

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SPORTSCASTR INC.
(d/b/a PANDA INTERACTIVE),

Plaintiff,

v.

GENIUS SPORTS LTD.,

Defendant.

Civil Action No. 2:23-cv-00471-JRG

**PLAINTIFF’S RESPONSES AND OBJECTIONS TO DEFENDANT GENIUS SPORTS
LTD FIRST SET OF INTERROGATORIES (Nos. 1-19)**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, the Local Rules of this Court, the Court’s Standing Order Governing Proceedings (OGP 4.2) – Patent Cases, any other rules of discovery to which the parties agree in writing, or applicable Court orders, Plaintiff SportsCastr Inc. (d/b/a Panda Interactive) (“Plaintiff” or “Panda”) hereby provide the following objections and responses to Defendant Genius Sports Ltd. (“Genius” or “Defendant”) First Set of Interrogatories to Plaintiff served on April 15, 2024.

Plaintiff has not completed its investigation, has not completed its discovery in this action, and has not completed its preparation for trial. The responses herein are thus based only on Plaintiff’s knowledge as of the date of these responses. Pursuant to Rule 26(e), Fed. R. Civ. P., Plaintiff reserves the right to supplement their responses as discovery progresses in this action.

GENERAL OBJECTIONS

The objections set forth in this section apply to each of the Interrogatories as if each were set forth in full response to each Interrogatory. The assertion of the same, similar, or additional objections in Plaintiff’s specific objections to individual Interrogatories, or the failure to assert any

additional objection to an Interrogatory, does not waive any of Plaintiff's objections set forth in this section or the following sections.

1. These objections are made without waiving or intending to waive, but rather intending to preserve and preserving: (a) all objections to competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose in the trial of this or any other action or any subsequent proceedings; (b) the right to object to the use of any documents (or the subject matter thereof) that may be produced in the trial of this or any other action or any subsequent proceedings on any grounds; (c) the right to preserve, prior to production and as a condition of production, the confidentiality or the proprietary nature of any documents that may be produced or the subject matter thereof; (d) the right to object on any ground at any time to a demand for further production or other discovery involving or relating to the subject matter of the Interrogatories; and (e) the right at any time to revise, supplement, clarify, or amend the responses and objections to the Interrogatories, if further factual developments or analysis warrants a modification, or if additional information is obtained or documents are located that are properly called for by the Interrogatories.

2. Plaintiff objects to Defendant's "Definitions" on the following grounds:

a. Plaintiff objects to each Interrogatory to the extent that it defines a term inconsistent with any definitions of such term in the Federal Rules of Civil Procedure and any applicable Local Rule or Order of this Court, or to the extent it seeks to create any obligation to provide information or documents in a manner not required under the Federal Rules of Civil Procedure, Local Civil Rules, or other applicable law.

b. Plaintiff objects to the purported definitions in the Interrogatories to the extent that they require words to be construed in any manner other than their plain meaning. To

the extent that Plaintiff adopts or uses any term or phrase purportedly defined in the Interrogatories, it does so solely for convenience in responding to the Interrogatories, and Plaintiff does not accept or concede that any of the terms, phrases, or definitions are appropriate, descriptive, or accurate.

c. Plaintiff objects to Defendant's definition of "You" and "Your" to the extent it includes persons or entities outside of Plaintiff's control, to the extent Defendant requests documents or materials outside of Plaintiff's control, and to the extent it includes persons or entities which are not parties to this action.

3. Plaintiff objects to each Interrogatory to the extent that it seeks information that is not relevant to the claims and defenses in this action. To the extent the Interrogatories seek any information or documents outside the scope of discoverable information, the Interrogatories are overbroad and call for the production of materials that are outside the scope of the issues relevant to this action, and are not proportional to the needs of this action.

4. Plaintiff objects to each and every Interrogatory to the extent that it seeks to impose burdens and obligations on Plaintiff beyond those required by the Federal Rules of Civil Procedure, the Patent Local Rules, and/or any other applicable statute, rule or Order and as such is not proportional to the needs of this action.

5. Plaintiff objects to the Interrogatories to the extent that they seek to impose an obligation on Plaintiff to search for information beyond where such information would be reasonably likely to be kept in the ordinary course of business, or to search for information in the files of custodians as to which Plaintiff reasonably expects would result in a production that is largely duplicative or otherwise of insignificant relevance to the matters at issue in this action.

6. Plaintiff objects to the Interrogatories to the extent they purport to require the production of electronically stored information from sources that are not reasonably accessible because of undue burden or cost. *See* Fed. R. Civ. P. 26(b)(2)(B). To the extent that significant expense and/or assistance of third-party vendors would be required to restore or otherwise render electronically stored information accessible, Plaintiff objects to producing it.

7. Plaintiff objects to the Interrogatories to the extent they seek documents or information not in Plaintiff's possession, custody, or control, and/or that cannot be located by a reasonable search.

8. Plaintiff objects to the Interrogatories to the extent they seek documents or information already in Defendant's possession, custody, or control, whether publicly available or otherwise equally available to Defendant and to Plaintiff.

9. Plaintiff objects to these Interrogatories to the extent that the answer to any Interrogatory may be derived or ascertained from publicly available documents or things, or documents or things to be produced by the parties, where the burden of deriving responsive information from those documents or things is substantially the same for Defendant as it is for Plaintiff.

10. Plaintiff objects to each and every Interrogatory to the extent it calls for documents or information which may be subject of expert opinion and testimony that is not required to be disclosed or exchanged at this stage in this action. All of the following responses are given without prejudice to Plaintiff's right to procure, rely on, and introduce expert witness testimony, and such expert's right to rely on, any documents or information deemed appropriate by that expert in formulating the expert's opinion, whether or not identified in these responses.

11. Plaintiff objects to each and every Interrogatory to the extent it calls for legal arguments and/or legal conclusions.

12. Plaintiff objects to each and every Interrogatory to the extent that it fails to specify a relevant time period or specifies a time period beyond the scope of this action as overbroad, unduly burdensome, and calling for information and/or the production of documents that are not relevant to any party's claim or defense and not proportional to the needs of this action.

13. Plaintiff objects to each and every Interrogatory to the extent that it fails to specify a relevant geographic scope or specifies a location beyond the geographic scope of this action as overbroad, unduly burdensome, and calling for information that is not relevant to any party's claim or defense and not proportional to the needs of this action.

14. Plaintiff objects to each and every Interrogatory to the extent it requires a response premised on a construction and understanding of the meaning of certain patent claim terms before Defendant has identified its proposed claim constructions, and/or before the Court has construed the meaning and scope of any claim in the patents asserted in this action.

15. Plaintiff objects to each and every Interrogatory as vague, ambiguous, and premature to the extent that its meaning or scope may depend on the construction of legal instruments that have not yet been construed by the Court, including the patents asserted in this action. Plaintiff reserves the right to supplement and amend their responses based upon any such legal construction by the Court.

16. Plaintiff objects to each and every Interrogatory to the extent that it seeks information protected by the attorney-client privilege, the consulting expert privilege, the attorney work product doctrine, or any other applicable restriction upon discovery. Inadvertent disclosure of any information that is privileged, protected from disclosure, or otherwise immune from

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