

**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

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF
WASHINGTON 9 AT SEATTLE 10 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
13 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