

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

MYPAQ HOLDINGS LTD.,

Plaintiff

v.

DELL TECHNOLOGIES INC. and DELL INC.,

Defendant.

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NO. 6:21-cv-00933-ADA

**DEFENDANTS' FIRST SET OF VENUE-RELATED INTERROGATORIES (NOS. 1-4)**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and the Rules and Orders of this Court, Defendants Dell Technologies Inc. and Dell Inc. (collectively, "Dell" or "Defendants") hereby serves the following First Set of Venue-Related Interrogatories on Plaintiff MyPAQ Holdings Ltd. ("MyPAQ" or "Plaintiff"). Each interrogatory set forth below should be answered fully in writing and under oath, by April 4, 2022. The following definitions and instructions apply:

**DEFINITIONS**

1. The interrogatories, as well as the instructions provided below, are subject to and incorporate the following definitions and instructions as used herein, regardless of whether upper- or lower-case letters are used:

2. "Austin Division" means the Austin Division of the United States District Court for the Western District of Texas, which comprises the following counties in Texas: Bastrop, Blanco, Burleson, Burnet, Caldwell, Gillespie, Hays, Kimble, Lampasas, Lee, Llano, Mason, McCulloch, San Saba, Travis, Washington and Williamson.

3. "Waco Division" means the Waco Division of the United States District Court for the Western District of Texas, which comprises the following counties in Texas: Bell, Bosque,

MyPAQ, Exhibit 2009

Coryell, Falls, Freestone, Hamilton, Hill, Leon, Limestone, McLennan, Milam, Robertson and Somervell.

4. “MyPAQ,” “You,” “Your,” or “Plaintiff” shall each mean and refer to plaintiff MyPAQ Holdings Ltd., including its agents, officers, directors, employees, consultants, representatives, attorneys, predecessors and successors in interest, subsidiaries, affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, members and related entities, and any other legal entities, whether foreign or domestic that are owned or controlled by MyPAQ Holdings Ltd., and all predecessors and successors in interest to such entities, and any entity owned in whole or in part by, affiliated with, or controlled in whole or in part by MyPAQ Holdings Ltd., as well as the agents, officers, directors, employees, consultants, representatives and attorneys of any such entities.

5. “Flex,” means Flex Ltd., including its agents, officers, directors, employees, consultants, representatives, attorneys, predecessors and successors in interest, subsidiaries, affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, members and related entities, and any other legal entities, whether foreign or domestic that are owned or controlled by Flex Ltd., and all predecessors and successors in interest to such entities, and any entity owned in whole or in part by, affiliated with, or controlled in whole or in part by Flex Ltd., as well as the agents, officers, directors, employees, consultants, representatives and attorneys of any such entities. To avoid any doubt and without limitation to the foregoing, “Flex” includes each of Flextronics International USA, Inc., and ColdWatt, Inc.

6. The “Asserted Patents” or “Patents-in-Suit” shall mean U.S. Patent Nos. 7,675,759 and 8,477,514, both individually and collectively.

7. The “Named Inventors” shall include, both collectively or individually as

appropriate in the context of the interrogatory, Daniel A. Artusi, Ross Fosler, and Allen F. Rozman, including their agents, representatives, and attorneys.

8. “Litigation” means the above-referenced action, No. 6:21-cv-00933-ADA, in the United States District Court for the Western District of Texas, Waco Division.

9. “Concerning” or “concerned” means constituting, containing, embodying, comprising, reflecting, identifying, stating, referring to, dealing with, commenting on, responding to, describing, evidencing, setting forth, relating to, regarding, analyzing, or is any way pertinent to.

10. The terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the interrogatory all responses that might otherwise be construed to be outside of its scope.

11. The terms “any,” “all,” “every,” and “each” shall each mean and include the other.

12. The singular form of any word shall be deemed to include the plural. The plural form of any word shall be deemed to include the singular.

13. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

14. “Include” and “including” shall mean including without limitation.

## INSTRUCTIONS

1. Each interrogatory must operate and be responded to independently and, unless otherwise indicated, no interrogatory limits the scope of any other interrogatory.

2. Where knowledge or information in Your possession is requested, the request extends to knowledge or information in the possession of your predecessors or successors, as well as to information in the possession of Your officers, directors, agents, employees, servants, representatives, and, unless privileged, attorneys. Whenever an answer to these interrogatories contains information which is not based upon Your personal knowledge, state the source and nature of such information.

3. If in answering any interrogatory, You seek to invoke the procedures of Rule 33(d) of the Federal Rules of Civil Procedure, state fully all facts which support your contention that the burden of ascertaining the answer to the interrogatory is substantially the same for Dell as it is for you, and specify those business records from which you contend Dell may ascertain or derive the answer.

4. If you object to any interrogatory or fail to answer any interrogatory on the ground that either the attorney-client privilege, the work-product doctrine, and/or any other claim of privilege applies, then as to such information or such documents allegedly subject to such asserted privilege, you are requested to supply the following information: (i) the nature of the Document or information, (ii) the sender, author, or source of the information, (iii) the date of the Document or Communication, (iv) the name of each Person to whom the information, or the original or any copy of a Document, was circulated, (v) the names occurring on any circulation list associated with such Document, where applicable, (vi) a summary statement of the subject matter of the Document or information, (vii) the privilege(s) or doctrine claimed with respect to the Document

or information, (viii) the basis for the claim of the privilege(s) or doctrine, and (ix) the length of the Document, where applicable.

5. If in answering any of these interrogatories you contend there is any ambiguity in construing the interrogatory or any definition or instruction relevant to the interrogatory, set forth the matter deemed ambiguous and the construction selected or used in answering the interrogatory.

6. When requested to “Identify” or provide an “Identity” of something, You should:

- a. When identifying a natural person, provide the full name, present or last known address, telephone number, employer, and title.
- b. When identifying a Document, provide the Bates number if already produced or state its title, author, date, current location, and custodian.
- c. When identifying a Thing, provide the Bates number if already produced or describe the Thing and state its current location and custodian.
- d. When identifying a product, provide the internal name, external name, part number, part name, marketing name, trademark, code name, and any other unique identifiers.

7. These interrogatories are continuing, and you are to supplement your answers in a timely manner in accordance with the requirements of Rule 26(e) of the Federal Rules of Civil Procedure.

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