

Person:

The term "person(s)" refers to any individual person (whether living or deceased), partnership, firm, corporation, association, joint venture, or other entity.

Refer(ring)/Relat(e/ing) to:

The terms "refer to," "referring to," "relate to," and "relating to" shall be construed in their broadest sense and shall mean directly or indirectly describing, setting forth, discussing, mentioning, commenting upon, supporting, contradicting, or referring to the subject or topic in question, either in whole or in part. A document or communication "refers to" or "relates to" a given subject matter if that document or communication constitutes, embodies, comprises, reflects, identifies, states, deals with, comments on, responds to, describes, analyzes, contains information concerning, or is in any way pertinent to the subject matter. "Relating to" means and includes "constituting," "referring to," "pertaining to," "evidencing," "reflecting," "describing," or "has anything to do with," and in each instance, directly or indirectly. These terms mean, without

limitation, any reference or relationship which either (a) provides information with respect to the subject of inquiry, or (b) might lead to individuals who, or documents which, might possess or contain information with respect to the subject of inquiry.

Singular/Plural:

The singular shall include the plural, and vice versa.

Thing/Things:

The term "Thing" or "Things" refers to "Things" within Fed. R. Civ. P. 34 in its broadest sense including without limitation physical objects other than Documents.

SPECIFIC DEFINITIONS

1. **"515 Patent"** refers to U.S. Patent No. 11,118,515 titled "Electronic Fuel Injection Throttle Body Assembly."
2. **"083 Patent"** refers to U.S. Patent No. 11,333,083 titled "Electronic Fuel Injection Throttle Body Assembly."
3. **"894 Patent"** refers to U.S. Patent No. 11,409,894 titled "Fuel Injection Throttle Body."
4. **"434 Patent"** refers to U.S. Patent No. 12,203,434 titled "Fuel Injection Throttle Body."
5. **"475 Patent"** refers to U.S. Patent No. 7,735,475 titled "Fuel Injection Body Sized to Replace Carburetor Body."
6. **"Patents-in-Suit"** refers to the 515 Patent, 083 Patent, 894 Patent and the 434 Patent collectively.
7. **"You", "Your"** and **"Holley"** refer to the Plaintiff/Counter-Defendant, Holley Performance Products Inc., and includes any parent, subsidiary, division, joint venture, affiliate, related company or other legal entity that is owned or controlled in whole or in part by

Plaintiff/Counter-Defendant, and any agents, employees, officers, directors, owners and/or others acting on behalf of Plaintiff/Counter-Defendant or any such entities.

8. "**Aces**," "**Defendant**," and "**Counter-Plaintiff**" means Aces Fuel Injection, Inc.

9. "**Lawsuit**" means *Holley Performance Products Inc., v. Aces Fuel Injection, Inc.*, No. 1:26-cv-59-CEA-CHS, pending in the United States District Court for the Eastern District of Tennessee.

10. "**Aces Product(s)**" means the Killshot Fusion EFI System, the Deuces Wild 2-bbl EFI System, and any other product, system, assembly, device, component, software, firmware, or combination thereof that Holley contends infringes, directly or indirectly, any claim of any Patent-in-Suit.

11. "**Holley Manual**" refers to the TERMINATOR X and TERMINATOR X MAX MPFI fuel Injection System Installation & Tuning Manual, including all versions, revisions, drafts, updates, supplements, derivative works, and materials associated with U.S. Copyright Registration No. TX 9-500-485.

12. "**Patented Holley Product(s)**" means any product, system, assembly, device, component, software, firmware, or combination thereof that Holley contends practices, embodies, incorporates, or has incorporated any claim of any Patent-in-Suit, whether currently or formerly manufactured, used, offered for sale, sold, imported, licensed, marketed, or distributed by Holley.

13. "**Accused Holley Products**" means the products accused by Aces of infringing the '475 Patent, including without limitation the Holley Sniper EFI, Sniper 2 EFI, Terminator X Stealth, Atomic EFI, and any other product that Aces contends infringes the '475 Patent.

14. **"Related Patents and Applications"** means all patents, patent applications, continuations, continuations-in-part, divisionals, provisionals, reissues, reexaminations, foreign counterparts, foreign applications, and patents claiming priority to, sharing priority with, or otherwise related to any Patent-in-Suit or the '475 Patent.

15. **"Marked"** or **"Marking"** refers to the process described in 35 U.S.C. § 287(a) whereby a patent holder may give public notice that a product it sells is patented in the United States, by marking its product or labeling its product or the product's packaging with the patent number ("Physical Marking"), or by identifying a web address that associates the patented product with the patent number ("Virtual Marking").

INTERROGATORIES

INTERROGATORY NO. 1: Identify all persons having knowledge of the facts underlying all Your contentions in the Amended Complaint and, for each such person, state the factual basis for that person's knowledge.

ANSWER:

INTERROGATORY NO. 2: For each numbered statement contained in Aces Fuel Injection's First Set of Requests for Admissions to Holley Performance Products, Inc. that was not answered with an unqualified admission, state all facts supporting Your response, identify all persons with knowledge of the facts supporting Your response, and identify all Documents and Things that support Your response.

ANSWER:

INTERROGATORY NO. 3: Identify each Holley product that You contend practices any claim of any Holley Patent-in-Suit and for each such product, identify (a) which patent(s)

claim(s) it purportedly practices, (b) whether the product was Marked via Physical Marking or Virtual Marking; (c) the dates when such product was Marked and the dates when it was not Marked; (d) the manner of Marking each such product, e.g., whether on the product itself via label or tag, or on packaging or other material, and (e) the identity of the web address(es) identified with the word "Patent" or "Pat." in the product's Marking.

ANSWER:

INTERROGATORY NO. 4: Describe the conception and reduction to practice of each invention claimed in the Holley Patents-in-Suit, including without limitation relevant dates, identification of the role and employer of each participant, and locations where conception and reduction to practice took place.

ANSWER:

INTERROGATORY NO. 5: Describe Your pre-suit investigation including without limitation identifying all individuals who were involved in the decision to sue Aces, all individuals who consulted with Warren Duff or any other EFI engineering personnel regarding Aces or any product being marketed or sold by Aces, when You first became aware of any Aces Accused Products, any testing or analysis of any Aces Accused Products, and identify the subject matter and content of each communication involved in such investigation.

ANSWER:

INTERROGATORY NO. 6: Describe all research and development relating to the subject matter of each of the Holley Patents-in-Suit and Holley Patented Products, including without limitation the dates of all work attributable to research and development, identify all

persons involved and their roles, all costs budgeted and incurred for research and development, testing and prototyping, and describe internal or external meetings concerning the research and development, and identify all Documents and Things relating to this interrogatory.

ANSWER:

INTERROGATORY NO. 7: Describe the circumstances surrounding the recruitment, hiring, retention, and responsibilities of Warren Duff including without limitation his role, if any, in the conception, reduction to practice, or development of any Patented Holley Product(s) or any design-around of the '475 Patent.

ANSWER:

INTERROGATORY NO. 8: Describe all communications between Warren Duff and Holley concerning Aces, Kenneth W. Farrell, the '475 Patent, any Holley Patent-in-Suit, any Accused Holley Product, Retrotek Speed, Professional Products, Brian Wald, Radical Concept Products, Inc., Wald Diversified Corporation, Quick Fuel Technologies, FiTech EFI, Fuel Injection Technology Inc., Injection Logic, or POWERJECTION™ technology and identify all Documents or Things in or on which such communications were recorded or memorialized.

ANSWER:

INTERROGATORY NO. 9: Identify by model number and version each of the Holley Accused Products made, used, sold, offered for sale in, or imported into the United States by Holley, and for each model and version so-identified, state: (a) the quantity of units sold; (b) the price at which each unit was sold; (c) the gross revenue earned from each sale; (d) the gross and net profits from each sale; (e) any rebates, discounts, or incentives offered in connection

with each sale; (f) all costs or expenses incurred in the manufacture and sale of each unit; (g) the dates during which each model and version was made, used, sold, offered for sale in, or imported into the United States; and (g) the competitors in the relevant market, Holley's approximate market share, and the approximate overall dollar value size of the relevant market.

ANSWER:

INTERROGATORY NO. 10: Describe all investigations, analyses, or discussions relating to the validity, patentability or scope of the Holley Patents-in-Suit that occurred prior to the filing date of this Lawsuit, including any prior art (other than that cited on the face of the Holley Patents-in-Suit) recognized or considered, and for each state the date, identify all persons involved, describe the subject matter and scope, the location (if a physical location), and identify any documents relating to each described investigation, analysis or discussion.

ANSWER:

INTERROGATORY NO. 11: Identify every current or former Holley employee, consultant, engineer, inventor, attorney, or agent who participated in any analysis that occurred prior to the Lawsuit's filing concerning whether an Accused Holley Product infringes the '475 Patent; describe each person's involvement; and describe in detail the infringement analysis.

ANSWER:

This 4th day of September, 2026.

Respectfully submitted,

By: /s/ John G. Jackson

John G. Jackson, BPR No. 013840

Susie Lodico BPR No. 023754

Peter Newman BPR No. 040524

CHAMBLISS, BAHNER & STOPHEL, P.C.

Liberty Tower

605 Chestnut Street, Suite 1700

Chattanooga, TN 37450

Telephone: (423) 757-0246

Facsimile: (423) 508-1246

Email: jjackson@chamblisslaw.com

Attorneys for Defendant and Counter-Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing pleading was served upon the following via electronic mail pursuant to Tenn. R. Civ. P. 5.02(2)(A) and/or United States first-class mail with proper postage applied thereon to ensure prompt delivery to:

Jessica Malloy-Thorpe
MILLER & MARTIN PLLC
Suite 1200, Volunteer Building
832 Georgia Avenue
Chattanooga, TN 37402
Telephone: (423) 756-6600
Facsimile: (423) 785-8480
jessica.malloy-thorpe@millermartin.com

Marc Lorelli
John P. Rondini
Yasmeen Moradshahi
BROOKS KUSHMAN P.C.
150 W. Second St., Suite 400N
Royal Oak, Michigan 48067-3846
Telephone: (248) 358-4400
Facsimile: (248) 358-3351
mlorelli@brookskushman.com
jrondini@brookskushman.com
ymoradshahi@brookskushman.com
Attorneys for Plaintiff and Counter-Defendant

This 4th day of September 2026.

/s/ John G. Jackson

John G. Jackson