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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 UNIVERSITY OF BRITISH COLUMBIA,
16 Plaintiff,
17 v.
18 CAPTION HEALTH, INC.; GE
19 HEALTHCARE TECHNOLOGIES, INC.,
20 Defendant.

Case No. 5:24-cv-03200-EKL
**UBC'S FIRST SUPPLEMENTAL
OBJECTIONS AND RESPONSES TO
DEFENDANTS' FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS AND THINGS (NOS. 1-63)**
Judge: Hon. Eumi K. Lee

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CAPTION HEALTH Ex1032
Caption Health, Inc. v.
University of British Columbia
Trial IPR2025-01066

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1 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the Local Rules of
2 the United States District Court for the Northern District of California, Plaintiff University of
3 British Columbia (“UBC” or “Plaintiff”) by an officer or agent, hereby provide its first
4 supplemental objections and responses to Caption Health Inc. and GE Healthcare Technologies,
5 Inc.’s (“Defendants”) First Set of Requests for Production of Documents and Things to Plaintiff
6 (Nos. 1-63, “Requests”), served on October 21, 2024.

7 **PRELIMINARY STATEMENT (March 7, 2025)**

8 On May 28, 2024, UBC filed its initial Complaint for patent infringement against
9 Defendants Caption Health, Inc. and GE Healthcare Technologies Inc. (“Defendants”) regarding
10 the ’591 Patent. On December 20, 2024, UBC filed its First Amended Complaint, adding a claim
11 for infringement of the ’029 patent. Accordingly, Defendants’ Requests below regarding “Patent in
12 Suit,” where applicable, are now understood by Plaintiff to refer to United States Patent No.
13 11,129,591 (“the ’591 Patent”) and 10,751,029 (“the ’029 Patent”), collectively (“the Patents-in-
14 Suit”) for purposes of its supplemental responses.

15 Plaintiff’s responses are based on information currently available to Plaintiff. Plaintiff
16 reserves all rights to supplement, revise, and/or amend these responses should additional
17 information become available through the discovery process or by other means. Plaintiff also
18 reserves the right to produce or use any information or documents that are discovered after service
19 of these responses in support of or in opposition to any motion, in depositions, or at hearings or
20 trial. In responding to Defendants’ First Set of Requests for Production, Plaintiff does not waive
21 any objection on the grounds of privilege, confidentiality, competency, relevance, materiality,
22 authenticity, admissibility of the information contained in these responses, or any other objection.

23 **DEFINITIONS**

24 1. “’591 Patent” means U.S. Patent No. 11,129,591, titled “Echocardiographic image
25 analysis” and issued September 28, 2021.

26 2. “Patent(s)-in-Suit” means, collectively, U.S. Patent Nos. 11,129,591 and
27 10,751,029.

1 **GENERAL OBJECTIONS**

2 1. Plaintiff objects to each of the Requests and related definitions and instructions to
3 the extent that they purport to impose obligations beyond those required by the Federal Rules of
4 Civil Procedure, the Local Rules of the Northern District of California, or orders of the Court.

5 2. Plaintiff objects to each of the Requests to the extent it calls for production of any
6 documents or things that are not relevant to the issues pending in this case or that are not
7 discoverable under Federal Rule of Civil Procedure 26.

8 3. Plaintiff objects to requests for the production of “all” documents or things as overly
9 broad and unduly burdensome because Plaintiff cannot be sure that “all” documents or things have
10 been identified. Plaintiff has conducted or will conduct a reasonable search for the requested
11 documents and things and will produce responsive documents and things located as a result of such
12 search, subject to Plaintiff’s objections. Plaintiff reserves the right to produce additional, responsive
13 documents and things, and failure to produce such documents and things at this time shall not waive
14 its right to offer such documents and things into evidence at trial or in other proceedings.

15 4. Plaintiff objects to each of the Requests to the extent it calls for the production of
16 electronically-stored documents or things that are not readily accessible, on the ground that they
17 are not relevant or “proportional to the needs of the case, considering the importance of the issues
18 at stake in the action, the amount in controversy, the parties’ relative access to relevant information,
19 the parties’ resources, the importance of the discovery in resolving the issues, and whether the
20 burden or expense of the proposed discovery outweighs its likely benefit.” Fed. R. Civ. P. 26(b)(1).

21 5. Plaintiff objects to each of the Requests as premature to the extent it purports to seek
22 email communications outside of the procedures set forth in the Stipulated E-Discovery Order (Dkt.
23 No. 42. Plaintiff will await Defendants’ initiation of the procedures relating to email discovery
24 where documents responsive to Requests would most likely exist in email.

25 6. Plaintiff objects to each of the requests to the extent that it calls for documents or
26 information outside the scope of Plaintiff’s knowledge, possession, custody, or control. Plaintiff’s
27 agreement to produce any documents or things in response to a particular request should not be

1 construed to mean that Plaintiff has any such requested documents or things in its possession,
2 custody, or control.

3 7. Plaintiff objects to Defendants' definition of "You," "your," or "Plaintiff," as overly
4 broad and disproportionate to the needs of the case, particularly to the extent it includes entities for
5 which Plaintiff has no custody or control of the entities' documents, including but not limited to
6 "any person who served in any such capacity at any time during the relevant time period specified
7 herein." In responding to these Requests, Plaintiff will construe "You," "your," or "Plaintiff" to
8 mean UBC.

9 8. Plaintiff reserves and does not waive objections to any definitions or terms that are
10 not used in specific requests.

11 9. These General Objections are incorporated into each of the following responses and
12 shall be deemed continuing as to each request and are not waived, or in any way limited, by
13 Plaintiff's specific responses and objections.

14 **OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION**

15 **REQUEST FOR PRODUCTION NO. 1:**

16 All Documents identified by, referenced in, or used to prepare the Complaint.

17 **RESPONSE:**

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 **REQUEST FOR PRODUCTION NO. 2:**

26 All Documents supporting or refuting Count One – Infringement of U.S. Patent No.
27 11,129,591, including without limitation, each Document supporting the assertion of direct or
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[REDACTED]

REQUEST FOR PRODUCTION NO. 24:

The Documents identified in Section II of Plaintiff’s Initial Disclosures as “Documents relating to UBC’s commercialization and exploitation of the ’591 Patent.”

RESPONSE:

Plaintiff objects to this Request to the extent it purports to seek emails or other electronic communications outside of the procedures set forth in the ESI Order. Plaintiff objects to this Request as duplicative of other discovery requests, such as Request No. 23.

Subject to and without waiving its General or Specific Objections, Plaintiff will produce, upon a reasonable search, relevant, non-privileged documents in its possession, custody and/or control responsive to this Request.

FIRST SUPPLEMENTAL RESPONSE (March 7, 2025):

Plaintiff incorporates the foregoing General and Specific Objections as if set forth herein. Subject to and without waiving those Objections, and based on a reasonable investigation to date, Plaintiff responds as follows: Plaintiff has not commercialized nor exploited the ’591 Patent. As discussed in UBC’s Objections and Responses to Interrogatory No. 1, Plaintiff presented Clarius Mobile Health Corp. and Change Healthcare Canada Company with a time-limited option to use the ’591 patent technology and seek a license agreement but neither company exercised this option prior to expiration. Accordingly, no responsive documents exist.

REQUEST FOR PRODUCTION NO. 25:

1 Dated: March 7, 2025

PERKINS COIE LLP

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CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2025, a true and correct copy of the foregoing document was transmitted via electronic mail addressed to:

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/s/ Ramsey M. Al-Salam
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