IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BRAIN CORPORATION, a California Corporation, Plaintiff, v. AVIDBOTS CORP., a Canadian Corporation; and AVIDBOTS USA CORP., a Delaware Corporation, Defendants.	Case No. 1:24-cv-12569 Honorable Jeremy C. Daniel

PLAINTIFF BRAIN CORPORAITON'S OBJECTIONS AND RESPONSES TO DEFENDANTS' FIRST SET OF INTERROGATORIES (NOS. 1–9)

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Brain Corporation ("Brain"), hereby responds to Defendants AvidBots Corp. and AvidBots USA Corp.'s (collectively "Defendants") First Set of Interrogatories (Nos. 1-9) ("Defendants' Interrogatories") as follows:

GENERAL OBJECTIONS

The following General Objections apply to all instructions, definitions, and interrogatories, whether or not a general objection is referred to specifically in response to any particular interrogatory. In addition to these general objections, Brain has also stated specific objections where appropriate. By setting forth such specific objections, Brain does not intend to limit or restrict these general objections.

1. Brain incorporates by reference herein the General and Specific Objections set forth in Brain's Objections & Responses to Defendants' First Set of Requests for the Production of Documents and Things (Nos. 1-47).

2. Brain objects generally to Defendants' Interrogatories, and the Definitions and Instructions contained therein, to the extent they are inconsistent with, or attempt to impose obligations in excess of, the Federal Rules of Civil Procedure, the Local Rules of this Court, the Protective Order, the Local Patent Rules governing this action, any other applicable rules, orders, or any agreements of the parties.

3. Brain objects to Defendants' Interrogatories as overly broad and unduly burdensome to the extent they concern "each," "every," "any," or "all" information, persons, communications, documents, or the like.

4. Brain objects to Defendants' Interrogatories to the extent they seek information protected by the attorney-client privilege, work product immunity, common interest privilege, or any other applicable privilege or immunity. Brain has stated its privilege objections expressly to each interrogatory which would, in its view, reasonably be interpreted to encompass privileged documents or information. To the extent that any other interrogatories encompass privileged documents or information, however, Brain hereby incorporates its general objection. Nothing contained in these responses is intended to be a waiver of any applicable privilege or immunity, and to the extent that any interrogatory may be construed as calling for information protected by such privileges or immunities, Brain hereby asserts a continuing objection to each and every such interrogatory. Should any disclosure of privileged or other protected information occur, it was inadvertent and shall not constitute a waiver of any privilege or of Brain's right to object in this litigation to the use of such information. To the extent that Brain discloses any privileged or other protected information and it is later held that Brain waived the applicable privilege, such waiver shall apply only to the information inadvertently disclosed.

5. Brain objects to Defendants' Instructions regarding privileged or immune information as overly broad, unduly burdensome, and inconsistent with the requirements of the Federal Rules of Civil Procedure and the Local Rules of the District Court for the Northern District of Illinois.

6. Brain objects to Defendants' Interrogatories as unduly burdensome to the extent they encompass information not known or reasonably available to Brain; information not within Brain's possession, custody, or control; and/or information more readily available to Defendants from other sources, including publicly accessible documents or documents produced in this case.

7. Brain objects to Defendants' Interrogatories as unduly burdensome to the extent a response requires production of documents and things. Brain is in the process of collecting documents and things and will produce them on a rolling basis

8. Brain will identify documents in accordance with the schedule set forth in the Scheduling Order. Brain objects to Defendants' definition of "Identify" as applied to a Document or Communication to the extent the Interrogatory seeks forms of electronic correspondence. LPR ESI 2.6 states that "[g]eneral ESI production requests under Federal Rules of Civil Procedure 34 and 45 shall not include email or other forms of electronic correspondence." Thus, Brain will not identify electronic correspondence in response to these requests.

9. Consistent with Federal Rule of Civil Procedure 33(d), Brain objects to providing responses to any Interrogatory where the burden of deriving or ascertaining the answer from produced documents or other documents will be substantially the same for Defendants as it is for Brain.

10. Brain objects to Defendants' Interrogatories to the extent they are vague, ambiguous, overly broad, not proportional to the needs of this case, unlimited as to timeframe,

duplicative, harassing, or unduly burdensome; to the extent Defendants has not sufficiently clarified or identified with sufficient particularity the information it seeks; to the extent they encompass information that is not relevant to any claim or defense asserted in this case; and/or to the extent they are not reasonably calculated to lead to the discovery of admissible evidence.

11. Brain objects to Defendants' Interrogatories regarding the identification of a person or entity as overly broad, unduly burdensome, not proportional to the needs of the case, and inconsistent with the requirements of the Federal Rules of Civil Procedure, the Local Rules of the District Court for the Northern District of Illinois, the Protective Order, or any other applicable rules.

12. Brain objects to Defendants' Interrogatories as premature to the extent they seek information that is the subject of expert discovery and to the extent that the subject matter is more properly addressed by other forms of discovery, for example, through expert reports or deposition.

13. Brain objects to Defendants' Interrogatories to the extent they prematurely or inappropriately encompass information the discovery or disclosure of which is governed by the Scheduling Order or any applicable law, rule, or order, for example with respect to expert discovery or trial.

14. Brain objects to Defendants' Interrogatories to the extent they encompass any information or documents (1) from the time of filing of the original complaint in this case or thereafter; or (2) from six years or more before the filing of the original complaint in this case, unless the information or documents relate to asserted prior art or the conception and reduction to practice of the inventions claimed in the patents-in-suit.

15. Brain generally objects to Defendants' Interrogatories to the extent they are overly broad, unduly burdensome, and/or unreasonably cumulative. For example:

a. Brain objects to Defendants' Interrogatories to the extent that they do not identify specific information and documents and to the extent that representative samples and/or information would be sufficient, and thus the interrogatory would require an unreasonably detailed and extensive search of all of Brain's documents and files.

b. Brain objects to Defendants' Interrogatories to the extent they seek information and documents that are not relevant to the subject matter of this litigation or not "proportional to the needs of the case" as required by Fed. R. Civ. P. 26(b). To the extent that Brain responds to any interrogatory, it does not concede that the information sought by the interrogatory is relevant or "proportional to the needs of the case."

c. Brain objects to Defendants' Interrogatories to the extent they seek information that pertains to patent claims that Brain is not asserting against Defendants in this action.

d. Brain objects to Defendants' Interrogatories to the extent they seek to require Brain to provide information and/or documents and things beyond what is in Brain's possession, custody, or control and can be located after a reasonable search of its own files at its principal offices and facilities and from reasonable inquiry of its present employees.

e. Brain objects to Defendants' Interrogatories to the extent they seek "all" individuals, entities, documents or information concerning a particular subject on the grounds that Brain could not possibly represent that its responses reflect or include "all" potentially responsive individuals, entities, documents or

information located anywhere within the possession, custody, or control of Brain, as that would require Brain to request and search for individuals, entities, documents or information from every person in its companies. Brain objects to performing searches of such breadth on the grounds of undue burden and expense. In its search for relevant documents, Brain has made, and/or will make, a reasonable search as required by the Federal Rules of Civil Procedure.

f. Brain objects to Defendants' Interrogatories to the extent they are duplicative or cumulative of each other, or seek the same information sought through other methods of discovery.

16. Brain objects to Defendants' Interrogatories to the extent they encompass any third-party information in Brain's possession, custody, or control; and/or any information or communications for which Brain has a non-disclosure, confidentiality, or other obligation to any third party.

17. Brain objects to Defendants' Interrogatories to the extent they call for a legal conclusion.

18. Brain objects to Defendants' Interrogatories to the extent they contain multiple sub-parts and cannot be treated as single interrogatories.

19. Brain objects to Defendants' Interrogatories to the extent they use terms or language which are susceptible to two or more reasonable interpretations and thereby are vague or ambiguous. Subject to its objections, Brain will respond to each of Defendants' Interrogatories upon a fair reading of the terms therein, to the best of its understanding. Brain will make, and has made, reasonable efforts to respond to Defendants' Interrogatories, to the extent that no objection is made, as Brain understands and interprets each Interrogatory. If Defendants subsequently assert

any interpretation of these Interrogatories that differs from the interpretation of Brain, Brain reserves the right to supplement and amend its objections and responses.

20. The mere fact that Brain has responded to an interrogatory, or has produced documents in response to an interrogatory, is not an admission that the alleged facts or statements in that interrogatory are either true or correct.

21. Discovery is in the early stages and Brain therefore reserves the right to amend, supplement, and/or alter these responses as warranted during the course of discovery. The following responses are based upon information presently available to Brain. Brain has not yet completed its investigation of the facts relating to this case, has not completed discovery in this action, and has not completed preparation for trial. The responses are without prejudice to Brain's rights to amend, supplement, and/or alter these answers and to produce nonprivileged, responsive information or documents that may be subsequently discovered.

22. Notwithstanding Brain's responses contained herein, Brain reserves their right to later object to Defendants' use of the information, documents, or things produced in response to Defendants' Interrogatories. Such objections, which are not waived by Brain's responses, include but are in no way limited, to the following:

a. objections concerning the competence, authenticity, relevance, materiality, privilege, and admissibility with regard to the information and/or documents identified or produced in response to these interrogatories, which may arise in any subsequent proceeding in, or the trial of, this or any other action;

b. objections to the use of the information or documents for any purpose, including, without limitation, their use in any subsequent proceeding in, or the trial of, this or any other action;

c. the right to assert or raise, in this action or in any other context, attorney-client privilege, the work product immunity, the protections afforded by Rule 26(b)(3) or Rule 26(b)(4)(B), the right of privacy, or any other applicable privilege or protective doctrine; and

d. objections on any ground at any time to other interrogatories, document requests, or other discovery relating to information or documents produced or the subject matter thereof.

23. Words and terms used in the following responses shall be construed in accordance with their normal meanings and connotations, and shall in no way be interpreted as terms of art or statutorily defined terms unless otherwise indicated, and Brain specifically disavows any such meaning or connotation that might be accorded to such terms.

Subject to and without waiving the foregoing General Objections, Brain responds to Defendants' Interrogatories as follows:

RESPONSES TO INTERROGATORIES

[redacted]

[redacted]

INTERROGATORY NO. 2:

Separately for each Brain Asserted Claim, identify and describe in detail any "objective evidence" (or "secondary considerations") of non-obviousness that you intend to rely upon, and for each such objective evidence of non-obviousness, identify and describe in detail: (i) the facts and circumstances underlying the objective evidence of non-obviousness; (ii) all documents, circumstances, or other information that supports such facts; and (iii) any witnesses you intend to rely upon to support such facts.

RESPONSE TO INTERROGATORY NO. 2:

Brain incorporates its General Statement and Objections. Brain objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege, work product doctrine, or any other applicable privilege or immunity. Brain further objects to this interrogatory to the extent it seeks information that is not relevant to any party's claims or defenses nor proportional to the needs of the case. Brain further objects to this interrogatory as compound and contends that it should be counted as multiple interrogatories because it combines multiple requests for information into a single interrogatory. Brain objects to this interrogatory on the grounds that it is a contention interrogatory propounded at an early stage of the proceedings. *See McCormick-Morgan, Inc. v. Teledyne Indus., Inc.*, 134 F.R.D. 275, 287 (N.D. Cal. 1991) (contention interrogatories in complex patent action properly answered at the close of substantive discovery); *see also In re Convergent Techs. Securities Litigation*, 108 F.R.D. 328 (N.D. Cal. 1985). Brain also objects to the extent responsive information is in the exclusive possession, custody, or control of Avidbots. Brain further objects to this request as premature to the extent that it calls for expert opinions in advance of expert discovery.

Subject to and without waiving the foregoing objections, Brain responds as follows:

Each asserted patent is entitled to a presumption of validity, including a presumption of non-obviousness under 35 U.S.C. § 103. Avidbots bears the burden of proof to rebut the presumption of validity through clear and convincing evidence and Avidbots has not done so. Avidbots provided invalidity contentions less than two weeks ago. Based on Brain's initial review of these contentions, Brain contends that the asserted claims are not invalid under 35 U.S.C. § 101, not anticipated, not obvious, not indefinite, not lacking written description, and not lacking enablement. Brain further contends that objective indicia support the nonobviousness of the asserted claims.

Each of the Asserted Patents describe and claim innovative and nonobvious approaches to problems related to autonomous navigation. Examples of this technology and the problems that the technology solve are described in paragraphs 30-36, 47-52, 63-68, 79-82, 93-96 of Brain's Complaint (Dkt. 1), incorporated herein by reference. The technology claimed by the asserted claims solved long felt problems in the industry and allowed Brain to become an industry leader in the fields of autonomous robots and artificial intelligence. Indeed, in 2019, Brain was ranked the world's top Autonomy Solution Provider by ABI Research.[1] Brain has also received at least the following awards and recognition by the industry:

- Dane AIR™ (operating with BrainOS) Wins AI Breakthrough Awards' Best Robotics Sensing Solution 2024[2]
- Most Innovative AI Robotics Company 2022 - USA[3]

[1] https://www.globenewswire.com/news-release/2019/03/11/1751215/0/en/Brain-Corp-Ranked-World-s-Top-Autonomy-Solution-Provider-for-Mobile-Robotics.html
[2] https://www.braincorp.com/resources/dane-air-tm-wins-ai-breakthrough-awards-best-robotics-sensing-solution-2024
[3] https://acquisitioninternational.digital/winners/brain-corp/

[redacted]

- CONNECT Most Innovative Product Award for Robotics and Unmanned Vehicles[4]
- Innovation of the Year at ISSA Interclean[5]
- 2018 Top 50 Company by Robotics Business Review[6]
- Retail Tech 100 of 2020[7]
- Top 10 Robotic Start-ups Making a Breakthrough in 2021[8]
- Innovative Start-Ups Forging the Next-Gen Supply Chain[9]
- AI 50: America's Most Promising Artificial Intelligence Companies[10]

Brain's products have also received safety certifications from the CSA Group, the International Electrotechnical Commission, and UL LLC. BRAIN_0002493 at -497. Brain's industry wide recognition for autonomy and safety are enabled by the technology Brain uses to map environments, recognize objects and obstacles, and navigate around those objects and obstacles, including the technology claimed by the asserted claims. Brain's commercial success and industry recognition are also reflected by Brain's technology being implemented in over 37,000 mobile robots that have operated for more than 19 million operational hours.

Additionally, as described in Brain's infringement contentions, incorporated here by reference, Avidbots has willfully infringed Brain's patents and copied Brain's technology. This copying by Avidbots further shows that Brain's technology is valuable and innovative.

[4] https://www.globenewswire.com/news-release/2017/12/04/1219962/0/en/Brain-Corp-Wins-CONNECT-Most-Innovative-Product-Award-for-Robotics-and-Unmanned-Vehicles.html
[5] https://www.braincorp.com/resources/brain-corp-launches-its-first-artificial-intelligence-based-product-and-receives-innovation-of-the-year-award-1c421
[6] https://www.globenewswire.com/news-release/2018/06/18/1526136/0/en/Brain-Corp-Named-a-2018-Top-50-Company-by-Robotics-Business-Review.html
[7] https://www.cbinsights.com/research/report/retail-tech-companies-2020/
[8] https://www.analyticsinsight.net/latest-news/top-10-robotic-start-ups-making-a-breakthrough-in-2021
[9] https://www.abiresearch.com/press/abi-research-identifies-innovative-start-ups-forging-next-gen-supply-chain
[10] https://www.forbes.com/sites/jilliandonfro/2019/09/17/ai-50-americas-most-promising-artificial-intelligence-companies/

[redacted]

Brain identifies the following Brain employees with relevant knowledge of Brain's innovative technology and industry success: [redacted].

Discovery in this matter has only recently begun and Brain is continuing to investigate the subject matter of this interrogatory. Brain reserves the right to amend and/or supplement this interrogatory response pursuant to Rule 26(e)(1) of the Federal Rules of Civil Procedure as it identifies additional information. In particular, Brain expects it may provide additional information in accordance with the expert discovery deadlines set forth by the Court.

[redacted]

[redacted]

[redacted]

Dated: April 23, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2025, a true and correct copy of the within document was served on the following counsel of record at the addresses in the manner indicated:

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Executed on April 23, 2025, at Irvine, California

Brandon Hernandez