

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

YODLEE, INC.,

Plaintiff,

v.

PLAID TECHNOLOGIES INC.,

Defendant.

C.A. No. 14-1445-LPS-CJB

**PLAINTIFF YODLEE, INC.’S RESPONSE TO  
DEFENDANT PLAID TECHNOLOGIES, INC.’S THIRD SET OF INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the District of Delaware, Plaintiff Yodlee, Inc. (“Plaintiff” or “Yodlee”) hereby responds to Defendant Plaid Technologies Inc.’s (“Defendant” or “Plaid”) First Set of Interrogatories to Yodlee, Inc. (“Defendants’ Interrogatories”) as follows:

**RESERVATION OF RIGHTS**

These responses are made in accordance with the Federal Rules of Civil Procedure and are based upon information currently available to Plaintiff. Investigation and discovery is ongoing in this case. These responses are made without prejudice to Plaintiff’s right to amend and/or supplement its responses and to use or rely upon subsequently discovered information in any future proceedings. Plaintiff reserves the right to later object to the admissibility into evidence of any of this information on any permissible grounds, including grounds not identified below.

## GENERAL OBJECTIONS

1. Plaintiffs' General Objections set forth in Plaintiffs' Response to Defendants' First Set of Requests for Production of Documents and Things are incorporated by reference herein.

2. Plaintiff objects to these interrogatories, including the Definitions and Instructions contained in Defendant's Interrogatories to the extent they are inconsistent with or seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure, the Court's Local Rules, or any applicable Court order. In responding to these interrogatories, Plaintiff will only comply with the obligations imposed on it by the Federal Rules of Civil Procedure, the Court's Local Rules, the Stipulated Order for Discovery, any applicable Court order, and any stipulation or agreement between the parties.

3. Plaintiff objects to these interrogatories on the ground and to the extent they call for information protected by the attorney-client privilege, attorney work product protection, community of interest protection, joint defense protection, or that is otherwise immune from discovery. For convenience, Plaintiff uses the terms "privilege" or "privileged" herein to refer to information subject to attorney-client privilege, attorney work product protection, community of interest protection, joint defense protection, or that is otherwise immune from discovery. Any disclosure Plaintiff makes of such information is inadvertent and shall not constitute a waiver of the applicable privilege or immunity of such information.

4. By identifying a document in response to an interrogatory, Plaintiff does not admit that the document is free of information that is privileged or immune from discovery, nor does it waive its right to withhold any portion of the document that is privileged or immune from discovery.

5. By identifying a document in response to an interrogatory, Plaintiff does not admit that the document is relevant or admissible at a hearing or trial of this action (e.g., as coming within an exception to the hearsay rule, Fed. R. Evid. 802).

6. In those instances where the response to the interrogatories can be derived from Plaintiff's business records—or from an examination, audit, compilation, abstract, or summary of such business records—and the burden of deriving or ascertaining the answer is substantially the same for Defendant as for Plaintiff, Plaintiff will answer in accordance with Federal Rule of Civil Procedure 33(d).

7. Plaintiff objects to these interrogatories on the ground and to the extent that they seek to obtain information not within Plaintiff's possession, custody, or control.

8. Plaintiff objects to Defendant's Interrogatories to the extent that they seek information already in Defendant's possession, or information that is a matter of public record or otherwise equally available to Defendant.

9. Plaintiff objects to Defendant's Interrogatories to the extent that they seek documents containing confidential or proprietary information of a non-party, documents that are covered by a confidentiality agreement between Plaintiff and a non-party, and/or information of a non-party covered by a protective order in another case. Plaintiff will not disclose such information unless the non-party agrees to a suitable protective order or consents in writing to disclosure to Defendant or otherwise required by court order or law.

10. Plaintiff objects to these interrogatories on the ground and the extent that they contain discrete subparts. Each subpart should count as a separate interrogatory toward the limit on interrogatories imposed by the Federal Rules of Civil Procedure or by Order of the Court.

11. Plaintiff objects to these interrogatories on the ground and to the extent they purport to define a term or phrase used in any of the claims of the patents-in-suit.

12. Plaintiff objects to these interrogatories to the extent they call for a legal conclusion. For example, the Court has not yet construed the patent claim language. Plaintiff's responses should not be construed as admissions of any particular legal characterization made by these interrogatories.

13. Plaintiff objects to these interrogatories on the ground and to the extent that they are overly broad and unduly burdensome.

14. Plaintiff objects to these interrogatories as impermissibly premature to the extent they call for expert opinion or testimony. Expert discovery has not yet started in this case.

15. Plaintiff objects to the definitions of "Plaintiff," "Yodlee," "You," or "Your" as overly broad and unduly burdensome to the extent that they include persons or entities that are separate and distinct from Plaintiff and over which Plaintiff has no control or encompass persons or entities having no relevance to this action.

16. To the extent Defendant's Interrogatories seek duplicative or cumulative documents and things, Plaintiff objects to them on the grounds that they are overly broad, unduly burdensome, and/or seek documents and things that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

17. The use of terms herein from the patents-in-suit should not be understood to suggest or imply a common, usual, ordinary, customary, plain, or accepted meaning in the art for any such term.

18. Subject to all General and Specific Objections and limitations, Plaintiff will respond to these interrogatories based on information available to them after a reasonable

investigation. Plaintiff's investigation is ongoing, and Plaintiff reserves the right to supplement, amend, or correct its responses. Plaintiff also reserves the right to produce or use any information disclosed and/or discovered after service of these objections and responses in support of or in opposition to any motion, depositions, or at trial.

19. Plaintiff incorporates by reference the foregoing General Objections in its specific response to each interrogatory. Plaintiff may repeat a General Objection for emphasis or some other reason. The failure to repeat any such objection with respect to a particular interrogatory does not waive that objection. Moreover, Plaintiff does not waive its right to amend its objections. Any specific objections to the following interrogatories are in addition to, and not in lieu of, the foregoing objections.

20. Plaintiff is willing to discuss its objections in a good faith attempt to resolve or narrow any differences between the parties.

### **OBJECTIONS TO INSTRUCTIONS**

#### **INSTRUCTION NO. 3:**

For each response or portion thereof that is withheld under a claim of privilege or work product, you shall furnish a list setting forth the following information: (i) a description of the information withheld; (ii) a statement of the basis upon which the privilege or work product claim is made; (iii) the name of the Person in possession, custody or control of the information; (iv) the name of the Person asserting the privilege; (iv) the paragraph(s) of this First Set that call for the production of the information. If any portion of a response is withheld under claims of privilege or work product, any non-privileged portion of such response must be provided.

#### **OBJECTION TO INSTRUCTION NO. 3:**

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