

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Reald Spark, LLC v. Microsoft Corporation

Reald Spark · No. 2:22-cv-00942-TL · Decided December 19, 2025

SUMMARY

The United States District Court for the Western District of Washington denied Microsoft Corporation’s motion to compel RealD Spark, LLC to further supplement its response to an interrogatory concerning alleged trade secrets and know-how. The court held that the interrogatory sought descriptions of trade secrets, not identification of supporting documents, and that Microsoft could not expand the request after the close of discovery.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Tana Lin
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	December 19, 2025
DOCKET	2:22-cv-00942-TL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff and Defendant filed a joint submission under Local Civil Rule 37 concerning Defendant's motion to compel Plaintiff to further supplement its response to a trade-secret contention interrogatory.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- discovery dispute
- trade secrets
- misappropriation of trade secrets
- civil procedure
- commercial litigation

PRACTICE AREAS

- civil procedure
- trade secrets
- commercial litigation
- intellectual property

QUESTIONS PRESENTED

- Whether an interrogatory asking a party to describe each alleged trade secret also requires the party to identify documents supporting that description when the interrogatory does not expressly request

document identification.

2. Whether Microsoft could compel RealD to provide a further supplemental response identifying documents after the close of discovery based on information elicited during a late deposition.

HOLDINGS

1. An interrogatory asking a party to describe each alleged trade secret does not, without an express request for document identification, require the party to identify documents supporting its narrative response.
2. Microsoft was not entitled to compel a further supplemental response after choosing to depose RealD's crucial witness shortly before the close of discovery and failing to frame its interrogatory or discovery requests to require the requested document identification.

KEY QUOTATIONS

“Defendant seeks to compel Plaintiff to identify documents in response to its interrogatory that noticeably did not ask Plaintiff to identify any documents.” (at 2)

“Had Defendant’s interrogatory similarly contained a request to identify documents, Defendant would be in a different position.” (at 3)

“Defendant must live with the strategic choices it made in the wording of its discovery requests and the timing of the deposition of a crucial witness.” (at 4)

FACTUAL BACKGROUND

Microsoft's Interrogatory No. 1 asked RealD Spark to describe with particularity each alleged trade secret that Microsoft had misappropriated. RealD's fourth supplemental response provided a narrative description of know-how and negative know-how relating to the development of SocialEyes, rather than specifically identifying supporting documents. After deposing RealD's CEO and corporate representative shortly before the close of fact discovery, Microsoft sought to compel RealD to identify internal research and development documents referenced during the deposition.

PROCEDURAL HISTORY

Microsoft moved to compel RealD Spark to identify documents supporting its response to Interrogatory No. 1, which asked RealD to describe each trade secret allegedly misappropriated. RealD had provided a narrative supplemental response, and Microsoft sought a more specific document identification after deposing RealD's corporate representative two days before the close of fact discovery. The court denied the motion to compel.

DISPOSITION

other

CASES CITED

- StonCor Grp., Inc. v. Campton, No. C05-1225, 2006 WL 314336, at *2 (W.D. Wash. Feb. 7, 2006)

- Torres v. Cardenas Markets¹, LLC, No. C24-1032, 2025 WL 1735564, at *1, *3 (D. Nev. June 23, 2025)
- Martinez v. City of Fresno, No. C06-233, 2009 WL 129946, at *3 (E.D. Cal. Jan. 20, 2009)
- Rubin v. Kirkland Chrysler-Jeep, Inc., No. C05-52, 2005 WL 8172703, at *3 (W.D. Wash. Sept. 27, 2005)
- Jarjour v. Unitrin Auto & Home Ins. Co., No. C13-2227, 2014 WL 3563291, at *1 (W.D. Wash. July 18, 2014)

OPINION

Reald Spark, LLC v. Microsoft Corporation

PER CURIAM.

1 2 3 4 5 6 7 8

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

9 AT SEATTLE

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11 REALD SPARK, LLC, CASE NO. 2:22-cv-00942-TL

12 Plaintiff, ORDER ON LCR 37 JOINT 13 v.

SUBMISSION REGARDING

DEFENDANT’S MOTION TO

14 MICROSOFT CORPORATION, COMPEL FOLLOWING

DEPOSITION OF REALD’S

15 Defendant. CORPORATE REPRESENTATIVE 16 17 This matter is before the Court on
Plaintiff RealD Spark, LLC, and Defendant Microsoft 18 Corporation’s Rule LCR 37 Joint
Submission Regarding Defendant’s Motion to Compel 19 Following Deposition of RealD’s
Corporate Representative. Dkt. No. 186 (sealed); Dkt. No. 187 20 (redacted). In the joint
submission, Microsoft requests that this Court enter an order compelling 21 RealD to further
supplement its response to Microsoft’s Interrogatory No. 1 to specifically 22 identify “each
category of the claimed ‘know how’ or ‘negative know how’ in view of available 23 internal
documentary evidence setting forth technical details and parameters that could define 24 1 those
allegations.” Id. at 7. Having reviewed the Parties’ submissions and the relevant record, the 2
Court DENIES Defendant’s motion. 3 The Court assumes familiarity with the history of disputes
between the Parties regarding 4 the sufficiency of the disclosure of RealD’s source code and issues
surrounding Plaintiff’s 5 responses to Interrogatory No. 1. See Dkt. Nos. 63, 101, 192. Fact
discovery closed in this case 6 on November 7, 2025. Dkt. No. 174. 7 Defendant’s Interrogatory
No. 1 requested that Plaintiff “[d]escribe with particularity 8 each and every alleged Trade Secret
that You contend Microsoft misappropriated” Dkt.

9 No. 190 (RealD’s Amended Third Supplemental Responses to Microsoft’s first set of

10 Interrogatories) (sealed) at 4–5; Dkt. No. 188 (Bennett Decl. with redacted exhibits) at 8–9. 11

Plaintiff’s fourth supplemental response to Interrogatory No. 1 stated that “[t]hroughout the 12

development process of SocialEyes, RealD developed significant know-how and negative know-how,” and went on to describe know-how and negative know-how with respect to various topics. 14 Dkt. No. 190 at 35–38. Plaintiff provided its fourth supplemental response on October 9, 2025. 15 Dkt. No. 188 at 4 ¶ 7. On November 5, 2025, Defendant deposed RealD’s CEO and designated 16 corporate representative, Dr. Robert Ramsey. Dkt. No. 186 at 5. At the deposition, Dr. Ramsey 17 was asked about the know-how and negative know-how with respect to each of the topics in the 18 fourth supplemental response and specifically whether RealD had records or information 19 regarding each topic. Dkt. No. 191 (Ramsey Dep.) (sealed) at 5–11; Dkt. No. 188 at 50–56. Dr. 20 Ramsey testified to internal research and development materials that he believed RealD had for 21 each topic. Dkt. No. 191 at 5–11. Defendant now seeks to compel Plaintiff to specifically 22 identify those documents and asserts that it must do so to supplement its fourth supplemental 23 response to Interrogatory 1. Dkt. No. 186 at 5–7, 9–12. 24 1 Defendant asserts that Plaintiff is obligated to identify the material known to Dr. Ramsey 2 based on the structure of Interrogatory No. 1. Id. at 27. Plaintiff asserts that courts distinguish 3 between interrogatories seeking information and interrogatories seeking the identification of 4 documents and that Defendant cannot rewrite its interrogatory after the close of discovery to 5 demand a different category of response. Id. at 18–19. The Court agrees with Plaintiff. 6 Defendant seeks to compel Plaintiff to identify documents in response to its interrogatory 7 that noticeably did not ask Plaintiff to identify any documents. Rather, the interrogatory asked 8 Plaintiff to describe each trade secret at issue in this case. Dkt. No. 190 at 4–5. Rather than 9 responding with a narrative answer, a party may choose to respond to an interrogatory by 10 specifying records that must be reviewed and providing sufficient detail to enable the 11 interrogating party to locate and identify the documents. Fed. R. Civ. P. 33(d). When Plaintiff 12 provided its first supplemental response to Interrogatory No. 1, it invoked Rule 33(d) and chose 13 to direct Defendant to various documents it had produced. Dkt. No. 190 at 7. Therefore, when 14 Defendant moved to compel Plaintiff to more precisely specify where certain information was 15 contained in Plaintiff’s production, the Court directed Plaintiff to do so. See generally Dkt.

16 No. 63.

17 However, in providing its fourth supplemental response to Interrogatory No. 1—the 18 response at issue in the instant motion—Plaintiff chose to provide a narrative response. See Dkt.

19 No. 190 at 34–38. Noticeably missing from Defendant’s interrogatory is a request for Plaintiff to

20 also state what documents support its response. Id. at 4–5. And noticeably missing from 21 Defendant’s motion is any mention of whether it had issued a request for production for, for 22 example, any documents supporting Plaintiff’s interrogatory responses. See generally Dkt.

23 No. 186. The Court presumes Defendant did not issue such a request, or it would have raised this

24 as an additional argument in support of its motion. 1 Defendant cites to a number of cases in

which courts required a party to identify 2 documents in response to an interrogatory. See *id.* at 28. However, in each of those cases, either 3 the interrogatory specifically requested the identification of documents, or the interrogatory 4 response cited to documents without adequate specificity: 5 • *StonCor Grp., Inc. v. Campton*, No. C05-1225, 2006 WL 314336, at *2 (W.D. Wash. Feb. 7, 2006) (“StonCor’s response to interrogatory 11 . . . identified the 6 trade secrets that are at issue in this case: StonCor’s installer network and list, its pricing strategies and policies, and its customer lists, among other things.” 7 (quoting response to motion)); 8 • *Torres v. Cardenas Markets1, LLC*, No. C24-1032, 2025 WL 1735564, at *3 (D. Nev. June 23, 2025) (“Defendant may have intended its interrogatories to seek 9 facts . . . however, the interrogatories do not ask generally for facts. Rather, each of Defendant’s three interrogatories demand the specific identification of evidence 10 regarding the element of Plaintiff’s negligence claim necessary to establish a breach of duty.”); 11 • *Martinez v. City of Fresno*, No. C06-233, 2009 WL 129946, at *3 (E.D. Cal. Jan. 12 20, 2009) (“Special Interrogatory number two asks Defendant Manfredi to identify all documents which support his contention set forth in Special 13 Interrogatory No. 1.”); 14 • *Rubin v. Kirkland Chrysler-Jeep, Inc.*, No. C05-52, 2005 WL 8172703, at *3 (W.D. Wash. Sept. 27, 2005) (“Interrogatory No. 16 requests Defendant to 15 ‘Separately, for each affirmative defense set forth in defendant’s answer to plaintiffs’ complaint in this action, identify all facts and documents supporting 16 that affirmative defense.’”); 17 • *Jarjour v. Unitrin Auto & Home Ins. Co.*, No. C13-2227, 2014 WL 3563291, at *1 (W.D. Wash. July 18, 2014) (“These interrogatories seek a description of the 18 allegedly covered damage, an identification of the relevant policy provisions, and descriptions of the relevant acts of bad faith and CPA violations.”). 19 20 Had Defendant’s interrogatory similarly contained a request to identify documents, Defendant 21 would be in a different position. But Defendant’s interrogatory did not contain any such request. 22 1 Defendant quotes *Torres* as standing for the proposition that “It is well established that when responding to a contention interrogatory, ‘[t]o the extent documents have been produced that support Plaintiff’s responses, Plaintiff 23 must identify such documents.’” Dkt. No. 186 at 28 (quoting *Torres*, 2025 WL 1735564, at *3). But this citation gravely mischaracterizes the quoted matter, which is presented in the opinion not as a statement of law, but as a 24 paraphrase of the interrogatories in question (which explicitly asked for the identification of specific evidence). See *Torres*, 2025 WL 1735564, at *1, *3. 1 Further, Defendant could have deposed Dr. Ramsey earlier and with sufficient time to issue 2 follow-up discovery requests but chose to wait until two days before the close of discovery to 3 depose him. Defendant must live with the strategic choices it made in the wording of its 4 discovery requests and the timing of the deposition of a crucial witness. 5 Accordingly, the Court DENIES Microsoft’s motion to compel a further supplemental 6 discovery response to Microsoft’s Interrogatory No. 1. 7 Dated this 19th day of December, 2025. 8 A 9 Tana Lin United States District Judge 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

