

1 Douglas G. Muehlhauser (SBN 179495)
doug.muehlhauser@knobbe.com
2 Mark Lezama (SBN 253479)
mark.lezama@knobbe.com
3 Alexander J. Martinez (SBN 293925)
alex.martinez@knobbe.com
4 KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, Fourteenth Floor
5 Irvine, CA 92614
Telephone: 949-760-0404
6 Facsimile: 949-760-9502

7 Vincent J. Belusko (CA SBN 100282)
vbelusko@mofocom
8 Nicole M. Smith (CA SBN 189598)
nsmith@mofocom
9 Nicholas R. Fung (CA SBN 312400)
nfung@mofocom
10 Sorin G. Zaharia (CA SBN 312655)
szaharia@mofocom
11 MORRISON & FOERSTER LLP
707 Wilshire Boulevard
12 Los Angeles, California 90017
Telephone: 213-892-5200
13 Facsimile: 213-892-5454

14 Attorneys for Plaintiff
NOMADIX, INC.

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18 IN THE UNITED STATES DISTRICT COURT
19 FOR THE CENTRAL DISTRICT OF CALIFORNIA
20 WESTERN DIVISION

21
22 NOMADIX, INC.,
23 Plaintiff,
24 v.
25 GUEST-TEK INTERACTIVE
26 ENTERTAINMENT LTD.,
27 Defendant.

Case No.
CV16-08033 AB (FFMx)

**NOMADIX'S FIRST
SUPPLEMENTAL
RESPONSES TO
GUEST-TEK'S
INTERROGATORIES 2 AND 3**

Honorable André Birotte Jr.

1 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff
2 Nomadix hereby supplements its responses to Defendant Guest-Tek Interactive
3 Entertainment's interrogatories 2 and 3.

4 PRELIMINARY STATEMENT

5 Nomadix bases its responses to these interrogatories on information
6 currently available to Nomadix and located by Nomadix after a reasonable
7 investigation. Discovery is ongoing, and Nomadix may supplement or otherwise
8 amend its responses as more information becomes available. For example, Guest-
9 Tek has not produced complete source code. In general, Guest-Tek's responses to
10 Nomadix's outstanding discovery requests may change Nomadix's responses to
11 these interrogatories.

12 Nomadix will respond to the unobjectionable portions of each interrogatory.
13 In doing so, Nomadix may provide information also responsive to objectionable
14 portions of an interrogatory; but Nomadix maintains its objections and does not
15 agree to provide further information responsive to the objectionable portions. More
16 generally, by responding to an interrogatory, Nomadix does not waive any of its
17 objections, and in particular, Nomadix does not concede that Guest-Tek is entitled
18 to further discovery on the matters to which the interrogatory pertains. Likewise,
19 by responding to an interrogatory, Nomadix does not concede any factual or legal
20 assertions set forth or assumed in the interrogatory. Moreover, Nomadix does not
21 waive any evidentiary objections at trial.

22 OBJECTIONS APPLICABLE TO ALL INTERROGATORIES

23 1. Nomadix objects to Guest-Tek's discovery requests to the extent that
24 they seek information protected by the attorney-client privilege, information
25 protected as work product or trial-preparation material, or information protected by
26 any other applicable privilege or immunity. The specific objections stated below
27 invoking the attorney-client privilege, work-product or trial-preparation protection,
28

1 or any other applicable privilege or immunity do not limit the generality of this
2 objection in any way.

3 2. Nomadix objects to Guest-Tek's requests to the extent that they
4 incorporate Guest-Tek's instructions concerning identification of privileged and
5 otherwise-protected materials. Guest-Tek's instructions would impose obligations
6 beyond those that the Federal Rules of Civil Procedure and the parties' stipulated
7 discovery order impose.

8 **SPECIFIC RESPONSES**

9 **INTERROGATORY 2:**

10 For each Network Device and Network Service identified in response to
11 Interrogatory No. 1, identify each claim of each patent that you contend reads on
12 the Network Device or Network Service's structure, functionality, or operation,
13 either literally or under the doctrine of equivalents.

14 **RESPONSE TO INTERROGATORY 2:**

15 Nomadix incorporates its Objections Applicable to All Interrogatories.
16 Nomadix further objects to this interrogatory to the extent that it seeks information
17 protected from disclosure by the attorney-client privilege or work-product
18 immunity, including the protections of Rules 26(b)(3) and (4). Guest-Tek's
19 production of technical documents is incomplete, and Guest-Tek has not yet
20 responded to Nomadix's interrogatories. Nomadix needs at least that discovery to
21 respond to this interrogatory. In particular, Guest-Tek has not produced HEP,
22 Mercury, or GTC source code; and Guest-Tek has yet to identify any quarters
23 corresponding to the RendezView code it has produced. Depending on Guest-
24 Tek's response to Nomadix's interrogatories 2 and 3, Nomadix may identify
25 additional patent claims in response to this interrogatory. To the extent this
26 interrogatory concerns any patent that is not a Licensed Patent or a Bandwidth
27 Management Patent and that does not belong to a Patent Family (as those terms are
28 defined in the License Agreement), it seeks information that is neither relevant to

1 the claims or defenses pleaded in this case nor proportional to the needs of the
2 case. To the extent this interrogatory asks Nomadix to identify patent claims in
3 connection with devices or services (1) whose status as a Licensed Network
4 Device or Licensed Network Service is not disputed or (2) with respect to which
5 royalties are not disputed based on claim scope, the interrogatory seeks
6 information that does not change the outcome of the case and that is therefore
7 neither relevant to the claims or defenses pleaded in this case nor proportional to
8 the needs of the case. For example, as far as Nomadix is aware, Guest-Tek has not
9 disputed that at least RendezView and GTC are each a Licensed Network Device
10 or Licensed Network Service; accordingly Nomadix objects to identifying claims
11 from the Licensed Patents for these devices and services that would not affect the
12 royalty analysis. Similarly, when Guest-Tek has identified properties with HEPs in
13 quarterly reports (Schedule B), it has not disputed that it owes full royalties under
14 clause 2.4 of the License Agreement; accordingly Nomadix objects to identifying
15 claims from the Licensed Patents for these devices and services that would not
16 affect the royalty analysis. Nomadix needs Guest-Tek to complete its document
17 production and to respond to Nomadix's interrogatories so that it can assess the
18 extent to which there is any royalty dispute based on claim scope for RendezView,
19 HEP, and GTC. The foregoing objections and Nomadix's Preliminary Statement
20 qualify the following:

21 At least the following claims read on OneView Internet:

22 Patent	23 Claims
24 U.S. Patent No. 8,266,266	25 1, 24
26 U.S. Patent No. 8,725,899	27 1, 10
28 U.S. Patent No. 8,606,917	1, 11
U.S. Patent No. 6,868,399	1, 6, 13, 18
U.S. Patent No. 7,953,857	1, 9

Patent	Claims
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U.S. Patent No. 8,626,922	1, 9
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As indicated in Nomadix's Preliminary Statement, Nomadix may amend or supplement its response after receiving or reviewing discovery from Guest-Tek and as Nomadix continues to investigate the issues and facts of this case.

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY 2:

Nomadix incorporates its previous response to this interrogatory in its entirety. Nomadix's objections and Preliminary Statement qualify the following supplementation:

In addition to the claims identified in Nomadix's previous response, at least the following claims also read on OneView Internet:

Patent	Claims
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U.S. Patent No. 7,953,857	4, 6, 12
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U.S. Patent No. 8,626,922	4, 6, 12
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As indicated in Nomadix's Preliminary Statement, Nomadix may amend or supplement its response after receiving or reviewing discovery from Guest-Tek and as Nomadix continues to investigate the issues and facts of this case.

INTERROGATORY 3:

For each patent claim identified in response to Interrogatory No. 2, identify specifically where and how each limitation of each patent claim is found within each purported Licensed Network Device and Licensed Network Service, and specify whether each limitation of each patent claim is alleged to be literally present or present under the doctrine of equivalents.

RESPONSE TO INTERROGATORY 3:

Nomadix incorporates its Objections Applicable to All Interrogatories.

Nomadix further objects to this interrogatory to the extent that it seeks information

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