

A. Correct Names of the Parties to the Lawsuit

Defendant DataBank is correctly named as DatBank Holdings, Ltd.

B. Name, Address, and Phone Number of Potential Parties

DataBank is not aware of any additional potential parties to this litigation

C. Legal Theories and Factual Bases of Claims or Defenses

Plaintiffs has alleged that DataBank infringes claims 1-11 and 12-21 of U.S. Patent No. 6,718,277; claims 10-13 and 16-17 of U.S. Patent No. 6,854,284; claims 1-4 and 7-10 of U.S. Patent No. 6,868,682; claims 10-13 and 15 of U.S. Patent No. 6,868,683; claims 1-9 of U.S. Patent No. 6,854,287; claims 1-6, 9-13, and 15 of U.S. Patent No. 6,862,179; and claims 1-2 and 6-12 of U.S. Patent No. 7,031,870.

DataBank has asserted affirmative defenses and counterclaims for declaratory judgment of invalidity and non-infringement for each of the asserted patents and claims listed above. DataBank also asserted affirmative defenses of prosecution history estoppel, waiver, estoppel, unclean hands, license and exhaustion, Section 286 limitations on damages, failure to mark, ensnarement, and expiration.

D. Persons Having Knowledge of Relevant Facts

DataBank identifies the following individuals likely to have discoverable information that DataBank may use to support its claims or defenses in this case are as follows:

| Name | Organization | Address and Telephone No. | Subject Matter |
|-----------------------------------|---------------------|---|---|
| DataBank Corporate Representative | | Contact through DataBank's Counsel | Data center design and operations, marketing, sales |
| Vertiv Corporate Representative | Vertiv Corp, | Contact through Vertiv's counsel: Daniel Schwartz djschwartz@nixonpeabody.com Timothy Maloney | Design, structure, operation, and functionality of Vertiv's accused |

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|---|---|---|---|
| | | tmaloney@nixonpeabody.com Nixon Peabody | software and equipment |
| Trane Corporate Representative | Trane International Inc. and/or and Trane U.S. Inc. | Contact through Trane's counsel: Travis Iams travis.iams@wbd-us.com Preston Heard preston.heard@wbd-us.com Womble Bond Dickinson | Design, structure, operation, and functionality of Trane's accused software and equipment |
| Automated Logic, Nlyte, and/or Carrier Corporate Representative | Automated Logic Corp., Nlyte and/or Carrier Global Corporation | | Design, structure, operation, and functionality of Automated Logic's and Nlyte's accused software and equipment |
| Schneider and/or Motivair Corporate Representative | Schneider Electric USA, Inc., Motivair Corporation, and/or Schneider Electric SAS | | Design, structure, operation, and functionality of Schneider Electric's and Motivair's accused software and equipment |
| | Additional third party equipment or software manufacturers | | |
| Any individuals or entities named by Valtrus in its disclosures or discovery responses. | | | |
| Ratnesh Sharma | | | Named inventor of U.S. Patent Nos. 6,718,277; 6,854,284; 6,868,682; 6,868,683; and 7,031,870 Inventorship, |

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| | | | conception, and reduction to practice of the invention claimed in the asserted patents. |
| Cullen E. Bash | | | Named inventor of U.S. Patent Nos. 6,854,284; 6,868,682; 6,868,683; 6,854,287; and 7,031,870 Inventorship, conception, and reduction to practice of the invention claimed in the asserted patents. |
| Chandrakant D. Patel | | | Named inventor of U.S. Patent Nos. 6,854,284; 6,868,682; 6,868,683; 6,854,287; 6,862,179; and 7,031,870 Inventorship, conception, and reduction to practice of the invention claimed in the asserted patents. |
| Abdlmonem H. Beitelmal | | | Named inventor of U.S. Patent Nos. 6,854,284; 6,868,683; and 6,862,179 |

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| | | | Inventorship, conception, and reduction to practice of the invention claimed in the asserted patents. |
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DataBank expressly reserves the right to elicit testimony or evidence from any witness disclosed and/or deposed by any of the parties in this action.

E. Indemnity and Insuring Agreements

DataBank identifies that it has indemnification agreements Vertiv Corp., Trane International Inc., and Trane U.S. Inc.

DataBank is not aware of any relevant insurance agreements.

DataBank reserves the right to amend and/or supplement this response

F. Settlement Agreements

DataBank is not in possession of any settlement agreement relevant to the subject matter of this action. Relevant settlement agreements may be in the possession of Plaintiffs. DataBank reserves the right to amend or supplement this response as discovery proceeds.

G. Statement of Any Party to the Litigation

DataBank makes no further statement at this time.

II. Additional Disclosures

A. Patent Local rule 3-1 and 3-3 Disclosures

Paragraph 3(a) of the Discovery Order is not applicable to DataBank.

B. Production of Documents

Pursuant to Paragraph 3(b) of the Discovery Order, DataBank discloses the following:

Discovery is in its early stages and DataBank is continuing its investigation and document collection. DataBank has made a production of relevant documents in advance of these disclosures

that are reasonably and currently available to DataBank at this early stage of the case, which is made without waiving any objections as to relevance, materiality, or admissibility of evidence. DataBank will produce additional documents that are in its possession, custody or control that are relevant to Plaintiffs' claims and DataBank's defenses through further investigation and discovery progresses. DataBank may also rely on documents produced by Plaintiffs, Defendant TierPoint, or any third-party during the course of this action.

DataBank will work with Plaintiffs to arrange for inspection of certain of its data centers that are relevant to Plaintiffs' claims as discovery progresses.

C. Computation of Damages

Plaintiffs have yet to provide a computation of damages, and the time for expert disclosures has not yet arrived pursuant to the Docket Control Order. DataBank will be seeking attorneys fees and costs pursuant to 35 U.S.C. § 285 for the objectively baseless and unreasonably claims asserted in this case by Plaintiffs. Information necessary to compute these fees and costs is not available at this stage of the action. DataBank reserves the right to amend or supplement this response as the action proceeds.

Dated: February 11, 2025.

Respectfully submitted,

/s/ Brett M. Pinkus

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**COUNSEL FOR DATABANK
HOLDINGS LTD.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document on February 11, 2025.

/s/ Brett M. Pinkus

Brett M. Pinkus