

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.

15  
16  
17  
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 <b>Patent</b>	<b>Claims</b>
23 U.S. Patent No. 8,266,266	1, 24
24 U.S. Patent No. 8,725,899	1, 10
25 U.S. Patent No. 8,606,917	1, 11
26 U.S. Patent No. 6,868,399	1, 6, 13, 18
27 U.S. Patent No. 7,953,857	1, 9

---

Patent	Claims
--------	--------

---

U.S. Patent No. 8,626,922	1, 9
---------------------------	------

---

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
--------	--------

---

U.S. Patent No. 7,953,857	4, 6, 12
---------------------------	----------

U.S. Patent No. 8,626,922	4, 6, 12
---------------------------	----------

---

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

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.