

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

GREE, INC.,

Plaintiff,

v.

SUPERCELL OY,

Defendant.

§ The Honorable Rodney Gilstrap
§
§
§ Civil Action No. 2:19-cv-00071-JRG-RSP
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§
§ JURY TRIAL DEMANDED
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**DEFENDANT SUPERCELL OY'S FIRST SUPPLEMENTAL OBJECTIONS AND
RESPONSES TO PLAINTIFF'S THIRD SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant Supercell Oy ("Supercell") hereby provides the following supplemental responses to Plaintiff GREE, Inc. ("GREE") Third Set of Interrogatories (Nos. 13-16) as set forth below.

GENERAL OBJECTIONS

Supercell makes the following General Objections to each and every definition and Interrogatory made in this set of Interrogatories. Each of these objections is incorporated into Supercell's response to each Interrogatory, whether or not separately set forth therein. By responding to any of the Interrogatories or failing to specifically refer to or specify any particular General Objection in response, Supercell does not waive any of these General Objections, nor does it admit or concede the appropriateness of any purported request or any assumptions it contains.

1. Nothing in these responses should be construed as waiving rights or objections that might otherwise be available to Supercell, nor should Supercell's responses to any of these

Interrogatories be deemed an admission of relevancy, materiality, or admissibility in evidence of the Interrogatory or the response thereto.

2. Supercell objects to the Interrogatories to the extent that they seek the disclosure of information protected by the attorney-client privilege, attorney work product doctrine, common interest exception, duty of confidentiality, or any other applicable privilege, immunity, doctrine, or protection as provided by law. Nothing in these objections and responses is intended to be or is a waiver of any applicable privilege, immunity, doctrine, or protection.

3. Supercell objects to the Interrogatories to the extent that they seek information that is confidential and/or proprietary, or information that is subject to any protective order, privacy interest, contractual obligation or confidentiality obligation, or otherwise prohibited from disclosure by law. Supercell will disclose such information only in compliance with its obligations to third parties and subject to an appropriate protective order. Supercell will not provide such documents or information until entry of an appropriate protective order.

4. Supercell objects to the definitions, instructions, and Interrogatories to the extent that they are overly broad, unduly burdensome, oppressive, inconsistent with, or purport to impose obligations on Supercell beyond those required by the Federal Rules of Civil Procedure, the Local Rules for the United States District Court for the Eastern District of Texas, or any other applicable regulations and case law. Supercell's responses, regardless of whether they include a specific objection, do not constitute an adoption or acceptance of the definitions or instructions that GREE seeks to impose.

5. Supercell objects to the Interrogatories to the extent that they seek identification and production of information that is neither relevant to a claim or defense in this matter nor proportional to the needs of this case.

6. Supercell objects to the Interrogatories to the extent the burden or expense of the discovery sought outweighs any likely benefit.

7. Supercell objects to the Interrogatories to the extent that they are compound and/or are comprised of subparts constituting more than one Interrogatory. Supercell objects to the extent that the Interrogatories are overbroad and that their number exceeds that set by Federal Rules of Civil Procedure or the Local Rules of this District.

8. Supercell objects to each Interrogatory to the extent the information sought is already in GREE's possession, custody, or control, or obtainable from some other source that is more convenient, less burdensome, or less expensive.

9. Supercell objects to each definition, instruction and Interrogatory to the extent it is vague, ambiguous, fails to describe the information sought with the required reasonable particularity, or is so unintelligible that Supercell cannot ascertain what information is responsive. Supercell will give the terms of these Interrogatories their ordinary and plain meanings. Supercell shall not be held responsible where its interpretation of the Interrogatories does not comport with GREE's intentions.

10. Supercell objects to the definitions, instructions, and Interrogatories to the extent they call for a legal conclusion.

11. Supercell objects to each definition, instruction, and Interrogatory as premature to the extent it seeks information, such as expert disclosures or invalidity contentions, before the time contemplated by the Federal Rules of Civil Procedure, the Patent Rules of this District, or the Court's Orders in this case. Supercell will provide such information according to those Rules and order(s). Supercell reserves the right to amend or supplement these objections and responses.

12. Supercell objects to the definition of “SUPERCELL,” “YOU,” and “YOUR” because it seeks to broaden the scope of allowable discovery and seek information that is not within the possession, custody, or control of Supercell, but is in the possession of third-parties and non-parties to this lawsuit. Supercell will interpret these terms to include Defendant Supercell Oy and its employees.

13. Supercell objects to the definitions of “ASSERTED PATENTS” and “PATENTS-IN-SUIT” as vague and ambiguous to the extent that it purports to include unidentified patents that may be added to the action. Supercell shall interpret these terms to mean the ’594 patent.

14. Supercell objects to the definitions of “RELATED APPLICATION” or “RELATED APPLICATIONS” as vague and ambiguous, overbroad, unduly burdensome, and not proportional to the needs of the case, as they do not identify the patent applications with sufficient specificity. The vagueness and overbreadth of the Interrogatories using these definitions submits Supercell to undue burden and expense in responding.

15. Supercell objects to the definitions of “RELATED PATENT” or “RELATED PATENTS” as vague and ambiguous, overbroad, unduly burdensome, and not proportional to the needs of the case, as they do not identify the asserted patents with sufficient specificity. Supercell also objects to the definitions vague and ambiguous and lacking in sufficient particularity on the ground that it is unclear that “based upon a Related Application...” is intended to mean. The vagueness and overbreadth of the Interrogatories using these definitions submits Supercell to undue burden and expense in responding.

16. Supercell objects to the definition of “JAPANESE PATENTS” on the grounds recited above with respect to the definitions of RELATED PATENTS and RELATED APPLICATIONS to the extent that the definition of JAPANESE PATENTS includes references

to those terms. Supercell shall interpret the term to mean to the Japanese patents identified in the definition.

17. Supercell objects to the definition of the term “DOCUMENT” overbroad, unduly burdensome, and not proportional to the needs of the case to the extent it is broader than or inconsistent with Federal Rule 34 and any applicable order issued by the Court in this case.

18. Supercell objects to the definition of the term “COMMUNICATION” as vague and ambiguous, overbroad, unduly burdensome, and not proportional to the needs of the case. The vagueness and overbreadth of the Interrogatories using this definition submits Supercell to undue burden and expense in responding.

19. Supercell objects to the definition and all instructions related to the terms “IDENTIFY” and “IDENTITY” as vague and ambiguous, overbroad, unduly burdensome, and not proportional to the needs of the case. The vagueness and overbreadth of the Interrogatories using these definitions and/or instructions submits Supercell to undue burden and expense in responding. Supercell further objects to the definition and instructions related to the terms “IDENTIFY” and “IDENTITY” as compound and consisting of multiple discrete subparts constituting separate interrogatories, in contravention of the Court’s limit on the number of interrogatories that may be served.

20. Supercell objects to the definition and all instructions related to the identification of DOCUMENTS as vague and ambiguous, overbroad, unduly burdensome, and not proportional to the needs of the case. The vagueness and overbreadth of the Interrogatories using these definitions and/or instructions submits Supercell to undue burden and expense in responding. Supercell further objects to the objects to the definition and all instructions related to the identification of DOCUMENTS as compound and consisting of multiple discrete subparts

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