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HealthCare Technologies Inc.*

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 UNIVERSITY OF BRITISH COLUMBIA,

16 Plaintiff,

17 v.

18 CAPTION HEALTH, INC.; GE
19 HEALTHCARE TECHNOLOGIES INC.,

20 Defendants.
21

Case No. 5:24-cv-03200-EKL

**DEFENDANT GE HEALTHCARE'S
RESPONSES TO UBC'S THIRD SET OF
REQUESTS FOR PRODUCTION TO
DEFENDANT GE HEALTHCARE (NOS.
55-86)**

Judge: Eumi K. Lee

22 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant GE HealthCare
23 Technologies, Inc. ("GE HealthCare"), hereby sets forth its responses and objections to Plaintiff
24 University of British Columbia's ("Plaintiff") Third Set of Requests for Production of Documents
25 and Things (Nos. 55-86) ("Requests") as follows.

26 GE HealthCare makes these Responses and Objections without waiving any rights,
27 arguments, positions or defenses, including those available to Defendant Caption Health, Inc.
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1 (“Caption Health”). GE HealthCare also reserves the right to revise, supplement, or correct these
2 Responses and Objections.

3 Without waiver of any of the objections set forth herein, GE HealthCare is prepared to meet
4 and confer with Plaintiff’s counsel concerning Plaintiff’s requests and GE HealthCare’s
5 objections.

6 **GENERAL OBJECTIONS**

7 GE HealthCare asserts the following General Objections, which are hereby specifically
8 incorporated into each and every numbered response. For emphasis, any particular numbered
9 response may repeat or refer to all or a portion of the objections contained in these General
10 Objections, but such repetition or reference is in no way intended to limit the incorporation of all
11 of the General Objections into such numbered response.

12 1. GE HealthCare objects to each of Plaintiff’s Requests to the extent they seek
13 additional disclosure of technical details of any of GE HealthCare’s devices while Plaintiff has
14 still failed to adequately and specifically plead patent infringement as to said device.

15 2. GE HealthCare objects to these Requests to the extent they seek information and/or
16 documents protected by the attorney-client privilege, the attorney work-product doctrine, or any
17 other applicable privilege or protection. Any disclosure of privileged or work-product protected
18 information is inadvertent and shall not be deemed a waiver of any privilege, doctrine, or
19 immunity.

20 3. GE HealthCare objects to these Requests (as well as the instructions and
21 definitions) to the extent they seek to impose obligations on GE HealthCare not otherwise imposed
22 by the Federal Rules of Civil Procedure, the local rules, or the orders of this Court.

23 4. GE HealthCare objects to these Requests to the extent they seek information or
24 materials neither relevant to this action nor proportional to the needs of the case.

25 5. Nothing contained herein shall be construed as an admission relative to the
26 existence or possession of any document. No response, or document produced in response to these
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1 Requests, is an admission as to the relevance or admissibility of any document or the truth or
2 accuracy of any statement or characterization contained in the Request.

3 6. GE HealthCare objects to each Request to the extent it seeks documents and/or
4 information already within Plaintiff's possession, already known and/or disclosed to Plaintiff, or
5 which is equally available to Plaintiff, on the grounds that it subjects GE HealthCare to
6 unreasonable and undue burden and expense.

7 7. GE HealthCare object to these Requests to the extent they seek documents and/or
8 information outside of GE HealthCare's possession, custody, or control.

9 8. GE HealthCare objects to these Requests to the extent they are unreasonably
10 cumulative or duplicative, or to the extent that the information sought may be obtained from
11 another source in a more convenient, less burdensome, or less expensive manner.

12 9. GE HealthCare objects to these Requests to the extent that they are confusing,
13 vague, or ambiguous.

14 10. GE HealthCare objects to these Requests to the extent they seek confidential,
15 personally identifiable information in violation of applicable privacy acts or statutes.

16 11. GE HealthCare objects to Plaintiff's definition of "Related Patents" as irrelevant,
17 unreasonably broad, vague, unduly burdensome, and disproportionate to the needs of the case
18 because it includes patents for which Plaintiff has not alleged infringement in this Litigation and
19 contains the extremely broad qualification of patents that "relate to any of the Patents-in-Suit by
20 way of subject matter."

21 12. GE HealthCare objects to Plaintiff's definition of "Accused Products" as
22 unreasonably vague because it is "not limited to" the products listed in the definition. GE
23 HealthCare further objects to this definition as overly broad, unduly burdensome, and
24 disproportionate to the needs of the case because it includes the following products and
25 technologies that Plaintiff has not adequately alleged infringe any claim of the Patents in Suit in
26 either Plaintiff's pleadings or any version of its Disclosure of Asserted Claims and Infringement
27 Contentions for which Plaintiff has obtained leave to serve: "'SonoLyst' (e.g. SonoLystlive,
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1 SonoLystIR, SonoLystX) including, but not limited to, . . . ‘Voluson’ family of ultrasound
2 systems, Butterfly iQ+ device with Butterfly iQ app, and Terason uSmart 3200T Plus.”

3 13. GE HealthCare, along with Caption Health, further objects to these Requests
4 inasmuch as they are unduly burdensome as a result of Plaintiff’s decision to serve separate sets
5 of similar discovery requests on GE HealthCare and Caption Health, such that Defendants must
6 review, object to, and respond to two sets of definitions, instructions, and Requests rather than one.

7 14. GE HealthCare objects to Plaintiff’s definition of “Accused Functionalities” to the
8 extent that it makes reference to the positions that Plaintiff has taken in its Second Supplemental
9 Disclosure of Asserted Claims and Preliminary Infringement Contentions and that are the subject
10 of a discovery dispute that the parties have submitted to the Court for resolution.

11 15. GE HealthCare reserve the right to supplement these responses at a later date.

12
13 **RESPONSES TO REQUESTS FOR PRODUCTION**

14 **REQUEST FOR PRODUCTION NO. 55:**

15 Documents sufficient to indicate when You had knowledge of UBC’s or the individual
16 named inventor’s work or research on medical image interpretation or analysis including, without
17 limitation, the first time that You became aware of any publication referring to such work or
18 research.

19 **RESPONSE:**

20 GE HealthCare objects to this request because “the individual named inventor’s” is vague
21 and ambiguous. GE HealthCare assumes that it should be “the Patents-in-Suit’s individual named
22 inventors’.” GE HealthCare further objects to this request because it seeks documents not relevant
23 to any party’s claim or defense, and the burden of producing the requested documents is not
24 proportional to the needs of the case. Caption AI is the only accused technology properly at issue,
25 and UBC accused Caption Health of infringing before GE HealthCare acquired Caption Health.

26 Standing on its objections, GE HealthCare will not produce documents in response to this
27 request.

1 **REQUEST FOR PRODUCTION NO. 56:**

2 All records of any changes, enhancements, and/or corrections to the source code and
3 software for the Accused Products and/or Accused Functionalities.

4 **RESPONSE:**

5 GE HealthCare objects to this request because the term “enhancements” is vague and
6 ambiguous. GE HealthCare further objects to this request as overly broad, unduly burdensome,
7 and disproportionate to the needs of the case inasmuch as it seeks “all records.” As noted above,
8 GE HealthCare also objects to Plaintiff’s definition of “Accused Products” as unreasonably vague
9 because it is “not limited to” the products listed in the definition. GE HealthCare further objects to
10 this definition as overly broad, unduly burdensome, and disproportionate to the needs of the case
11 because it includes the following products and technologies that Plaintiff has not adequately
12 alleged infringe any claim of the Patents in Suit in either Plaintiff’s pleadings or any version of its
13 Disclosure of Asserted Claims and Infringement Contentions for which Plaintiff has obtained leave
14 to serve: “‘SonoLyst’ (e.g. SonoLystlive, SonoLystIR, SonoLystX) including, but not limited to, .
15 .. ‘Voluson’ family of ultrasound systems, Butterfly iQ+ device with Butterfly iQ app, and Terason
16 uSmart 3200T Plus.” In responding to this request, GE HealthCare will treat “Accused Products”
17 as limited to the Caption AI software for use on Venue and Vscan Air SL. GE HealthCare further
18 objects to Plaintiff’s definition of “Accused Functionalities” to the extent that it makes reference
19 to the positions that Plaintiff has taken in its Second Supplemental Disclosure of Asserted Claims
20 and Preliminary Infringement Contentions and that are the subject of a discovery dispute that the
21 parties have submitted to the Court for resolution. Finally, GE HealthCare objects to this request
22 as duplicative of Plaintiff’s Requests Nos. 1–8.

23 GE HealthCare will produce, or make available for inspection, documents or source code
24 sufficient to show changes or corrections to source code and software for Caption AI for use on
25 Venue and Vscan Air SL.

1 **REQUEST FOR PRODUCTION NO. 57:**

2 All documents related to negotiations of any patent license produced or identified by You
3 in this case.

4 **RESPONSE:**

5 GE HealthCare objects to this request as overly broad, unduly burdensome, and
6 disproportionate to the needs of the case inasmuch as it seeks “all documents.” GE HealthCare
7 objects to this request because it seeks documents within the scope of the attorney–client privilege
8 and the work-product doctrine. GE HealthCare will not produce such documents.

9 Therefore, GE HealthCare will produce on a rolling basis non-privileged documents related
10 to negotiations of licenses that it has produced in this litigation to the extent these documents have
11 not already been produced in response to another request.

12 **REQUEST FOR PRODUCTION NO. 58:**

13 All documents related to the circumstances surrounding the negotiation of any patent
14 license produced or identified by You in this case.

15 **RESPONSE:**

16 GE HealthCare objects to this request as overly broad, unduly burdensome, and
17 disproportionate to the needs of the case inasmuch as it seeks “all documents.” GE HealthCare
18 also objects to this request because “circumstances surrounding the negotiation” is vague and
19 ambiguous. GE HealthCare further objects to this request because it seeks documents within the
20 scope of the attorney–client privilege and the work-product doctrine. GE HealthCare will not
21 produce such documents.

22 Therefore, GE HealthCare will produce on a rolling basis non-privileged documents related
23 to negotiations of licenses that it has produced in this litigation to the extent these documents have
24 not already been produced in response to another request.

1 **REQUEST FOR PRODUCTION NO. 59:**

2 All documents related to any established policy, procedure, or program related to licensing
3 (in-bound or out-bound) or use of intellectual property by You, including but not limited to out-
4 bound and in-bound patent licensing efforts and the criteria for licensing a patent.

5 **RESPONSE:**

6 GE HealthCare objects to this request as overly broad, unduly burdensome, and not
7 proportional to the needs of the case inasmuch as it seeks “all documents” and inasmuch as it seeks
8 information about policies, procedures, or programs that do not apply to Caption AI software.
9 Also, GE HealthCare objects to this request as vague as to the term “use of intellectual property.”
10 GE HealthCare will disregard this language.

11 Therefore, GE HealthCare will produce on a rolling basis non-privileged documents, if
12 any, related to any established policy, procedure, or program related to licensing (in-bound or out-
13 bound) by GE HealthCare that applies to Caption AI software.

14 **REQUEST FOR PRODUCTION NO. 60:**

15 All documents related to Your patent-clearing policies and procedures, as well as policies
16 and procedures for reviewing potential licensing needs.

17 **RESPONSE:**

18 GE HealthCare objects to this request as overly broad, unduly burdensome, and not
19 proportional to the needs of the case inasmuch as it seeks “all documents.” Also, GE HealthCare
20 objects to this request as vague and ambiguous as to the terms “patent-clearing policies and
21 procedures” and “licensing needs.” Finally, GE HealthCare objects to this request because seeks
22 to impermissibly discover irrelevant and sensitive information in the form of GE HealthCare’s
23 broader business practices. The breadth and vagueness of this request make it impossible for GE
24 HealthCare to respond at this time.

25 Therefore, GE HealthCare is willing to meet and confer with Plaintiff regarding the scope
26 of this request.

1 **REQUEST FOR PRODUCTION NO. 61:**

2 All documents relating to any attempts to design around or modify any product to avoid
3 infringement of any of the Patents-in-Suit.

4 **RESPONSE:**

5 GE HealthCare objects to this request as overly broad, unduly burdensome, and not
6 proportional to the needs of the case inasmuch as it seeks “all documents” and inasmuch as it seeks
7 information regarding “any product” rather than specifying a product that Plaintiff has properly
8 alleged infringes the Patents-in-Suit. Thus, GE HealthCare further objects that this request seeks
9 to shift Plaintiff’s burden for alleging infringement of specific products to GE HealthCare. GE
10 HealthCare further objects to this request because it seeks documents within the scope of the
11 attorney–client privilege and the work-product doctrine. GE HealthCare will not produce such
12 documents.

13 Therefore, GE HealthCare will produce on a rolling basis non-privileged documents, if
14 any, related to Caption AI software that are responsive to this request.

15 **REQUEST FOR PRODUCTION NO. 62:**

16 All documents related to any allegedly non-infringing alternatives to the inventions
17 claimed in the Patents-in-Suit and the availability, acceptability, and costs of such allegedly non-
18 infringing alternatives in the marketplace.

19 **RESPONSE:**

20 GE HealthCare objects to this request as overly broad, unduly burdensome, and not
21 proportional to the needs of the case inasmuch as it seeks “all documents.” GE HealthCare also
22 objects to this request because it seeks documents within the scope of the attorney–client privilege
23 and the work-product doctrine. GE HealthCare will not produce such documents. GE HealthCare
24 further objects to this request as overly broad, unduly burdensome, and not proportional to the
25 needs of the case to the extent it seeks information that is equally publicly available to Plaintiff.
26 Thus, Plaintiff can access the documents from a source, other than GE HealthCare, that is more
27 convenient, less burdensome, and less expensive. Finally, GE HealthCare objects to this request
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1 as premature to the extent that it seeks expert discovery. GE HealthCare will produce such
2 materials when required to do so under the Federal Rules of Civil Procedure, the Local Rules, and
3 the Court's orders.

4 Therefore, GE HealthCare will produce on a rolling basis non-privileged documents
5 responsive to this request.

6 **REQUEST FOR PRODUCTION NO. 63:**

7 All documents related to, concerning, and/or describing any instance in which You
8 considered adopting an asserted prior art system or implementing the teaching of an asserted prior
9 art reference instead of or as a replacement for the Accused Functionalities in the Accused
10 Products.

11 **RESPONSE:**

12 GE HealthCare objects to this request as overly broad, unduly burdensome, and not
13 proportional to the needs of the case inasmuch as it seeks "all documents." As noted above, GE
14 HealthCare also objects to Plaintiff's definition of "Accused Products" as unreasonably vague
15 because it is "not limited to" the products listed in the definition. GE HealthCare further objects to
16 this definition as overly broad, unduly burdensome, and disproportionate to the needs of the case
17 because it includes the following products and technologies that Plaintiff has not adequately
18 alleged infringe any claim of the Patents in Suit in either Plaintiff's pleadings or any version of its
19 Disclosure of Asserted Claims and Infringement Contentions for which Plaintiff has obtained leave
20 to serve: "'SonoLyst' (e.g. SonoLystlive, SonoLystIR, SonoLystX) including, but not limited to, .
21 . . 'Voluson' family of ultrasound systems, Butterfly iQ+ device with Butterfly iQ app, and Terason
22 uSmart 3200T Plus." In responding to this request, GE HealthCare will treat "Accused Products"
23 as limited to the Caption AI software for use on Venue and Vscan Air SL. GE HealthCare further
24 objects to Plaintiff's definition of "Accused Functionalities" to the extent that it makes reference
25 to the positions that Plaintiff has taken in its Second Supplemental Disclosure of Asserted Claims
26 and Preliminary Infringement Contentions and that are the subject of a discovery dispute that the
27 parties have submitted to the Court for resolution.

1 Therefore, GE HealthCare will produce on a rolling basis non-privileged documents, if
2 any, related to Caption AI software that are responsive to this request.

3 **REQUEST FOR PRODUCTION NO. 64:**

4 All documents relating to any studies and analyses, including any customer surveys,
5 concerning demand for the Accused Functionalities or the importance of the Accused
6 Functionalities in promoting sales of the Accused Products.

7 **RESPONSE:**

8 GE HealthCare objects to this request as overly broad, unduly burdensome, and not
9 proportional to the needs of the case inasmuch as it seeks “all documents” and inasmuch as it seeks
10 documentation and information on products other than Caption AI software. As noted above, GE
11 HealthCare also objects to Plaintiff’s definition of “Accused Products” as unreasonably vague
12 because it is “not limited to” the products listed in the definition. GE HealthCare further objects to
13 this definition as overly broad, unduly burdensome, and disproportionate to the needs of the case
14 because it includes the following products and technologies that Plaintiff has not adequately
15 alleged infringe any claim of the Patents in Suit in either Plaintiff’s pleadings or any version of its
16 Disclosure of Asserted Claims and Infringement Contentions for which Plaintiff has obtained leave
17 to serve: “‘SonoLyst’ (e.g. SonoLystlive, SonoLystIR, SonoLystX) including, but not limited to, .
18 .. ‘Voluson’ family of ultrasound systems, Butterfly iQ+ device with Butterfly iQ app, and Terason
19 uSmart 3200T Plus.” In responding to this request, GE HealthCare will treat “Accused Products”
20 as limited to the Caption AI software for use on Venue and Vscan Air SL. GE HealthCare further
21 objects to Plaintiff’s definition of “Accused Functionalities” to the extent that it makes reference
22 to the positions that Plaintiff has taken in its Second Supplemental Disclosure of Asserted Claims
23 and Preliminary Infringement Contentions and that are the subject of a discovery dispute that the
24 parties have submitted to the Court for resolution.

25 Therefore, GE HealthCare will produce on a rolling basis non-privileged documents, if
26 any, related to Caption AI software that are responsive to this request.

1 **REQUEST FOR PRODUCTION NO. 65:**

2 All documents related to analyses or summaries of customer feedback regarding the
3 performance of the Accused Functionalities in Your products and Your response to this feedback,
4 whether formal, informal, public, non-public, or otherwise.

5 **RESPONSE:**

6 GE HealthCare objects to this request as overly broad, unduly burdensome, and not
7 proportional to the needs of the case inasmuch as it seeks “all documents” and inasmuch as it seeks
8 documentation and information on products other than Caption AI software. As noted above, GE
9 HealthCare also objects to Plaintiff’s definition of “Accused Products” as unreasonably vague
10 because it is “not limited to” the products listed in the definition. GE HealthCare further objects to
11 this definition as overly broad, unduly burdensome, and disproportionate to the needs of the case
12 because it includes the following products and technologies that Plaintiff has not adequately
13 alleged infringe any claim of the Patents in Suit in either Plaintiff’s pleadings or any version of its
14 Disclosure of Asserted Claims and Infringement Contentions for which Plaintiff has obtained leave
15 to serve: “‘SonoLyst’ (e.g. SonoLystlive, SonoLystIR, SonoLystX) including, but not limited to, .
16 .. ‘Voluson’ family of ultrasound systems, Butterfly iQ+ device with Butterfly iQ app, and Terason
17 uSmart 3200T Plus.” In responding to this request, GE HealthCare will treat “Accused Products”
18 as limited to the Caption AI software for use on Venue and Vscan Air SL. GE HealthCare further
19 objects to Plaintiff’s definition of “Accused Functionalities” to the extent that it makes reference
20 to the positions that Plaintiff has taken in its Second Supplemental Disclosure of Asserted Claims
21 and Preliminary Infringement Contentions and that are the subject of a discovery dispute that the
22 parties have submitted to the Court for resolution.

23 Therefore, GE HealthCare will produce on a rolling basis non-privileged documents, if
24 any, related to Caption AI software that are responsive to this request.

1 **REQUEST FOR PRODUCTION NO. 66:**

2 Documents concerning any effect the sale of the Accused Products has had or might have
3 had on any other aspect of Your business, including sales, revenue, selling price, profitability, or
4 market share with respect to any other products or services sold by You.

5 **RESPONSE:**

6 GE HealthCare objects to this request as overly broad, unduly burdensome, and not
7 proportional to the needs of the case inasmuch as it seeks “all documents.” As noted above, GE
8 HealthCare also objects to Plaintiff’s definition of “Accused Products” as unreasonably vague
9 because it is “not limited to” the products listed in the definition. GE HealthCare further objects to
10 this definition as overly broad, unduly burdensome, and disproportionate to the needs of the case
11 because it includes the following products and technologies that Plaintiff has not adequately
12 alleged infringe any claim of the Patents in Suit in either Plaintiff’s pleadings or any version of its
13 Disclosure of Asserted Claims and Infringement Contentions for which Plaintiff has obtained leave
14 to serve: “‘SonoLyst’ (e.g. SonoLystlive, SonoLystIR, SonoLystX) including, but not limited to, .
15 .. ‘Voluson’ family of ultrasound systems, Butterfly iQ+ device with Butterfly iQ app, and Terason
16 uSmart 3200T Plus.” In responding to this request, GE HealthCare will treat “Accused Products”
17 as limited to the Caption AI software for use on Venue and Vscan Air SL. GE HealthCare further
18 objects to Plaintiff’s definition of “Accused Functionalities” to the extent that it makes reference
19 to the positions that Plaintiff has taken in its Second Supplemental Disclosure of Asserted Claims
20 and Preliminary Infringement Contentions and that are the subject of a discovery dispute that the
21 parties have submitted to the Court for resolution.

22 Given these circumstances, GE HealthCare is willing to meet and confer with Plaintiff
23 regarding the scope of this request.

24 **REQUEST FOR PRODUCTION NO. 67:**

25 The unit sales or licenses of SonoLyst software (or at least any of the SonoLyst AI software
26 tools that were made or sold in the U.S.) to date.

27 **RESPONSE:**

1 GE HealthCare objects to this request because it seeks documents not relevant to any
2 party's claim or defense, and the burden of producing the requested documents is not proportional
3 to the needs of the case. GE HealthCare further objects to this request to the extent it is vague and
4 ambiguous because it seeks "unit sales or licenses."

5 Standing on its objections, GE HealthCare will not produce documents in response to this
6 request.

7 **REQUEST FOR PRODUCTION NO. 68:**

8 The revenue and gross profits from SonoLyst software sales or licensing identified or a
9 reasonable estimate if profits are not readily available.

10 **RESPONSE:**

11 GE HealthCare objects to this request because it seeks documents not relevant to any
12 party's claim or defense, and the burden of producing the requested documents is not proportional
13 to the needs of the case. GE HealthCare also objects to this request to the extent that it asks GE
14 HealthCare to create new documents. GE HealthCare will not do so.

15 Standing on its objections, GE HealthCare will not produce documents in response to this
16 request.

17 **REQUEST FOR PRODUCTION NO. 69:**

18 The unit sales or licenses of Caption Guidance software (or at least Caption Guidance
19 software products made or sold in the U.S.) to date.

20 **RESPONSE:**

21 GE HealthCare objects to this request as overly broad, unduly burdensome, and
22 disproportionate to the needs of the case because it seeks documentation and information on
23 products other than Caption AI software for use on Venue and Vscan. GE HealthCare further
24 objects to this request to the extent it is vague and ambiguous because it seeks "unit sales or
25 licenses." Finally, GE HealthCare objects to this request to the extent it is duplicative and
26 cumulative of other requests.

1 Therefore, GE HealthCare will produce on a rolling basis non-privileged documents related
2 to Caption AI software for use on Venue and Vscan that are responsive to this request to the extent
3 they have not already been produced.

4 **REQUEST FOR PRODUCTION NO. 70:**

5 The revenue and gross profits from Caption Guidance software sales or licensing identified
6 or a reasonable estimate if profits are not readily available.

7 **RESPONSE:**

8 GE HealthCare objects to this request as overly broad, unduly burdensome, and
9 disproportionate to the needs of the case because it seeks documentation and information on
10 products other than Caption AI software for use on Venue and Vscan. GE HealthCare further
11 objects to this request to the extent it is vague and ambiguous at least because of the term “software
12 sales or licensing identified.” GE HealthCare also objects to this request to the extent it is
13 duplicative and cumulative of other requests. Finally, GE HealthCare objects to this request to the
14 extent that it asks GE HealthCare to create new documents. GE HealthCare will not do so.

15 Therefore, GE HealthCare will produce on a rolling basis non-privileged documents related
16 to Caption AI software for use on Venue and Vscan that are responsive to this request to the extent
17 they have not already been produced.

18 **REQUEST FOR PRODUCTION NO. 71:**

19 The revenue for Venue and Vscan products sold with or as part of Caption Guidance
20 software sales or licensing.

21 **RESPONSE:**

22 GE objects to this request because it is vague and ambiguous. GE HealthCare further
23 objects to this request because, to the extent that GE HealthCare can understand it at all, it appears
24 to seek documents not relevant to any party’s claim or defense, and the burden of producing the
25 requested documents is not proportional to the needs of the case.

26 Standing on its objections, GE HealthCare will not produce documents in response to this
27 request.

1 **REQUEST FOR PRODUCTION NO. 72:**

2 The unit sales and revenue for Voluson products sold with or as part of SonoLyst software
3 sales or licensing.

4 **RESPONSE:**

5 GE HealthCare objects to this request because it seeks documents not relevant to any
6 party's claim or defense, and the burden of producing the requested documents is not proportional
7 to the needs of the case.

8 Standing on its objections, GE HealthCare will not produce documents in response to this
9 request.

10 **REQUEST FOR PRODUCTION NO. 73:**

11 Documents sufficient to identify the percentage of Your total sales in dollars and units
12 attributable to the Accused Products.

13 **RESPONSE:**

14 GE HealthCare objects to this request as irrelevant, unduly burdensome, and
15 disproportionate to the needs of the case. As noted above, GE HealthCare also objects to Plaintiff's
16 definition of "Accused Products" as unreasonably vague because it is "not limited to" the products
17 listed in the definition. GE HealthCare further objects to this definition as overly broad, unduly
18 burdensome, and disproportionate to the needs of the case because it includes the following
19 products and technologies that Plaintiff has not adequately alleged infringe any claim of the Patents
20 in Suit in either Plaintiff's pleadings or any version of its Disclosure of Asserted Claims and
21 Infringement Contentions for which Plaintiff has obtained leave to serve: "'SonoLyst' (e.g.
22 SonoLystlive, SonoLystIR, SonoLystX) including, but not limited to, . . . 'Voluson' family of
23 ultrasound systems, Butterfly iQ+ device with Butterfly iQ app, and Terason uSmart 3200T Plus."
24 In responding to this request, GE HealthCare will treat "Accused Products" as limited to the
25 Caption AI software for use on Venue and Vscan Air SL. GE HealthCare further objects to this
26 request as unreasonably vague because it seeks information in "units attributable." Finally, GE
27 HealthCare objects to this request as premature to the extent that it seeks expert discovery. GE
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1 HealthCare will produce such materials when required to do so under the Federal Rules of Civil
2 Procedure, the Local Rules, and the Court's orders.

3 Standing on its objections, GE HealthCare will not produce documents in response to this
4 request.

5 **REQUEST FOR PRODUCTION NO. 74:**

6 Your projections for sales, revenues and profits from Caption Guidance, including any
7 projections for increased sales of related products (e.g., Venue products) as a result of the
8 availability of Caption Guidance.

9 **RESPONSE:**

10 GE HealthCare objects to this request as overly broad, unduly burdensome, and
11 disproportionate to the needs of the case because it seeks documentation and information on
12 products other than Caption AI software for use on Venue and Vscan. GE HealthCare also objects
13 to this request to the extent that it asks GE HealthCare to create new documents. GE HealthCare
14 will not do so.

15 Therefore, GE HealthCare will produce on a rolling basis non-privileged documents related
16 to Caption AI software for use on Venue and Vscan that are responsive to this request to the extent
17 they have not already been produced.

18 **REQUEST FOR PRODUCTION NO. 75:**

19 Any projections or valuations of Caption Guidance done in connection with Your
20 acquisition of Caption Health, including any materials provided to the GE Healthcare Board in
21 connection with the approval of the acquisition.

22 **RESPONSE:**

23 GE HealthCare objects to this request as overly broad, unduly burdensome, and
24 disproportionate to the needs of the case because it seeks documentation and information on
25 products other than Caption AI software for use on Venue and Vscan. GE HealthCare also objects
26 to this request to the extent it is duplicative and cumulative of other requests.

1 Therefore, GE HealthCare will produce on a rolling basis non-privileged documents related
2 to Caption AI software for use on Venue and Vscan that are responsive to this request to the extent
3 they have not already been produced.

4 **REQUEST FOR PRODUCTION NO. 76:**

5 Your projections for sales, revenues and profits from Voluson products incorporating
6 Sonolyst AI technology, including any projections for increased sales of related products, as a
7 result of the availability of Voluson products with Sonolyst AI.

8 **RESPONSE:**

9 GE HealthCare objects to this request because it seeks documents not relevant to any
10 party's claim or defense, and the burden of producing the requested documents is not proportional
11 to the needs of the case.

12 Standing on its objections, GE HealthCare will not produce documents in response to this
13 request.

14 **REQUEST FOR PRODUCTION NO. 77:**

15 Any projections or valuations of the benefits of adding Intelligent Ultrasound's AI
16 technology into Your products, including without limitation the Voluson products, done in
17 connection with Your acquisition of Intelligent Ultrasound, including any materials provided to
18 the GE Healthcare Board in connection with the approval of the acquisition of Intelligent
19 Ultrasound.

20 **RESPONSE:**

21 GE HealthCare objects to this request because it seeks documents not relevant to any
22 party's claim or defense, and the burden of producing the requested documents is not proportional
23 to the needs of the case.

24 Standing on its objections, GE HealthCare will not produce documents in response to this
25 request.

1 **REQUEST FOR PRODUCTION NO. 78:**

2 All documents related to the commercial success of the Accused Functionalities and the
3 Accused Products, and the reason(s) for that commercial success.

4 **RESPONSE:**

5 GE HealthCare objects to this request as overly broad, unduly burdensome, and not
6 proportional to the needs of the case inasmuch as it seeks “all documents.” GE HealthCare further
7 objects to this request as vague and ambiguous because it seeks information on subjective
8 “commercial success.” As noted above, GE HealthCare also objects to Plaintiff’s definition of
9 “Accused Products” as unreasonably vague because it is “not limited to” the products listed in the
10 definition. GE HealthCare further objects to this definition as overly broad, unduly burdensome,
11 and disproportionate to the needs of the case because it includes the following products and
12 technologies that Plaintiff has not adequately alleged infringe any claim of the Patents in Suit in
13 either Plaintiff’s pleadings or any version of its Disclosure of Asserted Claims and Infringement
14 Contentions for which Plaintiff has obtained leave to serve: “‘SonoLyst’ (e.g. SonoLystlive,
15 SonoLystIR, SonoLystX) including, but not limited to, . . . ‘Voluson’ family of ultrasound systems,
16 Butterfly iQ+ device with Butterfly iQ app, and Terason uSmart 3200T Plus.” In responding to
17 this request, GE HealthCare will treat “Accused Products” as limited to the Caption AI software
18 for use on Venue and Vscan Air SL. GE HealthCare further objects to Plaintiff’s definition of
19 “Accused Functionalities” to the extent that it makes reference to the positions that Plaintiff has
20 taken in its Second Supplemental Disclosure of Asserted Claims and Preliminary Infringement
21 Contentions and that are the subject of a discovery dispute that the parties have submitted to the
22 Court for resolution.

23 Therefore, GE HealthCare will produce on a rolling basis non-privileged documents related
24 to Caption AI software that are responsive to this request.

25 **REQUEST FOR PRODUCTION NO. 79:**

26 All documents and things concerning Your efforts to promote, advertise, and instruct
27 customers and potential customers about Your products, including providing a sample of each
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1 Accused Product, and any other product, and any associated packaging, instructions, user guides,
2 or labels for each Accused Product, and any other product.

3 **RESPONSE:**

4 GE HealthCare objects to this request as overly broad, unduly burdensome, and not
5 proportional to the needs of the case to the extent it seeks “all documents,” to the extent it seeks
6 documentation and information on products other than Caption AI software for use on Venue and
7 Vscan Air SL, to the extent it seeks information not limited geographically to the United States,
8 and to the extent it seeks information that is publicly available to Plaintiff. As noted above, GE
9 HealthCare also objects to Plaintiff’s definition of “Accused Products” as unreasonably vague
10 because it is “not limited to” the products listed in the definition. GE HealthCare further objects to
11 this definition as overly broad, unduly burdensome, and disproportionate to the needs of the case
12 because it includes the following products and technologies that Plaintiff has not adequately
13 alleged infringe any claim of the Patents in Suit in either Plaintiff’s pleadings or any version of its
14 Disclosure of Asserted Claims and Infringement Contentions for which Plaintiff has obtained leave
15 to serve: “‘SonoLyst’ (e.g. SonoLystlive, SonoLystIR, SonoLystX) including, but not limited to, .
16 .. ‘Voluson’ family of ultrasound systems, Butterfly iQ+ device with Butterfly iQ app, and Terason
17 uSmart 3200T Plus.” In responding to this request, GE HealthCare will treat “Accused Products”
18 as limited to the Caption AI software for use on Venue and Vscan Air SL. Finally, GE HealthCare
19 objects to this request as duplicative of at least Request No. 14.

20 Therefore, GE HealthCare will produce on a rolling basis non-privileged documents related
21 to the promotion, advertising, and instructions for Caption AI software for use on Venue and Vscan
22 Air SL in the U.S. to the extent they have not already been produced.

23 **REQUEST FOR PRODUCTION NO. 80:**

24 Documents sufficient to describe Your ownership and ongoing financial obligations to
25 third parties related to the Accused Products including royalties payable for the sales of the
26 Accused Products.

27 **RESPONSE:**

1 GE HealthCare objects to this request as vague and ambiguous because it seeks information
2 on “Your ownership.” GE HealthCare will treat this as though it read “your ownership of.” As
3 noted above, GE HealthCare also objects to Plaintiff’s definition of “Accused Products” as
4 unreasonably vague because it is “not limited to” the products listed in the definition. GE
5 HealthCare further objects to this definition as overly broad, unduly burdensome, and
6 disproportionate to the needs of the case because it includes the following products and
7 technologies that Plaintiff has not adequately alleged infringe any claim of the Patents in Suit in
8 either Plaintiff’s pleadings or any version of its Disclosure of Asserted Claims and Infringement
9 Contentions for which Plaintiff has obtained leave to serve: “‘SonoLyst’ (e.g. SonoLystlive,
10 SonoLystIR, SonoLystX) including, but not limited to, . . . ‘Voluson’ family of ultrasound systems,
11 Butterfly iQ+ device with Butterfly iQ app, and Terason uSmart 3200T Plus.” In responding to
12 this request, GE HealthCare will treat “Accused Products” as limited to the Caption AI software
13 for use on Venue and Vscan Air SL. GE HealthCare further objects to this request as cumulative
14 and duplicative of at least Request No. 10.

15 Therefore, GE HealthCare will produce on a rolling basis non-privileged documents, if
16 any, related to Caption AI software for use on Venue and Vscan Air SL that are responsive to this
17 request to the extent they have not already been produced.

18 **REQUEST FOR PRODUCTION NO. 81:**

19 All documents relating to communications between You, or anyone acting on Your behalf,
20 with third parties concerning any of the Patents-in-Suit, or any of the Related Patents, or the
21 Litigation, or any claim, defense, or remedy in this Litigation.

22 **RESPONSE:**

23 GE HealthCare objects to this request as overly broad, unduly burdensome, and not
24 proportional to the needs of the case inasmuch as it seeks “all documents.” GE HealthCare objects
25 to this request because it seeks documents within the scope of the attorney–client privilege and the
26 work-product doctrine. GE HealthCare will not produce such documents. As noted above, GE
27 HealthCare objects to Plaintiff’s definition of “Related Patents” as irrelevant, unreasonably broad,
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1 vague, unduly burdensome, and disproportionate to the needs of the case because it includes
2 patents for which Plaintiff has not alleged infringement in this Litigation and contains the
3 extremely broad qualification of patents that “relate to any of the Patents-in-Suit by way of subject
4 matter.” Finally, GE HealthCare objects to this request as impermissibly broad and vague in that
5 it seeks information for “any claim, defense, or remedy in this Litigation.”

6 Therefore, GE HealthCare will produce on a rolling basis non-privileged documents, if
7 any, relating to communications between GE HealthCare and third parties concerning any of the
8 Patents-in-Suit or the Litigation.

9 **REQUEST FOR PRODUCTION NO. 82:**

10 All documents and things relating or referring to the validity, enforceability, or scope of
11 the Patents-in-Suit.

12 **RESPONSE:**

13 GE HealthCare objects to this request as overly broad, unduly burdensome, and not
14 proportional to the needs of the case inasmuch as it seeks “all documents.” GE HealthCare objects
15 to this request because it seeks documents within the scope of the attorney–client privilege and the
16 work-product doctrine. GE HealthCare will not produce such documents. GE HealthCare further
17 objects to this request as being duplicative and cumulative of GE HealthCare’s production of
18 documents accompanying Defendants’ Invalidity Contentions. Finally, GE HealthCare objects to
19 this request as premature to the extent that it seeks expert discovery. GE HealthCare will produce
20 such materials when required to do so under the Federal Rules of Civil Procedure, the Local Rules,
21 and the Court’s orders.

22 Therefore, GE HealthCare will produce on a rolling basis non-privileged documents, if
23 any, responsive to this request to the extent they were not already produced.

24 **REQUEST FOR PRODUCTION NO. 83:**

25 All documents and things identified in, referring or relating to, or consulted in preparing
26 Your initial disclosures under Federal Rule of Civil Procedure 26(a) or used, relied on, or
27 considered by You in drafting Your initial disclosures.

1 **RESPONSE:**

2 GE HealthCare objects to this request as overly broad, unduly burdensome, and not
3 proportional to the needs of the case inasmuch as it seeks “all documents and things.” GE
4 HealthCare objects to this request because it seeks documents within the scope of the attorney–
5 client privilege and the work-product doctrine. GE HealthCare will not produce such documents.

6 Therefore, GE HealthCare will produce on a rolling basis non-privileged documents, if
7 any, that are responsive to this request to the extent they were not already produced.

8 **REQUEST FOR PRODUCTION NO. 84:**

9 All documents and things relied upon, referred to, or consulted in preparing Your responses
10 to any of UBC’ s Interrogatories, Requests for Admission, and Requests for Production.

11 **RESPONSE:**

12 GE HealthCare objects to this request as overly broad, unduly burdensome, and not
13 proportional to the needs of the case inasmuch as it seeks “all documents and things.” GE
14 HealthCare objects to this request because it seeks documents within the scope of the attorney–
15 client privilege and the work-product doctrine. GE HealthCare will not produce such documents.

16 Therefore, GE HealthCare will produce on a rolling basis non-privileged documents, if
17 any, that are responsive to this request to the extent they were not already produced.

18 **REQUEST FOR PRODUCTION NO. 85:**

19 Organizational charts sufficient to show the names, positions, titles, duties, and reporting
20 relationships of all officers, employees, and other personnel involved in the design, development,
21 operation, manufacture, testing, marketing, or sale of any Accused Product, and any other product.

22 **RESPONSE:**

23 GE HealthCare objects to this request as overly broad, unduly burdensome, and
24 disproportionate to the needs of the case because it seeks documentation and information on
25 products other than Caption AI software particularly in that it seeks information related to “any
26 other product.” As noted above, GE HealthCare also objects to Plaintiff’s definition of “Accused
27 Products” as unreasonably vague because it is “not limited to” the products listed in the definition.

1 GE HealthCare further objects to this definition as overly broad, unduly burdensome, and
2 disproportionate to the needs of the case because it includes the following products and
3 technologies that Plaintiff has not adequately alleged infringe any claim of the Patents in Suit in
4 either Plaintiff’s pleadings or any version of its Disclosure of Asserted Claims and Infringement
5 Contentions for which Plaintiff has obtained leave to serve: “‘SonoLyst’ (e.g. SonoLystlive,
6 SonoLystIR, SonoLystX) including, but not limited to, . . . ‘Voluson’ family of ultrasound systems,
7 Butterfly iQ+ device with Butterfly iQ app, and Terason uSmart 3200T Plus.” In responding to
8 this request, GE HealthCare will treat “Accused Products” as limited to the Caption AI software
9 for use on Venue and Vscan Air SL. GE HealthCare further objects to this request as cumulative
10 and duplicative of at least Requests Nos. 6–7. Finally, GE HealthCare objects to this request as
11 duplicative of information provided by GE HealthCare in Defendants’ Initial Disclosures.

12 Therefore, GE HealthCare will produce on a rolling basis non-privileged documents related
13 to Caption AI software for use on Venue and Vscan Air SL that are responsive to this request to
14 the extent they were not already produced.

15 **REQUEST FOR PRODUCTION NO. 86:**

16 All documents related to Your document retention and/or document destruction policies or
17 practices, including document retention in response to this Litigation and any documents reflecting
18 or evidencing whether documents related to the Patents-in-Suit or Your Accused Functionalities
19 in this Litigation have been deleted, physically destroyed, discarded, damaged, or overwritten,
20 whether pursuant to a document retention/destruction policy or otherwise, since the
21 commencement of this case.

22 **RESPONSE:**

23 GE HealthCare objects to this request as overly broad, unduly burdensome, and not
24 proportional to the needs of the case inasmuch as it seeks “all documents” and includes no temporal
25 limitation. GE HealthCare further objects to this request to the extent that it seeks “discovery-on-
26 discovery” and suggests that GE HealthCare might have destroyed evidence—a suggestion that
27 GE HealthCare rejects. GE HealthCare further objects to Plaintiff’s definition of “Accused
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1 Functionalities” to the extent that it makes reference to the positions that Plaintiff has taken in its
2 Second Supplemental Disclosure of Asserted Claims and Preliminary Infringement Contentions
3 and that are the subject of a discovery dispute that the parties have submitted to the Court for
4 resolution. Finally, GE HealthCare objects to this request because it seeks documents within the
5 scope of the attorney–client privilege and the work-product doctrine. GE HealthCare will not
6 produce such documents.

7 Therefore, GE HealthCare will produce on a rolling basis any document retention and
8 destruction policies in effect from February 2023 to present.

9
10 Dated: May 27, 2025

/s/Marla R. Butler

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on May 27, 2025, a true and correct copy of the foregoing document
3 was transmitted via electronic mail addressed to:

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