

UNITED STATES TRADE COMMISSION
WASHINGTON, D.C.

Before The Honorable David P. Shaw
Administrative Law Judge

In the Matter of

CERTAIN CAMERAS AND MOBILE
DEVICES, RELATED SOFTWARE AND
FIRMWARE, AND COMPONENTS
THEREOF AND PRODUCTS
CONTAINING THE SAME

Investigation No. 337-TA-842

**COMPLAINANT HUMANEYES TECHNOLOGIES, LTD.'S OBJECTIONS AND
RESPONSES TO THE SONY RESPONDENTS' FIFTH SET OF
INTERROGATORIES (NOS. 140-143)**

Pursuant to Commission Rule 210.27 and 210.29 of the International Trade Commission's Rules of Practice and Procedure, 19 C.F.R. §§ 210.27 and 210.29, 19 U.S.C. § 1333 and 5 U.S.C. § 551 *et seq.*, the Ground Rules and the Protective Order (Order No. 1), Complainant HumanEyes Technologies, Ltd. ("HumanEyes") hereby submits the following objections and responses to the Sony Respondents' Fifth Set of Interrogatories ("the Interrogatories").

PRELIMINARY STATEMENT

As a preface to each and every response herein, HumanEyes qualifies its response by stating that it has not yet completed its investigation of the facts relating to this matter, has only recently initiated discovery, and has not completed its preparation for trial. Consequently, the responses set forth below are based on information known to HumanEyes at the time of the responses. HumanEyes may discover additional information, documents or facts that will add to the facts already known, or establish new or different factual contentions or legal positions. As a result, HumanEyes expressly reserves its right to rely on all facts, information and documents developed in

discovery or otherwise to supplement, amend and/or correct any or all of its responses.

By making these responses, HumanEyes does not concede that the information given is properly discoverable or admissible, and HumanEyes reserves its right to object to the introduction of these responses into evidence for any purpose.

GENERAL STATEMENT AND OBJECTIONS

HumanEyes makes the following General Objections to each and every one of Sony's Interrogatories, and expressly incorporates them into the specific responses set forth below. The failure to refer specifically to a General Objection should not be construed as a waiver of that General Objection.

HumanEyes' responses to Sony's Interrogatories are made without in any way waiving or intending to waive, but rather, to the contrary, preserving and intending to preserve:

(a) All questions as to the competence, relevance, materiality, and admissibility as evidence for any purpose of the information or the subject matter thereof, in any aspect of this or any other administrative proceeding or investigation, court action or other judicial proceeding or investigation;

(b) The right to object on any ground to the use of any such information, or the subject matter thereof, in any aspect of this or any other administrative proceeding or investigation, court action or other judicial proceeding or investigation;

(c) The right to object at any time for any further purpose to this or any other Interrogatory; and

(d) The right at any time to supplement this response.

1. HumanEyes objects to Sony's "Definitions" and "Instructions" to the extent they are inconsistent with the Commission's Rules of Practice and Procedure or the Ground Rules issued in this investigation. HumanEyes will respond to the

Interrogatories only to the extent required by the Commission's Rules of Practice and Procedure and said Ground Rules.

2. HumanEyes objects to each Interrogatory to the extent it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, the common interest and/or joint defense privilege, or any other applicable privilege, protection, or immunity. HumanEyes will provide information concerning documents withheld on the basis of privilege or protection by supplying a Privileged Document List, in a manner consistent with the Ground Rules and Commission Rules governing this Investigation.

3. HumanEyes objects to the Interrogatories to the extent they seek disclosure of information protected by the rights of third party non-litigants and/or the disclosure of information subject to confidentiality agreements or protective orders.

4. HumanEyes objects to the Interrogatories to the extent they seek information that is not relevant to the claims or defenses at issue in this investigation or not reasonably calculated to lead to the discovery of admissible evidence, or are otherwise outside the proper scope of discovery.

5. HumanEyes objects to each Interrogatory to the extent it uses terms that are not defined, understood, or are otherwise vague and ambiguous.

6. HumanEyes objects to each Interrogatory to the extent it calls for a legal opinion or conclusion.

7. HumanEyes objects to each Interrogatory to the extent it seeks documents not within HumanEyes' possession, custody, or control or which cannot be located after a reasonable search.

8. HumanEyes objects to each Interrogatory to the extent it seeks identification of “all” information or documents that relate to a particular subject on the grounds of overbreadth and undue burden and expense.

9. HumanEyes objects to each Interrogatory to the extent the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source, including but not limited to the Sony Respondents themselves, that is more convenient, less burdensome, or less expensive. HumanEyes also objects to each Interrogatory to the extent Sony has had ample opportunity to obtain the information sought through other less-intrusive means. HumanEyes further objects to the Interrogatories to the extent the burden or expense of discovery sought outweighs its likely benefit.

10. HumanEyes objects to each Interrogatory to the extent that it sets no temporal limits on the scope of discovery sought. HumanEyes will meet and confer with Respondents to agree on a mutually acceptable time frame for which all parties shall produce documents.

11. HumanEyes objects to each Interrogatory to the extent it seeks information and/or documents that have not been generated by or provided to HumanEyes at the time of the response.

12. HumanEyes objects to each Interrogatory to the extent it seeks information and/or documents that HumanEyes has not had a full and/or fair opportunity to collect and review prior to responding.

13. HumanEyes objects to the definitions of “HumanEyes,” “You,” and “Your” to the extent they purport to require HumanEyes to provide information that is

not in HumanEyes' possession, custody, or control and/or not known or reasonably available to HumanEyes. HumanEyes will respond with information that is within HumanEyes' possession, custody, or control and can be located after a reasonable search of documents and facilities that are known or reasonably available to HumanEyes.

14. HumanEyes objects to Sony's definition of the term "Product" as vague, ambiguous, duplicative, overly broad, unduly burdensome, and calling for information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence. For example, this definition is overbroad in its temporal scope.

15. HumanEyes objects to Sony's definition of the term "Describe" to the extent it imposes any obligation to do anything other than produce documents responsive to the request as required by 19 C.F.R. §§ 210.29 and 210.30.

16. HumanEyes objects to Sony's definition of the term "Document" as overbroad, unduly burdensome and oppressive, calling for information outside the scope of discovery, and as seeking information and documents outside of HumanEyes' possession, custody, or control.

17. HumanEyes objects to Sony's definition of the term "Identify" as being overbroad, unduly burdensome and oppressive, calling for information outside the proper scope of discovery, and inconsistent with the Commission's Rules of Practice and Procedure and the Ground Rules issued in this investigation.

18. HumanEyes objects to Sony's definition of the term "Person" as vague, ambiguous, unduly burdensome and oppressive, calling for information outside the proper scope of discovery, and inconsistent with the Commission's Rules of Practice and

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