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18 **IN THE UNITED STATES DISTRICT COURT**  
19 **FOR THE DISTRICT OF NEVADA**

20 EVOLUTION MALTA LIMITED, EVOLUTION  
21 GAMING MALTA LIMITED, EVOLUTION  
GAMING LIMITED, and SIA EVOLUTION  
LATVIA,

22 Plaintiffs,

23 v.

24 LIGHT & WONDER, INC. f/k/a SCIENTIFIC  
25 GAMES CORP. and LNW GAMING, INC. f/k/a  
26 SG GAMING, INC.,

27 Defendants.

Case No.: 2:24-cv-00993-CDS-EJY

**PLAINTIFFS' OBJECTIONS AND  
RESPONSES TO DEFENDANTS'  
FIRST SET OF INTERROGATORIES  
(NOS. 1-4)**

1 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the local rules  
2 of the United States District Court for the District of Nevada, Plaintiffs Evolution Malta Limited,  
3 Evolution Gaming Malta Limited, Evolution Gaming Limited, and Sia Evolution Latvia  
4 (“Evolution” or “Plaintiffs”), by and through counsel, hereby provide objections and responses to  
5 Defendants Light & Wonder, Inc. and LNW Gaming, Inc. (“L&W” or “Defendants”)’s First Set  
6 of Interrogatories (the “Interrogatories”).

7 Evolution’s responses to the Interrogatories are based on its current knowledge. Further  
8 investigation may reveal additional facts or information that could lead to additions to, changes in,  
9 and/or variations from the response herein. Without in any way obligating itself to do so, Evolution  
10 expressly reserves the right to supplement, amend, correct, clarify, or modify the responses as  
11 further information becomes available to it. Evolution also reserves the right to use or rely on, at  
12 any time (including but not limited to at trial), subsequently discovered information or information  
13 omitted from these objections and responses as a result of mistake, error, oversight, or  
14 inadvertence.

15 **GENERAL OBJECTIONS**

16 The following general objections apply to each of the Definitions, Instructions, and  
17 Interrogatories and shall have the same force and effect as if set forth in full in response to each  
18 individually numbered Interrogatory. A specific response may repeat a general objection for  
19 emphasis or any other reason and may also include one or more specific objections. Any failure  
20 to repeat all or any part of these general objections in any specific response shall not constitute a  
21 waiver or relinquishment of such objection.

22 1. Evolution objects to the Interrogatories, and the Definitions and Instructions in the  
23 Interrogatories, to the extent that they purport to impose requirements that are inconsistent with,  
24 or beyond those contemplated by, the Federal Rules of Civil Procedure and the Local Rules of the  
25 United States District Court for the District of Nevada (the “Local Rules”). In responding to the  
26 Interrogatories, Evolution will construe and respond to the Interrogatories in accordance with the  
27 requirements of the Federal Rules of Civil Procedure and the Local Rules.

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26 **INTERROGATORY NO. 4:**

27 For each Patent-in-Suit, identify all secondary considerations (as set forth in *Graham v.*

1 *John Deere*, 383 U.S. 1 (1966) and its progeny) that you assert are relevant to the obviousness or  
2 non-obviousness of each Asserted Claim and describe the applicability of each such secondary  
3 consideration, including, without limitation, an explanation of the factual or legal bases for each  
4 such contention, an explanation of the nexus between the purported inventions and the secondary  
5 considerations, and a description of all evidence or testimony on which you may rely to support  
6 your assertion.

7 **RESPONSE TO INTERROGATORY NO. 4:**

8 Evolution incorporates by reference the General Objections set forth above. Evolution  
9 further objects to this Interrogatory as overly broad, unduly burdensome, and not proportional to  
10 the needs of this case, including to the extent it seeks identification for “each Asserted Claim,” “an  
11 explanation of the factual or legal bases,” and “a description of all evidence or testimony.”  
12 Evolution further objects to this Interrogatory to the extent it calls for a legal conclusion. Evolution  
13 further objects to this Interrogatory to the extent it prematurely seeks expert opinions. Evolution  
14 further objects to this Interrogatory to the extent it is a premature contention interrogatory.  
15 Evolution further objects to this Interrogatory to the extent that it seeks information that is outside  
16 of Evolution’s possession, custody, or control. Evolution further objects to this Interrogatory to  
17 the extent it seeks information protected by the attorney client privilege, work product doctrine,  
18 common interest privilege, or any other applicable immunity or privilege from discovery.  
19 Evolution further objects to this Interrogatory to the extent that it seeks information that is similarly  
20 available to L&W, such as publicly available information. Evolution further objects to this  
21 Interrogatory as containing several discrete sub-parts that constitute individual interrogatories and  
22 should be counted toward the interrogatory limitation in the Federal Rules of Civil Procedure  
23 and/or the parties’ agreement and/or orders in this action. Evolution further objects to this  
24 Interrogatory as seeking to shift the burden on Evolution to prove validity. The Patents-in-Suit are  
25 presumed valid and L&W has not even alleged in this case that any of the claims of the Patents-  
26 in-Suit are invalid under 35 U.S.C. § 103.

27 Except as objected to in its foregoing General and Specific Objections, Evolution

1 responds as follows:

2           The Patents-in-Suit are presumed valid and it is L&W’s burden to prove invalidity. To  
3 date, L&W has not filed an answer to Evolution’s Complaint, Dkt. No. 1, and has not served any  
4 invalidity contentions that identify which, if any, claim(s) L&W alleges are invalid under 35  
5 U.S.C. § 103. Evolution nonetheless provides the following response:

6           Evolution identifies the secondary considerations supporting non-obviousness of the  
7 Asserted Claims in the Patents-in-Suit as including, but not limited to, commercial success,  
8 copying of the inventions by competitors, industry recognition and praise, and licensing and  
9 acquiescence of others to the Patents-in-Suit.

10           For example, Evolution has enjoyed tremendous commercial success based on the  
11 features claimed in the Patents-in-Suit, as evidenced by the inclusion of such features in  
12 commercially available products such as Lightning Roulette. Evolution’s Lightning Roulette  
13 product has been hugely successful and is “the biggest Live Roulette table in the world – both for  
14 land-based and online.” *See* Dkt. No. 1 (Complaint) at ¶ 4;  
15 <https://www.evolution.com/games/live-roulette/>. The gaming industry has also recognized and  
16 praised Lightning Roulette’s innovation and awarded Evolution a number of prestigious awards  
17 for Lightning Roulette—Lightning Roulette was awarded Product Innovation of the Year at the  
18 2018 Global Gaming Awards and recognized as “the most revolutionary product in the last 12  
19 months”; Lightning Roulette was also awarded Product Innovation of the Year award at the 2018  
20 Global Gaming Expo (G2E), “prov[ing] that its sophisticated software contributions to the industry  
21 in both sectors (land-based, as well as digital) have been unsurpassed in the past 12 months”;  
22 Lightning Roulette was also named Game of the Year at the EGR Operator Awards in 2018 and  
23 recognized as the game “making the biggest annual impact”; Lightning Roulette was also awarded  
24 Game of the Year at the American Gambling Awards in 2022. *See, e.g., id.* at ¶¶ 7-10;  
25 EVOLUTION\_0001915;           EVOLUTION\_0001883;           EVOLUTION\_0001961;  
26 EVOLUTION\_0001866; EVOLUTION\_0001816; EVOLUTION\_0001898. Even L&W’s  
27 former Senior Vice President of Global Systems and Table Games recognized what a “phenomenal

1 success” Lightning Roulette has been and attributed that success to “provid[ing] a truly unique  
2 roulette experience for players.” *See id.* at ¶ 11; EVOLUTION\_0001820.

3           Additionally, other companies practicing the Asserted Claims, including L&W, have  
4 enjoyed and continue to enjoy commercial success based on the features claimed in the Patents-  
5 in-Suit, as evidenced by the inclusion of such features in commercially available products such as  
6 the Accused Products (RouletteX and PowerX). L&W’s Senior Vice President of Global Table  
7 Gaming recognized Accused Product RouletteX as “a very big product for [L&W]” that is “in the  
8 field” and “driving a ton of excitement.” *See id.* at ¶ 26; EVOLUTION\_0001749. And at the 2023  
9 Global Gaming Expo, L&W recognized RouletteX as its “number one product right now in  
10 [L&W]’s ETG space.” *See id.*

11           The secondary considerations supporting non-obviousness also include copying by  
12 competitors. For example, that L&W provides products that practice the claimed inventions of the  
13 Patents-in-Suit is evidence of copying. In fact, L&W (at the time Scientific Games Corp. and  
14 Scientific Gaming, Inc.) learned about the ’024 patent as early as August 26, 2020 and learned  
15 about the patent application that led to the ’014 patent, as well as the technical details of  
16 Evolution’s Lightning Roulette game, on or before March 8, 2021, during the parties’ negotiations  
17 of the Heads of Terms. *See, e.g.*, L&W’s Response to Interrogatory No. 1. L&W then used the  
18 information Evolution shared pursuant to the parties’ NDA and Heads of Terms as a blueprint to  
19 create its own copycat product after unilaterally terminating the parties’ license agreement. Dkt.  
20 No. 1 (Complaint) at ¶¶ 16-24. L&W has continued to practice the claimed features of the Patents-  
21 in-Suit rather than design around the claimed inventions, despite being put on notice of its  
22 infringement in several letters and being sued for infringement in the present action. *See, e.g.*,  
23 Dkt. No. 1 (Complaint) at ¶¶ 28-30.

24           Additionally, Evolution and L&W (at the time Scientific Gaming, Inc.) entered into  
25 license agreement that granted L&W a license to certain of Evolution’s IP, including the Patents-  
26 in-Suit or applications that led to the Patents-in-Suit, for purposes of producing a land-based  
27 version of Lightning Roulette. *See id.* at ¶ 19; EVOLUTION\_0002019. L&W’s agreement to

1 license the Patents-in-Suit for purposes of creating land-based versions of Lightning Roulette  
2 evidences belief on behalf of L&W that the '024 and '014 patents were valid.

3 Evolution hereby incorporates by reference any of its forthcoming expert reports or  
4 expert deposition testimony that contain information relevant to secondary considerations to be  
5 served in accordance with Parties' Proposed Stipulated Discovery Plan and Scheduling Order (Dkt.  
6 No. 45), or a scheduling order entered by this Court.

7 Discovery and Evolution's investigation are ongoing and Evolution reserves the right to  
8 amend and/or supplement this response as discovery progresses.

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1 Dated: October 25, 2024

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the date indicated below, I had the foregoing Plaintiffs' Objections and  
3 Responses to Defendants' First Set of Requests for Interrogatories served by e-mail on the following:

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Date: October 25, 2024

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