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11 *University of British Columbia*

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  
INTERROGATORIES (NOS. 1-3)**

Judge: Hon. Eumi K. Lee

CAPTION HEALTH Ex1038  
Caption Health, Inc. v.  
University of British Columbia  
Trial IPR2025-01422

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1 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the Local Rules  
2 for the Northern District of California, Plaintiff University of British Columbia (“UBC” or  
3 “Plaintiff”) provides its objections and responses to Caption Health Inc. and GE Healthcare  
4 Technologies, Inc.’s (“Defendants”) First Set of Interrogatories to Plaintiff, served on October 21,  
5 2024.

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

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

14 Plaintiff’s responses are based on information currently available to Plaintiff. Plaintiff  
15 reserves all rights to supplement, revise, and/or amend these responses should additional  
16 information become available through the discovery process or by other means. In responding to  
17 Defendants’ First Set of Interrogatories, Plaintiff does not waive any objection on the grounds of  
18 privilege, confidentiality, competency, relevance, materiality, authenticity, admissibility of the  
19 information contained in these responses, or any other objection.

20 **DEFINITIONS**

- 21 1. “’591 Patent” means U.S. Patent No. 11,129,591, titled “Echocardiographic image  
22 analysis” and issued September 28, 2021.
- 23 2. “Patent(s)-in-Suit” means, collectively, U.S. Patent Nos. 11,129,591 and  
24 10,751,029.

25 **OBJECTIONS AND RESPONSES TO INTERROGATORIES**

26 **INTERROGATORY NO. 1:**

27 Identify all Practicing Products by commercial name and the claim or claims of the Patent  
28

1 in Suit that each product embodies or practices.

2 **RESPONSE:**

3 Plaintiff objects to this Interrogatory to the extent it seeks information that is not relevant  
4 to the claim or defense of any party and is not proportional to the needs of the case, including to  
5 the extent that this Request seeks discovery not related to an asserted claim of the Patent in Suit.  
6 Plaintiff objects to this Interrogatory to the extent it requires that it reach legal conclusions as to the  
7 scope of the claims.

8 Without waiving these objections, Plaintiff has never had a Practicing Product and thus has  
9 no commercial names to identify. However, Plaintiff responds as follows regarding development  
10 related to the Patent in Suit: Plaintiff entered into a 2020 Master Project Agreement for Canada’s  
11 Digital Technology Supercluster Project, which included a time-limited option for Clarius Mobile  
12 Health Corp. and Change Healthcare Canada Company to use the ’591 patent technology and seek  
13 a license agreement. The potential “Licensed Technology” encompassed any AI software and  
14 source code (including a trained neural net model) for cardiology and obstetrics developed in Dr.  
15 Purang Abolmaesumi’s UBC laboratory and arising directly from the Supercluster Project. The  
16 parties aimed to develop a novel ultrasound product capable of AI supported diagnostics in the  
17 clinical indication of cardiology using image quality assessment, as well as AI for obstetrics.  
18 Neither company exercised this option (which is now expired) following the completion of the  
19 Supercluster Project in December 2021.

20 **INTERROGATORY NO. 2:**

21 For each Practicing Product, identify the algorithms, formula, and source code that practice  
22 the method and/or device claimed in the Patent in Suit.

23 **RESPONSE:**

24 [REDACTED]  
25 [REDACTED]  
26 [REDACTED]  
27 [REDACTED]

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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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