

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SMART SPEAKER LLC,	§	Case No. 2:25-cv-00707-JRG
	§	
Plaintiff,	§	<u>JURY TRIAL DEMANDED</u>
	§	
v.	§	
	§	
AMAZON.COM SERVICES LLC	§	
	§	
Defendant.	§	
	§	

**PLAINTIFF SMART SPEAKER LLC’S RESPONSES AND
OBJECTIONS TO DEFENDANT AMAZON.COM SERVICES LLC
FIRST SET OF INTERROGATORIES (NOS. 1-16)**

PLEASE TAKE NOTICE that, pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Smart Speaker LLC (“Plaintiff” or “Smart Speaker”) hereby responds to Defendant Amazon.com Services LLC’s (“Amazon” or “Defendant”) First Set of Interrogatories to Plaintiff (Nos. 1-16) in writing, and in accordance with the following definitions and instructions, within thirty (30) days of the date of service thereof.

These Interrogatories are continuing in nature and may require supplementation in accordance with the Federal Rules of Civil Procedure as follows: these responses are made solely for the purposes of this action, and are made without waiving, or intending to waive, the right at any time to revise, correct, modify, supplement or clarify any response provided herein or the right to object on any proper grounds to the use of these responses, for any purpose in whole or in part, in any subsequent proceedings or any other action. The right to raise any applicable objections at any time is expressly reserved. A response to any Interrogatory herein should not be taken as an admission or acceptance of the existence of any facts set forth or assumed by such Interrogatory,

or that such response constitutes admissible evidence. The responses herein reflect only the present state of Smart Speaker's investigation and the present state of discovery. Except as otherwise indicated, an objection and/or response to a specific interrogatory does not imply that facts responsive to the Interrogatory exist.

GENERAL OBJECTIONS

1. Smart Speaker objects to these Definitions, Instructions, and Interrogatories as overly broad, unduly burdensome, not proportional to the needs of this case, and seeking to impose burdens beyond those required by the Federal Rules of Civil Procedure, the Local Civil and Patent Rules of the Eastern District of Texas, and the Orders governing this action. Smart Speaker will respond to Defendant's Interrogatories consistent with the Federal Rules of Civil Procedure, the Local Rules of this Court, and/or Orders of this Court.

2. Smart Speaker objects to the Definitions, Instructions, and Interrogatories as seeking the production of electronically stored information and source code in a manner inconsistent with the Protective Order (Dkt. 34).

3. Smart Speaker objects to the Definition of "You," and "Your," "Plaintiff," and "Smart Speaker" as overly broad, not proportional to the needs of the case, and not relevant to any party's claims or defenses because they include persons and entities outside of Smart Speaker. Accordingly, Smart Speaker provides these responses to these Interrogatories on behalf of Smart Speaker only. Smart Speaker further objects to the Definitions to the extent that they call for information from "predecessors, successors, parents, subsidiaries, divisions, officers, principals, employees, agents, representatives, and attorneys, and all other persons, forms, or corporations acting or purporting to act on its behalf or under its control," that are not owned or controlled by Smart Speaker or that is not in the possession of Smart Speaker.

4. Smart Speaker objects to the Definitions of “Person,” “Identify,” “Document(s),” “Communication(s),” “Relating to,” and “Relate,” as: (i) overly broad; (ii) unduly burdensome; (iii) not proportional to the needs of this case; (iv) not relevant to any party’s claims or defenses; (v) seeking information that is not within Smart Speaker’s possession, custody, or control; and (vi) imposing burdens beyond the requirements of the Federal Rules of Civil Procedure, the Local Civil and Patent Rules of the Eastern District of Texas, and the Orders governing this action.

5. Smart Speaker objects to the definition of “Prior Art” as overly burdensome and seeking information not proportional to the needs of the case, as improperly seeking a legal conclusion, improperly seeking to shift Defendant’s burden of proof to Smart Speaker, and to the extent it seeks privileged and/or work-product information.

6. Smart Speaker objects to the definition of “Related Patent” as overly burdensome and seeking information regarding patents and patent applications that is not proportional to the needs of the case and not relevant to any party’s claims or defenses.

7. Smart Speaker objects to the definition of “any,” “each,” “all,” and “and” as unduly burdensome, vague, and ambiguous.

8. Smart Speaker objects to these definitions to extent they call for the production of information protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege or immunity insofar as the definition purports to include attorneys.

9. Smart Speaker objects to Defendant’s Interrogatories to the extent they seek information not relevant to a claim or a defense of this litigation or proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the

discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. By responding to any Interrogatory or identifying or producing documents or materials in response thereto, Smart Speaker is not acknowledging or conceding the relevance of any such material and reserves the right to object to the introduction of the evidence on relevancy or any other grounds.

10. Smart Speaker objects to Defendant's Interrogatories to the extent they seek material protected by, or which may only be answered by, reliance upon any privileged or work-product information, including mental impressions, conclusions, opinions, or legal theories of Smart Speaker's counsel, experts or consultants developed with or in anticipation of litigation. To the extent reasonably possible, Smart Speaker will attempt to interpret the Interrogatories as not seeking privileged information. Inadvertent reference to privileged information by Smart Speaker shall not constitute a waiver of any applicable privilege.

11. Smart Speaker objects to Defendant's Interrogatories to the extent that they are duplicative of the Local Civil and Patent Rules of the Eastern District of Texas.

12. Smart Speaker objects to Defendant's Interrogatories as seeking information that is less burdensome and/or more appropriately obtained through other discovery means, including third-party discovery.

13. Smart Speaker objects to Defendant's Interrogatories to the extent that they require premature disclosure of expert testimony, evidence, argument, contentions, or any other disclosure inconsistent with the Federal Rules of Civil Procedure, the Local Civil and Patent Rules of the Eastern District of Texas, or the Orders governing this action.

14. Smart Speaker objects to the Interrogatories to the extent that they seek legal conclusions. Where an Interrogatory includes words and concepts indicative of a legal conclusion, Smart Speaker does not represent that such conclusions apply by responding to the Interrogatory.

15. Smart Speaker objects to Defendant's Interrogatories to the extent that they improperly seek to shift Defendant's burden of proof to Smart Speaker.

16. Smart Speaker objects to Defendant's Interrogatories to the extent that they call for information that is confidential, proprietary, and/or trade secrets of a third party. Smart Speaker cannot and will not divulge confidential, proprietary, and/or trade secret information of a third party to the extent Smart speaker is under any obligation to maintain such third-party information in confidence and to not disclose it, unless and until the third party grants permission to do so.

17. Smart Speaker objects to Defendant's Interrogatories as premature to the extent that discovery is not complete in this case. Accordingly, additional facts and witnesses may be discovered as discovery progresses.

18. Smart Speaker objects to each Interrogatory as premature to the extent it calls for contentions, expert discovery, or claim construction information in advance of the dates set out in any applicable scheduling orders of the Court, including the Second Amended Docket Control Order (Dkt. 33), and/or the Local Rules for the Eastern District of Texas. Smart Speaker further objects to each Interrogatory to the extent it calls for expert discovery or other information that is premature at this stage of the litigation.

19. Smart Speaker objects to Defendant's Interrogatory to the extent it calls for expert discovery or other information that is premature at this stage of the litigation.

20. Smart Speaker objects to Defendant's Interrogatories to the extent they comprise multiple discrete subparts in contravention of the Federal Rules of Civil Procedure.

21. Smart Speaker reserves the right to use at trial and in any other proceeding in this action any such additional documents, witnesses, facts, and evidence that may have been omitted from these responses for one of the foregoing reasons or otherwise, and without obligating Smart Speaker to do so, Smart Speaker reserves the right to supplement or amend these responses in the future as may be appropriate.

22. Smart Speaker's responses shall not constitute admissions that any particular documents exist, are relevant, material or are admissible in evidence.

SPECIFIC OBJECTIONS AND RESPONSES

INTERROGATORY NO. 1

For each Patent-in-Suit, Identify Your contention regarding the earliest applicable priority date, including its alleged conception and reduction to practice, including the exact dates for the conception of each Asserted Claim and each reduction to practice.

RESPONSE TO INTERROGATORY NO. 1

Smart Speaker incorporates by reference its General Objections as if fully set forth herein.

Smart Speaker objects to this Interrogatory as overly broad, unduly burdensome, seeking information not proportional to the needs of the case, and seeking information outside Smart Speaker's possession, custody, or control, particularly to the extent it requests "For each Patent-in-Suit. . . Identify Your contention regarding the earliest applicable priority date, including its alleged conception and reduction to practice," and "each reduction to practice." Smart Speaker objects to this Interrogatory as unclear, vague, and ambiguous, particularly with respect the phrase "Identify. . . each reduction to practice." Smart Speaker objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work-product doctrine, common interest privilege, and/or any other applicable privilege. Smart Speaker further objects to this Interrogatory as containing multiple subparts, each of which counts toward Amazon's total number of interrogatories, Smart Speaker objects to this Interrogatory to the extent it seeks information that may be protected from disclosure by Protective Orders, Non-Disclosure Agreements, or is otherwise in the possession of a third party to which a duty of confidentiality is owed. Smart Speaker objects to this Interrogatory as seeking information that is properly the subject of expert discovery before the deadline for such disclosures, and without the benefit of claim construction. Smart Speaker further objects to this Interrogatory to the extent it seeks information in the possession, custody, or control of third parties, including May Patents and/or

the named inventors, related to conception and reduction to practice of the inventions claimed in the Asserted Patents.

Subject to and without waiving its General and Specific Objections to this Interrogatory, Smart Speaker responds as follows:

Smart Speaker contends that each of the Asserted Claims of the '174 Patent are entitled to priority dates at least as early as U.S. Provisional Application Nos. 61/584,500 (filed on January 9, 2012), 61/620,129 (filed on April 4, 2012), 61/637,030 (filed on April 23, 2012), and 61/647,034 (filed on May 15, 2012).

Smart Speaker contends that each of the Asserted Claims of the '710 Patent are entitled to priority dates at least as early as U.S. Provisional Application Nos. 61/584,500 (filed on January 9, 2012), 61/620,129 (filed on April 4, 2012), 61/637,030 (filed on April 23, 2012), and 61/647,034 (filed on May 15, 2012).

Smart Speaker contends that each of the Asserted Claims of the '590 Patent are entitled to priority dates at least as early as U.S. Provisional Application Nos. 61/584,500 (filed on January 9, 2012), 61/620,129 (filed on April 4, 2012), 61/637,030 (filed on April 23, 2012), and 61/647,034 (filed on May 15, 2012).

Smart Speaker contends that each of the Asserted Claims of the '706 Patent are entitled to priority dates at least as early as U.S. Provisional Application Nos. 61/584,500 (filed on January 9, 2012), 61/620,129 (filed on April 4, 2012), 61/637,030 (filed on April 23, 2012), and 61/647,034 (filed on May 15, 2012).

Smart Speaker contends that each of the Asserted Claims of the '720 Patent are entitled to priority dates at least as early as U.S. Provisional Application Nos. 61/584,500 (filed on January

9, 2012), 61/620,129 (filed on April 4, 2012), 61/637,030 (filed on April 23, 2012), and 61/647,034 (filed on May 15, 2012).

Smart Speaker contends that each of the Asserted Claims of the '721 Patent are entitled to priority dates at least as early as U.S. Provisional Application Nos. 61/584,500 (filed on January 9, 2012), 61/620,129 (filed on April 4, 2012), 61/637,030 (filed on April 23, 2012), and 61/647,034 (filed on May 15, 2012).

Discovery is ongoing, and Smart Speaker continues to investigate this matter, and Smart Speaker reserves the right to supplement its response to this Interrogatory as new information is discovered and pursuant to the docket control order.

INTERROGATORY NO. 2

Separately for each Asserted Claim, describe in detail the basis for your allegation that Amazon indirectly infringes or has indirectly infringed the Patents-in-Suit, including a full description of all facts (including documents and persons with knowledge) and reasons supporting such allegation.

RESPONSE TO INTERROGATORY NO. 2

Smart Speaker incorporates by reference its General Objections as if fully set forth herein.

Smart Speaker objects to this Interrogatory as overly broad, unduly burdensome, seeking information not proportional to the needs of the case, and seeking information outside Smart Speaker's possession, custody, or control, particularly to the extent it requests description "for each Asserted Claim, describe in detail," and "including a full description of all facts (including documents and persons with knowledge)." Smart Speaker objects to this Interrogatory as unclear, vague, and ambiguous, particularly with respect to the phrases "including a full description of all facts (including documents and persons with knowledge)." Smart Speaker objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work-product doctrine, common interest privilege, and/or any other applicable privilege. Smart

Speaker further objects to this Interrogatory to the extent it calls for a legal conclusion. Smart Speaker objects to this Interrogatory as containing multiple subparts, each of which counts toward Amazon's total number of interrogatories. Smart Speaker objects to this Interrogatory to the extent it seeks information that may be protected from disclosure by Protective Orders, Non-Disclosure Agreements, or is otherwise in the possession of a third party to which a duty of confidentiality is owed. Smart Speaker objects to this Interrogatory as seeking information that is already in Amazon's possession, custody, or control, or is otherwise readily obtainable to Amazon with lesser or equal burden to Smart Speaker. Smart Speaker objects to this Interrogatory as seeking information that is properly the subject of expert discovery before the deadline for such disclosures, and without the benefit of claim construction. Smart Speaker further objects to this Interrogatory as premature to the extent that it seeks to require Smart Speaker to marshal all of its proof or any proof it intends to rely on at any hearing, trial, submission to the Court, or deposition in this matter.

Subject to and without waiving its General and Specific Objections to this Interrogatory, Smart Speaker responds as follows:

Smart Speaker incorporates by reference its response to, along with any supplemental responses thereto, Interrogatory No. 3.

Smart Speaker incorporates by reference, as if fully set forth herein, its First Amended Complaint for Patent Infringement and accompanying exhibits, filed on October 6, 2025, which provide certain of Smart Speaker's contentions that Amazon indirectly infringes and has indirectly infringed the Patents-in-Suit.

Smart Speaker incorporates by reference, as if fully set forth herein, its Disclosure of Asserted Claims and Infringement Contentions and accompanying document production, served

on September 16, 2025, which provide Smart Speaker's preliminary contentions that Amazon indirectly infringes and has indirectly infringed the Patents-in-Suit.

Smart Speaker incorporates by reference, as if fully set forth herein, its Supplemental Disclosure of Asserted Claims and Infringement Contentions and accompanying document production, served on October 28, 2025, which provide Smart Speaker's preliminary contentions that Amazon indirectly infringes and has indirectly infringed the Patents-in-Suit.

Discovery is ongoing, and Smart Speaker continues to investigate this matter, and Smart Speaker reserves the right to supplement its response to this Interrogatory as new information is discovered and pursuant to the docket control order.

INTERROGATORY NO. 3

Separately for each element of each Asserted Claim that you contend Amazon indirectly infringes, identify each party who you contend commits the underlying direct infringement and, separately for each identified directly infringing party, identify all facts and circumstances supporting your contention that each identified party directly infringes the Patents-in-Suit and all facts and circumstances supporting your contention Amazon induces that party to infringe.

RESPONSE TO INTERROGATORY NO. 3

Smart Speaker incorporates by reference its General Objections as if fully set forth herein.

Smart Speaker objects to this Interrogatory as overly broad, unduly burdensome, seeking information not proportional to the needs of the case, and seeking information outside Smart Speaker's possession, custody, or control. Smart Speaker objects to this Interrogatory as unclear, vague, and ambiguous, particularly with respect to the phrases "including a full description of all facts (including documents and persons with knowledge)." Smart Speaker objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work-product doctrine, common interest privilege, and/or any other applicable privilege. Smart Speaker further objects to this Interrogatory to the extent it calls for a legal conclusion. Smart Speaker objects to this Interrogatory as containing multiple subparts, each of which counts toward

Amazon's total number of interrogatories. Smart Speaker objects to this Interrogatory to the extent it seeks information that may be protected from disclosure by Protective Orders, Non-Disclosure Agreements, or is otherwise in the possession of a third party to which a duty of confidentiality is owed. Smart Speaker objects to this Interrogatory as seeking information that is already in Amazon's possession, custody, or control, or is otherwise readily obtainable to Amazon with lesser or equal burden to Smart Speaker. Smart Speaker objects to this Interrogatory as seeking information that is properly the subject of expert discovery before the deadline for such disclosures, and without the benefit of claim construction. Smart Speaker further objects to this Interrogatory as premature to the extent that it seeks to require Smart Speaker to marshal all of its proof or any proof it intends to rely on at any hearing, trial, submission to the Court, or deposition in this matter.

Subject to and without waiving its General and Specific Objections to this Interrogatory, Smart Speaker responds as follows:

Smart Speaker incorporates by reference its response to, along with any supplemental responses thereto, Interrogatory No. 2.

Smart Speaker incorporates by reference, as if fully set forth herein, its First Amended Complaint for Patent Infringement and accompanying exhibits, filed on October 6, 2025, which provide certain of Smart Speaker's contentions that Amazon indirectly infringes and has indirectly infringed the Patents-in-Suit.

Smart Speaker incorporates by reference, as if fully set forth herein, its Disclosure of Asserted Claims and Infringement Contentions and accompanying document production, served on September 16, 2025, which provide Smart Speaker's preliminary contentions that Amazon indirectly infringes and has indirectly infringed the Patents-in-Suit.

Smart Speaker incorporates by reference, as if fully set forth herein, its Supplemental Disclosure of Asserted Claims and Infringement Contentions and accompanying document production, served on October 28, 2025, which provide Smart Speaker’s preliminary contentions that Amazon indirectly infringes and has indirectly infringed the Patents-in-Suit.

By way of non-limiting example, Smart Speaker contends that Amazon induces its customers of the Accused Products to directly infringe the Patents-in-Suit, at least in the manner contended in Smart Speaker’s preliminary infringement contentions.

Discovery is ongoing, and Smart Speaker continues to investigate this matter, and Smart Speaker reserves the right to supplement its response to this Interrogatory as new information is discovered and pursuant to the docket control order.

INTERROGATORY NO. 4

For each Patent-in-Suit, describe in detail the interest or right held (e.g., ownership, license, mortgage, pledge, security) by any other Person besides You and the circumstances that Person came to hold such interest or right, including without limitation, the identity of the Person, when the right or interest was transferred to the Person and the manner by which the right or interest was transferred to the Person (e.g., by assignment, license, agreement, or otherwise).

RESPONSE TO INTERROGATORY NO. 4

Smart Speaker incorporates by reference its General Objections as if fully set forth herein.

Smart Speaker objects to this Interrogatory as overly broad, unduly burdensome, seeking information not proportional to the needs of the case, and seeking information outside Smart Speaker’s possession, custody, or control, particularly to the extent it requests description of “the circumstances that Person came to hold such interest or right,” and “including without limitation, the identity of the Person, when the right or interest was transferred to the Person and the manner by which the right or interest was transferred to the Person (e.g., by assignment, license, agreement, or otherwise).” Smart Speaker objects to this Interrogatory as unclear, vague, and ambiguous, particularly with respect to the phrases “describe in detail the interest or right held (e.g., ownership,

license, mortgage, pledge, security) by any other Person besides You,” “the circumstances that Person came to hold such interest or right,” “the identity of the Person, when the right or interest was transferred to the Person,” and “the manner by which the right or interest was transferred to the Person (e.g., by assignment, license, agreement, or otherwise).” Smart Speaker objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work-product doctrine, common interest privilege, and/or any other applicable privilege. Smart Speaker objects to this Interrogatory as containing multiple subparts, each of which counts toward Amazon’s total number of interrogatories. Smart Speaker objects to this Interrogatory to the extent it seeks information that may be protected from disclosure by Protective Orders, Non-Disclosure Agreements, or is otherwise in the possession of a third party to which a duty of confidentiality is owed. Smart Speaker objects to this Interrogatory as seeking information that is already in Amazon’s possession, custody, or control, or is otherwise readily obtainable to Amazon with lesser or equal burden to Smart Speaker.

Subject to and without waiving its General and Specific Objections to this Interrogatory, Smart Speaker responds as follows:

Smart Speaker incorporates by reference its response to, along with any supplemental responses thereto, Interrogatory No. 5.

Smart Speaker is the owner and assignee of, and holds all interests and rights in, the Patents-in-Suit.

Pursuant to Fed. R. Civ. P. 33(d), Smart Speaker directs Amazon to the documents bearing the Bates range: SMART_SPEAKER_008316- SMART_SPEAKER_008320.

Discovery is ongoing, and Smart Speaker continues to investigate this matter, and Smart Speaker reserves the right to supplement its response to this Interrogatory as new information is discovered and pursuant to the docket control order.

INTERROGATORY NO. 5

For each Patent-in-Suit, describe in detail how You acquired rights to the Patent-in-Suit, including but not limited to all acquisitions, mergers or other corporate transactions, the identity of the parties to each transaction, the date of each transaction, all communications between You and the other parties to the transaction regarding any of the Patents-in-Suit, an explanation of any diligence conducted and the outcome of that diligence, and any consideration exchanged in connection with each transaction, and Identify each person with knowledge of the foregoing.

RESPONSE TO INTERROGATORY NO. 5

Smart Speaker incorporates by reference its General Objections as if fully set forth herein.

Smart Speaker objects to this Interrogatory as overly broad, unduly burdensome, seeking information not proportional to the needs of the case, and seeking information outside Smart Speaker's possession, custody, or control, particularly to the extent it requests "describe in detail how You acquired rights to the Patent-in-Suit," "all acquisitions, mergers or other corporate transactions, the identity of the parties to each transaction, the date of each transaction," "all communications between You and the other parties to the transaction regarding any of the Patents-in-Suit," "an explanation of any diligence conducted and the outcome of that diligence," "any consideration exchanged in connection with each transaction," and "Identify each person with knowledge of the foregoing." Smart Speaker objects to this Interrogatory as unclear, vague, and ambiguous, particularly with respect to the phrases "all acquisitions, mergers or other corporate transactions," "the identity of the parties to each transaction, the date of each transaction, all communications between You and the other parties to the transaction regarding any of the Patents-in-Suit," "an explanation of any diligence conducted and the outcome of that diligence," and "any consideration exchanged in connection with each transaction." Smart Speaker objects to this

Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work-product doctrine, common interest privilege, and/or any other applicable privilege. Smart Speaker objects to this Interrogatory as containing multiple subparts, each of which counts toward Amazon's total number of interrogatories. Smart Speaker objects to this Interrogatory to the extent it seeks information that may be protected from disclosure by Protective Orders, Non-Disclosure Agreements, or is otherwise in the possession of a third party to which a duty of confidentiality is owed. Smart Speaker objects to this Interrogatory as seeking information that is already in Amazon's possession, custody, or control, or is otherwise readily obtainable to Amazon with lesser or equal burden to Smart Speaker.

Subject to and without waiving its General and Specific Objections to this Interrogatory, Smart Speaker responds as follows:

Smart Speaker incorporates by reference its response to, along with any supplemental responses thereto, Interrogatory No. 4.

Pursuant to Fed. R. Civ. P. 33(d), Smart Speaker directs Amazon to the documents bearing the Bates range: SMART_SPEAKER_008316- SMART_SPEAKER_008320.

As shown in the above-referenced documents,

Between March 18, 2025 and June 25, 2025, Smart Speaker and May Patents Ltd. ("May Patents") executed agreements whereby May Patents assigned, transferred, and conveyed unto Smart Speaker all right, title, and interest that existed then and in the future in the Patents-in-Suit to Smart Speaker.

Discovery is ongoing, and Smart Speaker continues to investigate this matter, and Smart Speaker reserves the right to supplement its response to this Interrogatory as new information is discovered and pursuant to the docket control order.

INTERROGATORY NO. 6

Describe in detail the founding of Smart Speaker, including the date(s) on which Smart Speaker was founded, a description of any and all communications regarding the founding of Smart Speaker, and an Identification of any persons with whom You communicated regarding Smart Speaker's founding.

RESPONSE TO INTERROGATORY NO. 6

Smart Speaker incorporates by reference its General Objections as if fully set forth herein.

Smart Speaker objects to this Interrogatory as overly broad, unduly burdensome, seeking information not proportional to the needs of the case, and seeking information outside Smart Speaker's possession, custody, or control, particularly to the extent it requests "Describe in detail the founding of Smart Speaker," "a description of any and all communications regarding the founding of Smart Speaker," and "Identification of any persons with whom You communicated regarding Smart Speaker's founding." Smart Speaker objects to this Interrogatory as unclear, vague, and ambiguous, particularly with respect to the phrases "Describe in detail the founding of Smart Speaker," "a description of any and all communications regarding the founding of Smart Speaker," and "Identification of any persons with whom You communicated regarding Smart Speaker's founding." Smart Speaker objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work-product doctrine, common interest privilege, and/or any other applicable privilege. Smart Speaker objects to this Interrogatory as containing multiple subparts, each of which counts toward Amazon's total number of interrogatories. Smart Speaker objects to this Interrogatory to the extent it seeks information that may be protected from disclosure by Protective Orders, Non-Disclosure Agreements, or is otherwise in the possession of a third party to which a duty of confidentiality is owed. Smart Speaker objects to this Interrogatory as seeking information that is already in Amazon's

possession, custody, or control, or is otherwise readily obtainable to Amazon with lesser or equal burden to Smart Speaker.

Subject to and without waiving its General and Specific Objections to this Interrogatory, Smart Speaker responds as follows:

Smart Speaker incorporates by reference its response to, along with any supplemental responses thereto, Interrogatory No. 7.

Smart Speaker was founded by Mr. Jeremy Pitcock as a limited liability company incorporated in Texas with a principal place of business at 6800 Weiskopf Avenue, Suite 150, Mckinney Texas 75070.

Discovery is ongoing, and Smart Speaker continues to investigate this matter, and Smart Speaker reserves the right to supplement its response to this Interrogatory as new information is discovered and pursuant to the docket control order.

INTERROGATORY NO. 7

Describe in detail the operation of Smart Speaker, including an Identification and detailed description of Smart Speaker's corporate structure, directors and officers, employees, products, revenue and sources of revenue, and costs.

RESPONSE TO INTERROGATORY NO. 7

Smart Speaker incorporates by reference its General Objections as if fully set forth herein.

Smart Speaker objects to this Interrogatory as overly broad, unduly burdensome, seeking information not proportional to the needs of the case, and seeking information outside Smart Speaker's possession, custody, or control, particularly to the extent it requests "Identification and detailed description of Smart Speaker's corporate structure, directors and officers, employees, products, revenue and sources of revenue, and costs." Smart Speaker objects to this Interrogatory as unclear, vague, and ambiguous, particularly with respect to the phrases "Describe in detail the operation of Smart Speaker," and "including an Identification and detailed description of Smart

Speaker’s corporate structure, directors and officers, employees, products, revenue and sources of revenue, and costs.” Smart Speaker objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work-product doctrine, common interest privilege, and/or any other applicable privilege. Smart Speaker objects to this Interrogatory as containing multiple subparts, each of which counts toward Amazon’s total number of interrogatories. Smart Speaker objects to this Interrogatory to the extent it seeks information that may be protected from disclosure by Protective Orders, Non-Disclosure Agreements, or is otherwise in the possession of a third party to which a duty of confidentiality is owed. Smart Speaker objects to this Interrogatory as seeking information that is already in Amazon’s possession, custody, or control, or is otherwise readily obtainable to Amazon with lesser or equal burden to Smart Speaker.

Subject to and without waiving its General and Specific Objections to this Interrogatory, Smart Speaker responds as follows:

Smart Speaker incorporates by reference its response to, along with any supplemental responses thereto, Interrogatory No. 6.

Smart Speaker incorporates by reference, as if fully set forth herein, its Initial and Additional Disclosures, served on November 4, 2025.

Mr. Jeremy Pitcock is the Manager of Smart Speaker LLC. Smart Speaker does not presently have any other directors, officers, or employees.

Smart Speaker does not presently have any related parent or subsidiary corporations.

Smart Speaker’s “revenue and sources of revenue” include, *inter alia*, revenue related to licensing intellectual property (*e.g.*, the Patents-in-Suit) to companies that require a license as a result of infringement (*e.g.*, Amazon).

Discovery is ongoing, and Smart Speaker continues to investigate this matter, and Smart Speaker reserves the right to supplement its response to this Interrogatory as new information is discovered and pursuant to the docket control order.

INTERROGATORY NO. 8

Identify and describe in detail all efforts by You, on Your behalf, or any third party (including former owners and any former or current licensees) to satisfy the marking requirements of 35 U.S.C. § 287, including separately for each Patent-in-Suit and the identity of each person with knowledge of such effort.

RESPONSE TO INTERROGATORY NO. 8

Smart Speaker incorporates by reference its General Objections as if fully set forth herein.

Smart Speaker objects to this Interrogatory as overly broad, unduly burdensome, seeking information not proportional to the needs of the case, and seeking information outside Smart Speaker's possession, custody, or control, particularly to the extent it requests "Identify and describe in detail all efforts by . . . any third party (including former owners and any former or current licensees) to satisfy the marking requirements of 35 U.S.C. § 287," and "each person with knowledge of such effort." Smart Speaker objects to this Interrogatory as unclear, vague, and ambiguous, particularly with respect to the phrases "Identify and describe in detail all efforts . . . to satisfy the marking requirements of 35 U.S.C. § 287," and "the identity of each person with knowledge of such effort." Smart Speaker objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work-product doctrine, common interest privilege, and/or any other applicable privilege. Smart Speaker further objects to this Interrogatory to the extent it calls for a legal conclusion. Smart Speaker objects to this Interrogatory as containing multiple subparts, each of which counts toward Amazon's total number of interrogatories. Smart Speaker objects to this Interrogatory to the extent it seeks information that may be protected from disclosure by Protective Orders, Non-Disclosure Agreements, or is otherwise in the possession of

a third party to which a duty of confidentiality is owed. Smart Speaker further objects to this Interrogatory to the extent it seeks information in the possession, custody, or control of third parties, including prior owners of the Patents-in-Suit, such as May Patents.

Subject to and without waiving its General and Specific Objections to this Interrogatory, Smart Speaker responds as follows:

Smart Speaker incorporates by reference, as if fully set forth herein, its First Amended Complaint for Patent Infringement and accompanying exhibits, filed on October 6, 2025.

Smart Speaker has at all times complied with the marking provisions of 35 U.S.C. § 287 with respect to the Patents-in-Suit. Smart Speaker has not yet sold any products that require marking under 35 U.S.C. § 287.

Further, Smart Speaker understands that any and all prior owners, assignees, and/or licensees of the Patents-in-Suit have also complied with the marking provisions of 35 U.S.C. § 287.

Discovery is ongoing, and Smart Speaker continues to investigate this matter, and Smart Speaker reserves the right to supplement its response to this Interrogatory as new information is discovered and pursuant to the docket control order.

INTERROGATORY NO. 9

For each Patent-in-Suit, describe in detail the efforts to enforce, license, or sell such patent since its issue date, including the price or amount of royalties that were proposed or offered by either side during negotiations (irrespective of whether a sale or license was executed), whether the offer was accepted or rejected, and an Identification of all Persons with knowledge thereof.

RESPONSE TO INTERROGATORY NO. 9

Smart Speaker incorporates by reference its General Objections as if fully set forth herein.

Smart Speaker objects to this Interrogatory as overly broad, unduly burdensome, seeking information not proportional to the needs of the case, and seeking information outside Smart Speaker's possession, custody, or control, particularly to the extent it requests "For each Patent-

in-Suit, describe in detail the efforts to enforce, license, or sell such patent since its issue date,” “the price or amount of royalties that were proposed or offered by either side during negotiations (irrespective of whether a sale or license was executed),” and “an Identification of all Persons with knowledge thereof.” Smart Speaker objects to this Interrogatory as unclear, vague, and ambiguous, particularly with respect to the phrases “For each Patent-in-Suit, describe in detail the efforts to enforce, license, or sell such patent since its issue date,” and “an Identification of all Persons with knowledge thereof.” Smart Speaker objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work-product doctrine, common interest privilege, and/or any other applicable privilege. Smart Speaker objects to this Interrogatory as containing multiple subparts, each of which counts toward Amazon’s total number of interrogatories. Smart Speaker objects to this Interrogatory to the extent it seeks information that may be protected from disclosure by Protective Orders, Non-Disclosure Agreements, or is otherwise in the possession of a third party to which a duty of confidentiality is owed. Smart Speaker objects to this Interrogatory as seeking information that is already in Amazon’s possession, custody, or control, or is otherwise readily obtainable to Amazon with lesser or equal burden to Smart Speaker. Smart Speaker further objects to this Interrogatory to the extent it seeks information in the possession, custody, or control of third parties, including prior owners of the Patents-in-Suit such as May Patents.

Subject to and without waiving its General and Specific Objections to this Interrogatory, Smart Speaker responds as follows:

Regarding efforts to license the Patents-in-Suit, on July 23, 2024, for example, Smart Speaker understands that May Patents sent a letter to Amazon concerning its patent portfolio (the “July 23, 2024, Licensing Letter”). *See* Dkt. 19-6. In that letter, May Patents notified Amazon that:

After reviewing various products that [Amazon] designs, develops, markets, distributes, and / or sells in the United States (the “Amazon Products”), the above patents may be relevant to at least part of these Amazon Products, in particular claims 1-7, 20, 21, and 24-29 of the ’710 Patent, claims 1-3, 21-24, 35, 48-55 of the ’590 Patent, [...] and claims 1-7, 20, 21, and 24-29 of the ’174 Patent.

Id. at 1.

Further, in the July 23, 2024, Licensing Letter, May Patents indicated that it “would very much welcome the opportunity to enter into constructive discussions with Amazon to determine whether [May Patents] and Amazon can agree to a mutually acceptable patent license agreement or to otherwise understand how Amazon is not using [May Patents’s] patents.” *Id.* at 3. May Patents indicated a willingness to “commence discussions with Amazon or [Amazon’s] representative at [Amazon’s] earliest convenience.” *Id.* Smart Speaker understands that Amazon ignored May Patents’s invitation to enter into good faith licensing discussions, necessitating the filing of this lawsuit.

Regarding efforts to “enforce” the Patents-in-Suit, this lawsuit represents one such effort.

Discovery is ongoing, and Smart Speaker continues to investigate this matter, and Smart Speaker reserves the right to supplement its response to this Interrogatory as new information is discovered and pursuant to the docket control order.

INTERROGATORY NO. 10

Identify and describe in detail all licenses and/or covenants not to sue concerning any claim of any Patent-in-Suit, whether express or implied, including without limitation, the identity of the licensee, the identity of the licensor, the payment or royalty terms of such license, the date and duration of the license, and the patent and claims licensed.

RESPONSE TO INTERROGATORY NO. 10

Smart Speaker incorporates by reference its General Objections as if fully set forth herein.

Smart Speaker objects to this Interrogatory as overly broad, unduly burdensome, seeking information not proportional to the needs of the case, and seeking information outside Smart

Speaker's possession, custody, or control, particularly to the extent it requests "For each Patent-in-Suit, describe in detail the efforts to enforce, license, or sell such patent since its issue date," "the price or amount of royalties that were proposed or offered by either side during negotiations (irrespective of whether a sale or license was executed)," and "an Identification of all Persons with knowledge thereof." Smart Speaker objects to this Interrogatory as unclear, vague, and ambiguous, particularly with respect to the phrases "For each Patent-in-Suit, describe in detail the efforts to enforce, license, or sell such patent since its issue date," and "an Identification of all Persons with knowledge thereof." Smart Speaker objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work-product doctrine, common interest privilege, and/or any other applicable privilege. Smart Speaker objects to this Interrogatory as containing multiple subparts, each of which counts toward Amazon's total number of interrogatories. Smart Speaker objects to this Interrogatory to the extent it seeks information that may be protected from disclosure by Protective Orders, Non-Disclosure Agreements, or is otherwise in the possession of a third party to which a duty of confidentiality is owed. Smart Speaker objects to this Interrogatory as seeking information that is already in Amazon's possession, custody, or control, or is otherwise readily obtainable to Amazon with lesser or equal burden to Smart Speaker. Smart Speaker further objects to this Interrogatory to the extent it seeks information in the possession, custody, or control of third parties, including prior owners of the Patents-in-Suit, such as May Patents.

Subject to and without waiving its General and Specific Objections to this Interrogatory, Smart Speaker responds as follows:

Discovery is ongoing, and Smart Speaker continues to investigate this matter, and Smart Speaker reserves the right to supplement its response to this Interrogatory as new information is discovered and pursuant to the docket control order.

INTERROGATORY NO. 11

Describe and identify all analyses, activities, or attempted activities Related to determining the financial value of the Patents-in-Suit or any Related Patents, including but not limited to any calculations, analyses, valuations, or estimates of its worth, or any attempted such calculations, analyses, valuations, or estimates, and identify the three individuals most knowledgeable about any such analyses.

RESPONSE TO INTERROGATORY NO. 11

Smart Speaker objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or protection. Smart Speaker further objects to this Interrogatory as overbroad and unduly burdensome. Smart Speaker objects to this Interrogatory as unclear, vague, and ambiguous, particularly as to the terms “analyses, activities, or attempted activities Related to determining the financial value.” Smart Speaker also objects to this Interrogatory as seeking the disclosure of premature expert opinions. Smart Speaker further objects to this Interrogatory to the extent that it seeks information in Defendant’s possession, custody or control, or that is equally accessible to Defendant from public sources or from third parties. Smart Speaker further objects to this Interrogatory to the extent that it seeks information that is outside of Smart Speaker’s possession, custody, and control. Smart Speaker further objects to this Interrogatory as premature to the extent that it seeks to require Smart Speaker to marshal all of its proof or any proof it intends to rely on at any hearing, trial, submission to the Court, or deposition in this matter. Smart Speaker further objects to the extent that the Interrogatory seeks expert testimony in advance of the date required by the docket control order. Smart Speaker objects to this Interrogatory as having multiple parts, which amount to multiple Interrogatories. Smart Speaker further objects to this Interrogatory

to the extent it seeks information in the possession, custody, or control of third parties, including prior owners of the Patents-in-Suit, such as May Patents.

Subject to and without waiving its General and Specific Objections to this Interrogatory, Smart Speaker responds as follows:

Smart Speaker is not aware of any analyses, activities, or attempted activities Related to determining the financial value of the Patents-in-Suit.

Discovery is ongoing, and Smart Speaker continues to investigate this matter, and Smart Speaker reserves the right to supplement its response to this Interrogatory as new information is discovered and pursuant to the docket control order.

INTERROGATORY NO. 12

For each Patent-in-Suit, on a claim-by-claim basis, Identify and describe in detail Your contentions regarding any secondary indicia of non-obviousness that You contend are relevant to the issue of whether the Asserted Claims would have been non-obvious to a person of ordinary skill in the art at the time of their alleged invention including (1) a description of Your contention for each such secondary indicia that You assert and (2) an explanation of the nexus between each such secondary indicia and the purported invention.

RESPONSE TO INTERROGATORY NO. 12

Smart Speaker objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or protection. Smart Speaker further objects to this Interrogatory as overbroad and unduly burdensome. Smart Speaker objects to this Interrogatory as unclear, vague, and ambiguous. Smart Speaker also objects to this Interrogatory as seeking the disclosure of premature expert opinions. Smart Speaker further objects to this Interrogatory to the extent that it seeks information in Defendant's possession, custody or control, or that is equally accessible to Defendant from public sources or from third parties. Smart Speaker further objects to this Interrogatory to the extent that it seeks information that is outside of Smart Speaker's possession,

custody, and control. Smart Speaker further objects to this Interrogatory as premature to the extent that it seeks to require Smart Speaker to marshal all of its proof or any proof it intends to rely on at any hearing, trial, submission to the Court, or deposition in this matter. Smart Speaker further objects to the extent that the Interrogatory seeks expert testimony in advance of the date required by the docket control order. Smart Speaker objects to this Interrogatory as having multiple parts, which amount to multiple Interrogatories. Smart Speaker further objects to this Interrogatory to the extent it seeks information in the possession, custody, or control of third parties.

Subject to and without waiving its General and Specific Objections to this Interrogatory, Smart Speaker responds as follows:

Pursuant to Fed. R. Civ. P. 33(d), Smart Speaker directs Amazon to the documents bearing the Bates range: SMART_SPEAKER_000001 - SMART_SPEAKER_008315, which include, *inter alia*, the file histories for the Patents-in-Suit.

Smart Speaker contends that each Asserted Claim of the Patents-in-Suit are not invalid in view of secondary indicia of non-obviousness and that the Asserted Claims would have been non-obvious to a person of ordinary skill in the art at the time of their alleged invention. Smart Speaker is in the process of reviewing and analyzing Amazon's recently served preliminary invalidity contentions.

Discovery is ongoing, and Smart Speaker continues to investigate this matter, and Smart Speaker reserves the right to supplement its response to this Interrogatory as new information is discovered and pursuant to the docket control order.

INTERROGATORY NO. 13

Identify Your contention regarding each category of damages that You seek, including Your theories of recovery, the complete factual and legal basis for those theories, and computations of damages within each category.

RESPONSE TO INTERROGATORY NO. 13

Smart Speaker objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or protection. Smart Speaker further objects to this Interrogatory as overbroad and unduly burdensome. Smart Speaker objects to this Interrogatory as unclear, vague, and ambiguous. Smart Speaker also objects to this Interrogatory as seeking the disclosure of premature expert opinions. Smart Speaker further objects to this Interrogatory to the extent that it seeks information in Defendant's possession, custody or control, or that is equally accessible to Defendant from public sources or from third parties. Smart Speaker further objects to this Interrogatory to the extent that it seeks information that is outside of Smart Speaker's possession, custody, and control. Smart Speaker further objects to this Interrogatory as premature to the extent that it seeks to require Smart Speaker to marshal all of its proof or any proof it intends to rely on at any hearing, trial, submission to the Court, or deposition in this matter. Smart Speaker further objects to the extent that the Interrogatory seeks expert testimony in advance of the date required by the docket control order. Smart Speaker objects to this Interrogatory as having multiple parts, which amount to multiple Interrogatories.

Subject to and without waiving its General and Specific Objections to this Interrogatory, Smart Speaker responds as follows:

Smart Speaker incorporates by reference, as if fully set forth herein, its Initial and Additional Disclosures, served on November 4, 2025.

Smart Speaker intends to rely on a damages expert in this case. Smart Speaker has not yet completed its investigation, collection of information, discovery, and analysis relating to this action. Accordingly, Smart Speaker expressly reserves the right to supplement, modify or alter its

responses herein and incorporates by reference its Expert Disclosures to be served in accordance with the applicable docket control order. Smart Speaker reserves all of its rights and does not waive any proposed damages position by the submission of this disclosure. In addition, Smart Speaker reserves the right to rely on any evidence produced by Defendant, including testimony and/or declarations of one or more fact or expert witnesses.

Based on the evidence of which Smart Speaker is currently aware, Smart Speaker is not seeking lost profits or damages related to price erosion, but is seeking monetary damages at least in the form of a reasonable royalty. At this time, it is too early to determine whether Smart Speaker will seek damages as to conveyed or collateral sales. Smart Speaker requires additional discovery from Defendant in order to provide a fulsome response as to a precise computation of damages on conveyed and collateral sales in this case. The determination of the relevance of conveyed or collateral sales will depend on evidence produced by Defendant indicating the extent of additional features and services provided to customers of the Accused Products. For example, evidence may show that Defendant's customers purchase add-on features and/or services that possess a functional relationship to the Accused Products and/or that are bundled services provided to subscribers who obtain the right to access the services enabled by the Accused Products. Smart Speaker expects that the testimony of Defendant's fact or expert witnesses, and evidence relating to customer billing and purchasing activity, may establish the extent of conveyed or collateral sales, such as professional services, maintenance services, support services, monthly leasing or subscription fees, add-ons, or other forms of conveyed, derivative, or collateral sales. For example, a cloud-based or subscription-based pricing that enhances or supports relevant functionalities of the Accused Products may qualify as conveyed or collateral sales, as with an add-on hardware component or accessory, or a contract for professional services, among other examples. In general,

conveyed and collateral sales may be relevant in a number of ways to a determination of a reasonable royalty, including by leading to a determination that a royalty rate needs to be higher to represent a reasonable royalty that accounts for the value of the conveyed and collateral sales, for example. Fact and expert testimony will be relevant to the weight and relevance to be accorded to each conveyed or collateral sale. Publicly available information indicates that Defendant sells and/or offers for sale “related products and accessories” including both software product add-ons and hardware product add-ons; however, the extent of such products, services, and sales, as well as the timing and nature of such products, services, and sales, is incomplete without additional discovery of information in the possession of Defendant, and it remains premature to provide a fulsome accounting of same.

In the absence of expert opinion (which is premature at this time), Smart Speaker has not determined which methodology or methodologies (including the hypothetical negotiation method described in *Georgia-Pacific Corp. v. U.S. Plywood Corp.*, 318 F. Supp. 1116, 1120 (S.D.N.Y. 1970), the analytic method, the income method, the market method, etc., or some combination thereof) should be used in determining a reasonable royalty in this case, but as the *Georgia Pacific* factors encompass in some respects all of these methods, this response will reference the *Georgia Pacific* factors in discussing the determination of a reasonable royalty. At this time, Smart Speaker expects the royalty base may include revenue generated from the Accused Products, including revenue from the sales, integration, subscriptions or licensing or selling access to the Accused Products, as appropriate. For example, a royalty base may include, without limitation, Defendant’s volumes of sales of the Accused Products. Smart Speaker also intends to further apportion this royalty base, such as by apportioning to a smallest saleable patent-practicing unit and to further apportion the royalty base to account for unpatented features, as more fully explained below. For

example, technical evidence, such as analysis of the Accused Products and performance benefits from the patented technologies, may provide relevant evidence regarding the incremental value contributed by the patented technologies that can be used to further apportion the royalty base to account for unpatented features. By relying on technical and market evidence and expert opinions to exclude the value of unpatented features, the revenues can be apportioned to reflect the value attributable to the patented technologies. For example, products incorporating the claimed inventions can be compared to alternatives to determine incremental benefits and incremental profit contributions from the claimed inventions.

Smart Speaker's damages contentions on these matters may be supplemented, modified, or altered upon the production of additional discovery not yet received from Defendant.

Smart Speaker expects that the date and parties to the hypothetical negotiation in this case will be determined by the date of Defendant's first infringement, which is the subject of discovery. Smart Speaker will seek damages for the full extent of the damages period, from the date of first infringement (and no later than the date of first notice of the Asserted Patents or the filing of the Complaint, whichever is earlier) through patent expiration. The Defendant first began to infringe with the first manufacture and offering for sale of the Accused Products, and Defendant's infringement continues through patent expiration. The conclusion of the damages period would be the date of the Asserted Patents' expiration. Smart Speaker expects that evidence to be produced by Defendant will show the date for Defendant's first offer for sale of an Accused Product that includes Smart Speaker's patented technology (and this evidence is still forthcoming). The evidence, including testimony by fact and expert witnesses, will be relevant to the determination of a fair royalty structure (*e.g.*, lump sum, running royalty, etc.) to account for royalties for the entire damages period through patent expiration. Smart Speaker expects a per-unit accounting and

royalties for all infringing revenues through the expiration of the Asserted Patents. Smart Speaker may be willing to accept an upfront, fully paid-up lump sum license fee in accordance to an agreed calculation of past and current sales together with estimated revenues from infringing instrumentalities through the end of the damages period, such as structuring a royalty payment as a lump sum calculated based on past revenues together with projected revenues through patent expiration or, alternatively, with a lump sum calculated based on past revenues, together with a running royalty on revenues through patent expiration.

Any contentions regarding a reasonable royalty at this stage of the litigation must necessarily be preliminary, both because the valuation of patent damages is an issue subject to expert analysis, and because conclusions regarding a reasonable royalty requires consideration of all, or at least a substantial portion, of the relevant evidence, and Smart Speaker does not yet have access to all relevant evidence. The importance of expert analysis to the determination of a reasonable royalty is expressed, for example, in the fact that “[t]he opinion testimony of qualified experts” is expressly included in *Georgia Pacific* as Factor 14. An expert opinion on damages would be premature at this point. As an example, Smart Speaker has not yet conducted any depositions of witnesses with information relevant to the determination of damages, such as the deposition of Defendant’s employees, has not yet taken place. Smart Speaker will also need to depose an individual knowledgeable about sales spreadsheets Defendant produces in this case, and any future sales data that Defendant produces, in order to ascertain the completeness of the documents and ensure that Smart Speaker understands the information contained within them.

Smart Speaker contends that it has complied with 35 U.S.C. § 287 as to each Asserted Patent at least because there are no unpatented articles subject to duty to mark with respect to the Asserted Claims.

The importance of considering the relevant evidence as a whole in determining a reasonable royalty is reflected in the comprehensive nature of the *Georgia Pacific* factors, which require a hypothetical negotiation in which the parties are privy to all relevant information extant at the time of the negotiation, and much information occurring thereafter. Moreover, the absence of evidence may be key to a damages analysis, and it is difficult to establish absence before the end of fact discovery. *See, e.g., ResQNet.com, Inc. v. Lansa, Inc.*, 594 F.3d 860, 870-72 (Fed. Cir. 2010) (evaluating reasonableness of reliance on settlement agreement based on the absence of better evidence of a reasonable rate). Precise, final damages calculations will be subject to expert testimony and must await the complete disclosure and review of documents and other discovery from Defendant. Accordingly, Smart Speaker will supplement its disclosures and accompanying evidence as discovery in this case proceeds.

Discovery is ongoing, and Smart Speaker continues to investigate this matter, and Smart Speaker reserves the right to supplement its response to this Interrogatory as new information is discovered and pursuant to the docket control order.

INTERROGATORY NO. 14

Identify and describe in detail Your contention (if any) that no acceptable, non-infringing alternative to the methods and/or apparatuses covered by the Asserted Claims exists or has existed.

RESPONSE TO INTERROGATORY NO. 14

Smart Speaker objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or protection. Smart Speaker further objects to this Interrogatory as overbroad and unduly burdensome. Smart Speaker objects to this Interrogatory as unclear, vague, and ambiguous. Smart Speaker also objects to this Interrogatory as seeking the disclosure of premature expert opinions. Smart Speaker further objects to this Interrogatory to the extent that it seeks

information in Defendant's possession, custody or control, or that is equally accessible to Defendant from public sources or from third parties. Smart Speaker further objects to this Interrogatory to the extent that it seeks information that is outside of Smart Speaker's possession, custody, and control. Smart Speaker further objects to this Interrogatory as premature to the extent that it seeks to require Smart Speaker to marshal all of its proof or any proof it intends to rely on at any hearing, trial, submission to the Court, or deposition in this matter. Smart Speaker further objects to the extent that the Interrogatory seeks expert testimony in advance of the date required by the docket control order. Smart Speaker objects to this Interrogatory as having multiple parts, which amount to multiple Interrogatories. Smart Speaker further objects to this Interrogatory to the extent it seeks information in the possession, custody, or control of third parties. Smart Speaker further objects to this Interrogatory to the extent it calls for a legal conclusion.

Subject to and without waiving its General and Specific Objections to this Interrogatory, Smart Speaker responds as follows:

Smart Speaker takes no position at this time, but reserves the right to later offer contentions (including contentions supported by expert opinions) regarding the existence of potential non-infringing alternative(s) to the methods and/or apparatuses covered by the Asserted Claims.

Discovery is ongoing, and Smart Speaker continues to investigate this matter, and Smart Speaker reserves the right to supplement its response to this Interrogatory as new information is discovered and pursuant to the docket control order.

INTERROGATORY NO. 15

Identify and describe in detail the complete factual and legal bases for Your contention that Amazon's alleged infringement of the Patents-in-Suit is or has been willful, including identifying the date and circumstances on which you believe Amazon first received notice of the Patents-in-Suit.

RESPONSE TO INTERROGATORY NO. 15

Smart Speaker incorporates by reference its General Objections as if fully set forth herein.

Smart Speaker objects to this Interrogatory as overly broad, unduly burdensome, seeking information not proportional to the needs of the case, and seeking information outside Smart Speaker's possession, custody, or control, particularly to the extent it requests "the complete factual and legal bases" and "identifying the date and circumstances on which you believe Amazon first received notice of the Patents-in-Suit." Smart Speaker objects to this Interrogatory as unclear, vague, and ambiguous, particularly with respect to the phrases "the complete factual and legal bases" and "identifying the date and circumstances on which you believe Amazon first received notice of the Patents-in-Suit." Smart Speaker objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work-product doctrine, common interest privilege, and/or any other applicable privilege. Smart Speaker further objects to this Interrogatory to the extent it calls for a legal conclusion. Smart Speaker objects to this Interrogatory as containing multiple subparts, each of which counts toward Amazon's total number of interrogatories. Smart Speaker objects to this Interrogatory to the extent it seeks information that may be protected from disclosure by Protective Orders, Non-Disclosure Agreements, or is otherwise in the possession of a third party to which a duty of confidentiality is owed. Smart Speaker further objects to this Interrogatory to the extent it seeks information in the possession, custody, or control of third parties, including prior owners of the Patents-in-Suit such as May Patents.

Subject to and without waiving its General and Specific Objections to this Interrogatory, Smart Speaker responds as follows:

Amazon has had knowledge that the Accused Products infringe three of the Patents-in-Suit (*i.e.*, the '710, '174, and '590 Patents) and the inventions described and claimed therein since at

least around July 2024, when May Patents, which was a prior owner of the Patents-in-Suit, initiated discussions with Amazon about these Patents-in-Suit and the Accused Products. On July 23, 2024, for example, May Patents sent a letter to Amazon concerning its patent portfolio (the “July 23, 2024, Licensing Letter”). *See* Dkt. 19-6. In that letter, May Patents notified Amazon that:

After reviewing various products that [Amazon] designs, develops, markets, distributes, and / or sells in the United States (the “Amazon Products”), the above patents may be relevant to at least part of these Amazon Products, in particular claims 1-7, 20, 21, and 24-29 of the ’710 Patent, claims 1-3, 21-24, 35, 48-55 of the ’590 Patent, [...] and claims 1-7, 20, 21, and 24-29 of the ’174 Patent.

Id. at 1.

In the July 23, 2024, Licensing Letter, May Patents also identified many of the same Accused Products as “relevant to”—*i.e.*, infringing—these three Patents-in-Suit. The July 23, 2024, Licensing Letter specifically identified, for example, the same claims of the ’710, ’174, and ’590 Patents that the Accused Products are accused of infringing in this lawsuit. Thus, Amazon cannot reasonably dispute that the July 23, 2024, Licensing Letter put Amazon on notice that at least the specifically identified products in the July 23, 2024, Licensing Letter were infringing the specifically identified claims of the ’710, ’174, and ’590 Patents. Further, in the July 23, 2024, Licensing Letter, May Patents indicated that it “would very much welcome the opportunity to enter into constructive discussions with Amazon to determine whether [May Patents] and Amazon can agree to a mutually acceptable patent license agreement or to otherwise understand how Amazon is not using [May Patents’s] patents.” *Id.* at 3. May Patents indicated a willingness to “commence discussions with Amazon or [Amazon’s] representative at [Amazon’s] earliest convenience.” *Id.* Amazon ignored May Patents’s invitation to enter into good faith licensing discussions, necessitating the filing of this lawsuit. Thus, with knowledge of these Patents-in-Suit and that the Accused Product infringe, Amazon has knowingly induced infringement of these Patents-in-Suit

by others, including end-users, and possessed a specific intent to encourage infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end-users, infringe the Patents-in-Suit, but while remaining willfully blind to the infringement.

Additionally, Smart Speaker contends that Amazon has also had knowledge of the '706, '720, and '721 Patents at least since those Patents-in-Suit issued or, in the alternative, Amazon should have known of the Patents-in-Suit and has deliberately taken wrongful steps to ignore them and remain willfully blind to those Patents-in-Suit. The July 23, 2024, Licensing Letter put Amazon on actual notice of May Patents' portfolio, which included the '710, '174, and '590 Patents and the patent application which issued as the '706 Patent. In the exercise of normal diligence, any reasonable infringer in Amazon's position would have investigated May Patents' portfolio and stayed abreast of the prosecution of the application which issued as the '706 Patent. A reasonable infringer also would have continued to monitor newly-filed applications in the same patent family, two of which issued as the '720 and '721 Patents. If Amazon lacks actual knowledge of the Patents-in-Suit, its blindness was willful and by design.

Discovery is ongoing, and Smart Speaker continues to investigate this matter, and Smart Speaker reserves the right to supplement its response to this Interrogatory as new information is discovered and pursuant to the docket control order.

INTERROGATORY NO. 16

Identify each element of each Asserted Claim you contend is present in the Accused Product under the doctrine of equivalents, and explain in detail why you contend that any identified claim elements are present in the Accused Product under the doctrine of equivalents, including identification of all facts and evidence supporting such contention.

RESPONSE TO INTERROGATORY NO. 16

Smart Speaker objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the attorney work-product doctrine, or any other

applicable privilege or protection. Smart Speaker further objects to this Interrogatory as overbroad and unduly burdensome. Smart Speaker objects to this Interrogatory as unclear, vague, and ambiguous. Smart Speaker also objects to this Interrogatory as seeking the disclosure of premature expert opinions. Smart Speaker further objects to this Interrogatory to the extent that it seeks information in Defendant's possession, custody or control, or that is equally accessible to Defendant from public sources or from third parties. Smart Speaker further objects to this Interrogatory to the extent that it seeks information that is outside of Smart Speaker's possession, custody, and control. Smart Speaker further objects to this Interrogatory as premature to the extent that it seeks to require Smart Speaker to marshal all of its proof or any proof it intends to rely on at any hearing, trial, submission to the Court, or deposition in this matter. Smart Speaker further objects to the extent that this Interrogatory seeks expert testimony in advance of the date required by the docket control order. Smart Speaker objects to this Interrogatory as having multiple parts, which amount to multiple Interrogatories. Smart Speaker further objects to this Interrogatory to the extent it seeks information in the possession, custody, or control of third parties.

Subject to and without waiving its General and Specific Objections to this Interrogatory, Smart Speaker responds as follows:

Smart Speaker incorporates by reference, as if fully set forth herein, its First Amended Complaint for Patent Infringement and accompanying exhibits, filed on October 6, 2025, which provide certain Smart Speaker's contentions regarding Amazon's infringement under the doctrine of equivalents.

Smart Speaker incorporates by reference, as if fully set forth herein, its Disclosure of Asserted Claims and Infringement Contentions and accompanying document production, served

on September 16, 2025, which provide Smart Speaker's preliminary contentions regarding Amazon's infringement under the doctrine of equivalents.

Smart Speaker incorporates by reference, as if fully set forth herein, its Supplemental Disclosure of Asserted Claims and Infringement Contentions and accompanying document production, served on October 28, 2025, which provide Smart Speaker's preliminary contentions regarding Amazon's infringement under the doctrine of equivalents.

Smart Speaker contends that each Asserted Claim is present in the Accused Products at least under the doctrine of equivalents.

Discovery is ongoing, and Smart Speaker continues to investigate this matter, and Smart Speaker reserves the right to supplement its response to this Interrogatory as new information is discovered and pursuant to the docket control order.

Dated: January 28, 2026

AS TO OBJECTIONS

/s/ Peter Lambrianakos
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***ATTORNEYS FOR PLAINTIFF
SMART SPEAKER LLC***

CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2026, a true and correct copy of the above and foregoing document has been served by electronic mail on all counsel of record.

/s/ Peter Lambrianakos
Peter Lambrianakos