

# Exhibit C

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19 UNITED STATES DISTRICT COURT  
20 NORTHERN DISTRICT OF CALIFORNIA  
21 SAN FRANCISCO DIVISION

22 ORACLE AMERICA, INC.  
23 Plaintiff,  
24 v.  
25 GOOGLE INC.  
26 Defendant.

Case No. CV 10-03561 WHA

**ORACLE AMERICA, INC.'S  
RESPONSES AND OBJECTIONS TO  
DEFENDANT GOOGLE INC.'S  
FIRST SET OF REQUESTS FOR  
PRODUCTION TO PLAINTIFF  
ORACLE AMERICA, INC. (NOS. 1-65)**

Dept.: Courtroom 9, 19th Floor  
Judge: Honorable William H. Alsup

1 PROPOUNDING PARTY: Defendant GOOGLE INC.

2 RESPONDING PARTY: Plaintiff ORACLE AMERICA, INC.

3 SET NO.: One (Nos. 1-65)

4 Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, Plaintiff Oracle  
5 America, Inc. (“Oracle”) hereby submits the following responses and objections to Defendant  
6 Google Inc.’s (“Google”) First Set of Requests for Production of Documents (“Requests”).

7 **REQUEST FOR PRODUCTION NO. 1:**

8 All Documents Relating to the Patents-in-Suit or the Claimed Subject Matter of the  
9 Patents-in-Suit, including but not limited to all Documents Relating to the prosecution of the  
10 Patents-in-Suit and all Documents Relating to the conception, diligence and/or reduction to  
11 practice of any invention(s) allegedly claimed in the Patents-in-Suit.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

13 Oracle directs Google’s attention to Oracle’s production pursuant to Patent Local Rule 3-  
14 2, which includes documents that relate to the patents in suit and the technology at issue. Oracle  
15 will produce additional non-privileged, non attorney work-product documents found in Oracle’s  
16 possession, custody, or control through reasonable efforts.

17 Oracle objects to this request on the grounds that “All Documents Relating to” and “the  
18 Claimed Subject Matter of the Patents-in-Suit” are vague. Oracle further objects to this request to  
19 the extent that it encompasses documents and information protected from discovery by the  
20 attorney-client privilege or the attorney work-product doctrine.

21 **REQUEST FOR PRODUCTION NO. 2:**

22 All Documents and Things Relating to Related Patents and/or Applications or any  
23 Claimed Subject Matter disclosed by any Related Patents and/or Applications, including but not  
24 limited to all Documents Relating to the prosecution of Related Patents.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

26 Oracle has already produced or will produce U.S. and foreign file histories in its  
27 possession, custody or control that can be found through reasonable efforts corresponding to:

28 5,367,685

1 RE36,204  
2 RE38,104  
3 6,513,156  
4 6,910,205  
5 5,966,702  
6 6,125,447  
7 6,192,476  
8 6,047,377  
9 6,044,467  
10 6,061,520  
11 7,293,267  
12 7,426,720

13 To the extent Google seeks other documents or things, Oracle objects to this request on  
14 the grounds that it is unduly burdensome. Information relating to “Related Patents and/or  
15 Applications” is publicly accessible and equally available to Google. Oracle also objects to this  
16 request on the grounds that it is not clear exactly what Google seeks because the request does not  
17 describe with reasonable particularity each item or category of items to be inspected as required  
18 by Federal Rule of Civil Procedure 34(b)(1)(A). As to, *e.g.*, “All Documents and Things Relating  
19 to Related Patents and/or Applications,” “All Documents and Things Relating to . . . any Claimed  
20 Subject Matter disclosed by any Related Patents and/or Applications,” and “all Documents  
21 Relating to the prosecution of Related Patents,” Oracle objects to this request as vague and  
22 overbroad. Oracle further objects to this request to the extent that it encompasses documents and  
23 information protected from discovery by the attorney-client privilege or the attorney work-  
24 product doctrine.

25 **REQUEST FOR PRODUCTION NO. 3:**

26 All Documents and Things Relating to any licenses, assignments of, grants of rights to,  
27 covenants not to sue for infringement of, or requests for or negotiations regarding any license of,  
28 assignment of, grant of rights to, or covenant not to sue for infringement of, the Patents-in-Suit,

1 any Related Patents and/or Applications, or the Claimed Subject Matter disclosed in the Patents-  
2 in- Suit.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

4 Oracle will produce licenses, assignments, grants of rights to, covenants not to sue for  
5 infringement of the asserted patents that can be found in its possession, custody, or control  
6 through reasonable efforts. Oracle directs Google to documents evidencing ownership of the  
7 patent rights at OAGOOGL0000053760-53792 and OAGOOGL0000056022-56028.

8 To the extent Google seeks other documents or things, Oracle objects to this request on  
9 the grounds that it is not clear exactly what Google seeks because the request does not describe  
10 with reasonable particularity each item or category of items to be inspected as required by Federal  
11 Rule of Civil Procedure 34(b)(1)(A). As for “all documents and things relating to” such  
12 documents, Oracle objects to this request as overly broad, unduly burdensome, and not  
13 reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the  
14 extent that it would encompass documents and information protected from discovery by the  
15 attorney-client privilege or the attorney work-product doctrine.

16 **REQUEST FOR PRODUCTION NO. 4:**

17 Documents and Things sufficient to Identify every device, system, or product that is or  
18 was marked (by Sun, by Oracle or by any other person) with the patent number of any of the  
19 Patents-in-Suit or any Related Patents.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

21 Oracle is not aware of any device, system, or product expressly marked with the patent  
22 number of any of the Patents-in-Suit or any Related Patents as defined in Oracle’s response to  
23 Google’s request for production no. 2.

24 **REQUEST FOR PRODUCTION NO. 5:**

25 All Documents and Things on which Oracle relies in support of its belief, allegation, or  
26 contention of infringement of the Patents-in-Suit by Google, including all Documents concerning  
27 any opinions, studies, review, analysis, or investigation done at any time regarding whether any  
28 claims of the Patents-in-Suit are being or have been infringed by Google, and all documents

1 sufficient to show Oracle's basis for each element of indirect infringement, including but not  
2 limited to any knowledge by Google of the Patent-in-Suit and the availability of any  
3 noninfringing substitutes for the Accused Products.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

5 Oracle hereby directs Google to Oracle's Preliminary Infringement Contentions and  
6 produces by reference <http://android.git.kernel.org>; <http://developer.android.com>;  
7 <http://www.android.com>; <http://source.android.com>; <http://www.openhandsetalliance.com>;  
8 <http://code.google.com/p/android-dalvik-vm-on-java>; Google I/O 2008 Video, entitled "Dalvik  
9 Virtual Machine Internals," presented by Dan Bornstein (Google Android Project), available at  
10 <http://developer.android.com/videos/index.html#v=ptjedOZEXPM>; Google Presentation, entitled  
11 "Android: Securing a Mobile Platform from the Ground Up," presented by Rich Cannings  
12 (Google's Android Team) at the Usenix 18<sup>th</sup> Security Symposium (Aug. 12, 2010), available at  
13 <http://www.usenix.org/events/sec09/tech/>; Google I/O 2010 Video, entitled "A JIT Compiler for  
14 Android's Dalvik VM," presented by Ben Cheng and Bill Buzbee (Google's Android Team),  
15 available at <http://developer.android.com/videos/index.html#v=Ls0tM-c4Vfo>.

16 To the extent Google seeks other documents or things, Oracle objects to this request on  
17 the grounds that it is not clear exactly what Google seeks because the request does not describe  
18 with reasonable particularity each item or category of items to be inspected as required by Federal  
19 Rule of Civil Procedure 34(b)(1)(A). Oracle objects to this request as vague, overly broad,  
20 unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further  
21 objects to this request to the extent that it encompasses documents and information protected  
22 from discovery by the attorney-client privilege or the attorney work-product doctrine. Google,  
23 not Oracle, is in the best position to have information regarding its own documents showing  
24 "knowledge by Google of the Patent-in-Suit and the availability of any noninfringing substitutes  
25 for the Accused Products."  
26  
27  
28

1 **REQUEST FOR PRODUCTION NO. 6:**

2 Documents and Things sufficient to show each physical embodiment of any Claimed  
3 Subject Matter for each of the Patents-in-Suit and to identify by Date and other relevant details  
4 (including place and method of disclosure) the first public disclosure of each embodiment.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

6 In addition to publicly available information on the internet (for example,  
7 developer.sun.com, java.sun.com, and www.sun.com), Oracle directs Google's attention to  
8 Oracle's production pursuant to Patent Local Rule 3-2.

9 To the extent Google seeks other documents or things, Oracle objects to this request on  
10 the grounds that it is not clear exactly what Google seeks because the request does not describe  
11 with reasonable particularity each item or category of items to be inspected as required by Federal  
12 Rule of Civil Procedure 34(b)(1)(A). As to, *e.g.*, "any Claimed Subject Matter for each of the  
13 Patents-in-Suit," Oracle objects to this request as vague, overly broad, unduly burdensome, and  
14 not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to  
15 the extent that it encompasses documents and information protected from discovery by the  
16 attorney-client privilege or the attorney work-product doctrine.

17 **REQUEST FOR PRODUCTION NO. 7:**

18 All Documents and Things Relating to the formation, organization and management  
19 structure of Oracle, including but not limited to articles, bylaws, board minutes and organizational  
20 charts.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

22 Oracle will produce its articles of incorporation and bylaws, and Oracle will also produce  
23 a management organizational charts. Oracle directs Google to Sun's publicly available corporate  
24 filings, many of which are accessible at www.sec.gov. Oracle also directs Google to its Amended  
25 Notice of Interested Parties and Corporate Disclosure filed in this action on September 28, 2010  
26 (Docket No. 28).

27 To the extent Google seeks other documents or things, Oracle objects to this request on  
28 the grounds that it is not clear exactly what Google seeks because the request does not describe

1 with reasonable particularity each item or category of items to be inspected as required by Federal  
2 Rule of Civil Procedure 34(b)(1)(A). As for “all documents and things relating to” such subjects,  
3 and board minutes specifically, Oracle objects to this request as overly broad, unduly  
4 burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects  
5 to this request to the extent that it would encompass documents and information protected from  
6 discovery by the attorney-client privilege or the attorney work-product doctrine.

7 **REQUEST FOR PRODUCTION NO. 8:**

8 All Documents and Things that comprise, Identify, or otherwise Relate to any Prior Art  
9 Relating to the Patents-in-Suit.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

11 Oracle directs Google’s attention to Oracle’s production pursuant to Patent Local Rule 3-  
12 2, and will produce Prior Art pursuant to this request. Oracle’s production of a documents  
13 pursuant to Google’s request for production no. 8 shall not constitute an admission that such  
14 document evidences “Prior Art” “Relating to the Patents-in-Suit” under Google’s definitions of  
15 same.

16 To the extent Google seeks other documents or things, Oracle objects to this request on  
17 the grounds that it is not clear exactly what Google seeks because the request does not describe  
18 with reasonable particularity each item or category of items to be inspected as required by Federal  
19 Rule of Civil Procedure 34(b)(1)(A). As to, *e.g.*, “All Documents and Things that comprise,  
20 Identify, or otherwise Relate to any Prior Art Relating to,” Oracle objects to this request as vague,  
21 overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence.  
22 Oracle further objects to this request to the extent that it encompasses documents and information  
23 protected from discovery by the attorney-client privilege or the attorney work-product doctrine.

24 **REQUEST FOR PRODUCTION NO. 9:**

25 All Documents and Things sufficient to show the assignment of the Patents-in-Suit to  
26 Oracle as described in paragraph 10 of Oracle’s Amended Complaint.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

28 Oracle produced responsive documents pursuant to Patent Local Rule 3-2(d).



1 To the extent Google seeks other documents or things, Oracle objects to this request to the  
2 extent that it encompasses documents and information protected from discovery by the attorney-  
3 client privilege or the attorney work-product doctrine.

4 **REQUEST FOR PRODUCTION NO. 10:**

5 All Documents and Things Relating to the terms of employment, retention, or departure  
6 from Sun, Oracle, or Oracle Corporation of any of the named inventors of the Patents-In-Suit,  
7 including but not limited to any employment contracts, employee handbooks, assignments of  
8 intellectual property and documents relating to employment contract negotiations, employee  
9 reviews, exit interviews, integration interviews, and migration interviews.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

11 Oracle will produce employment files for the named inventors that are non-privileged and  
12 can be found in its possession, custody, or control through reasonable efforts. In compliance with  
13 California's privacy laws, Oracle will redact social-security numbers and other protected  
14 information. Oracle directs Google to the documents produced pursuant to the Court's Patent  
15 Local Rule 3-2(d) showing Oracle's ownership of the asserted patent rights.  
16 (OAGOOGL0000053760-53792 and OAGOOGL0000056022- 56028).

17 To the extent Google seeks other documents or things, Oracle objects to this request on  
18 the grounds that it is not clear exactly what Google seeks because the request does not describe  
19 with reasonable particularity each item or category of items to be inspected as required by Federal  
20 Rule of Civil Procedure 34(b)(1)(A). As for "all documents and things relating to" such subjects,  
21 Oracle objects to this request as overly broad, unduly burdensome, and not reasonably calculated  
22 to lead to admissible evidence. Oracle further objects to this request to the extent that it would  
23 encompass documents and information protected from discovery by the attorney-client privilege  
24 or the attorney work-product doctrine.

25 **REQUEST FOR PRODUCTION NO. 11:**

26 All Documents and Things Relating to any Related Litigation or prior action in which Sun  
27 or Oracle claimed infringement of the Patents-in-Suit.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

2 Oracle is not aware of any related litigation or prior action in which Sun or Oracle claimed  
3 infringement of the Patents-in-Suit.

4 **REQUEST FOR PRODUCTION NO. 12:**

5 All Documents and Things Relating to Java, Android, Dalvik or Google that were  
6 prepared for, provided to, received from, exchanged with, presented to or by, or jointly reviewed  
7 with Oracle Corporation and/or its counsel prior to January 26, 2010.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

9 Oracle will meet and confer with Google to determine appropriate ESI search terms,  
10 which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI  
11 agreement.

12 To the extent Google seeks other documents or things, Oracle objects to this request on  
13 the grounds that it is not clear exactly what Google seeks because the request does not describe  
14 with reasonable particularity each item or category of items to be inspected as required by Federal  
15 Rule of Civil Procedure 34(b)(1)(A). As to "All Documents and Things Relating to," Oracle  
16 objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated  
17 to lead to admissible evidence. Oracle further objects to this request to the extent that it  
18 encompasses documents and information protected from discovery by the attorney-client  
19 privilege or the attorney work-product doctrine.

20 **REQUEST FOR PRODUCTION NO. 13:**

21 All Documents and Things Relating to any valuation or monetization of Sun's intellectual  
22 property, by category such as patents or copyrights, or by any sub-category, including but not  
23 limited to any documents that were prepared for, provided to, received from, exchanged with,  
24 presented to or by, or jointly reviewed with Oracle Corporation and/or its counsel prior to  
25 January 26, 2010.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

27 Subject to the following objections, Oracle will produce non-privileged Documents and  
28 Things Relating to valuation or monetization of the Patents-in-Suit and related Java technology.

1 Oracle objects to Request No. 13 to the extent that it is vague, overbroad, or seeks  
2 documents protected by any applicable privilege or the work product doctrine. In addition,  
3 Oracle objects that Request No. 13 is not limited to valuation or monetization of the Patents-in-  
4 Suit or related technology and, therefore, not reasonably calculated to lead to admissible  
5 evidence.

6 **REQUEST FOR PRODUCTION NO. 14:**

7 All Documents and Things Relating to Java, Android, Dalvik, or Google that were  
8 prepared, created, revised, received, reviewed or compiled by Sun or by Oracle during or in  
9 connection with the Negotiations for the Acquisition of Sun.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

11 Oracle will meet and confer with Google to determine appropriate ESI search terms,  
12 which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI  
13 agreement.

14 To the extent Google seeks other documents or things, Oracle objects to this request on  
15 the grounds that it is not clear exactly what Google seeks because the request does not describe  
16 with reasonable particularity each item or category of items to be inspected as required by Federal  
17 Rule of Civil Procedure 34(b)(1)(A). As to "All Documents and Things Relating to," Oracle  
18 objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated  
19 to lead to admissible evidence. Oracle further objects to this request to the extent that it  
20 encompasses documents and information protected from discovery by the attorney-client  
21 privilege or the attorney work-product doctrine.

22 **REQUEST FOR PRODUCTION NO. 15:**

23 All Documents and Things Relating to review of the Acquisition of Sun by Oracle  
24 Corporation, including but not limited to antitrust review, in any jurisdiction, including but not  
25 limited to any documents prepared for, provided to, received from, exchanged with, presented to  
26 or by, or jointly reviewed with any division of the United States Department of Justice, or any  
27 division of the European Commission, or any other private or public entity conducting a review.  
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

2 Oracle will produce non-privileged records from any antitrust review that relate to the  
3 Java business, to the extent any can reasonably be found in its possession, custody, or control.

4 To the extent Google seeks other documents or things, Oracle objects to this request on  
5 the grounds that it is not clear exactly what Google seeks because the request does not describe  
6 with reasonable particularity each item or category of items to be inspected as required by Federal  
7 Rule of Civil Procedure 34(b)(1)(A). As for “all documents and things relating to” such subjects,  
8 Oracle objects to this request as overly broad, unduly burdensome, and not reasonably calculated  
9 to lead to admissible evidence. Oracle further objects to this request to the extent that it would  
10 encompass documents and information protected from discovery by the attorney-client privilege  
11 or the attorney work-product doctrine.

12 **REQUEST FOR PRODUCTION NO. 16:**

13 All Documents and Things Relating to Sun’s licensing of Java, including but not limited  
14 to a copy of each license to any aspect or element of Java granted by Sun to any third party, all  
15 documents Relating to any negotiations related to each license, and any drafts of licenses.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

17 Oracle will produce Java licenses that can be found in its possession, custody, or control  
18 through reasonable efforts.

19 To the extent Google seeks other documents or things, Oracle objects to this request on  
20 the grounds that it is not clear exactly what Google seeks because the request does not describe  
21 with reasonable particularity each item or category of items to be inspected as required by Federal  
22 Rule of Civil Procedure 34(b)(1)(A). As for “all documents and things relating to” such subjects,  
23 Oracle objects to this request as overly broad, unduly burdensome, and not reasonably calculated  
24 to lead to admissible evidence. Oracle further objects to this request to the extent that it would  
25 encompass documents and information protected from discovery by the attorney-client privilege  
26 or the attorney work-product doctrine.

1 **REQUEST FOR PRODUCTION NO. 17:**

2 All Documents and Things Relating to statements relevant to whether Java is, was, or  
3 would become open source software, including but not limited to any press releases, statements or  
4 disclosures to private or public entities, agencies or standard setting bodies, advertisements,  
5 financial disclosures, business plans, or any other document, public or private, relating to the  
6 open source nature of Java.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

8 Oracle directs Google to [www.jcp.org](http://www.jcp.org).

9 To the extent Google seeks other documents or things, Oracle objects to this request on  
10 the grounds that it is not clear exactly what Google seeks because the request does not describe  
11 with reasonable particularity each item or category of items to be inspected as required by Federal  
12 Rule of Civil Procedure 34(b)(1)(A). As for “all documents and things relating to” such subjects,  
13 Oracle objects to this request as overly broad, unduly burdensome, and not reasonably calculated  
14 to lead to admissible evidence. Oracle further objects to this request to the extent that it would  
15 encompass documents and information protected from discovery by the attorney-client privilege  
16 or the attorney work-product doctrine.

17 **REQUEST FOR PRODUCTION NO. 18:**

18 Documents and Things sufficient to identify each release of Java and each release of the  
19 Java SDK, the date of each release, and the terms of any license offered, or entered into, for each  
20 such release including a copy of each license, all negotiations related to each license, and any  
21 draft licenses.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

23 In addition to publicly available information on the internet (for example,  
24 [developer.sun.com](http://developer.sun.com), [java.sun.com](http://java.sun.com), and [www.sun.com](http://www.sun.com)), Oracle directs Google’s attention to  
25 Oracle’s production pursuant to Patent Local Rule 3-2. Oracle also directs Google to Oracle’s  
26 response to Google’s request for production no. 16.

27 To the extent Google seeks other documents or things, Oracle objects to this request on  
28 the grounds that it is not clear exactly what Google seeks because the request does not describe

1 with reasonable particularity each item or category of items to be inspected as required by Federal  
2 Rule of Civil Procedure 34(b)(1)(A). Oracle objects to this request as vague, overly broad,  
3 unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further  
4 objects to this request to the extent that it encompasses documents and information protected  
5 from discovery by the attorney-client privilege or the attorney work-product doctrine.

6 **REQUEST FOR PRODUCTION NO. 19:**

7 Documents and Things sufficient to identify the differences between each release of Java  
8 and each release of the Java SDK.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

10 Oracle directs Google's attention to Oracle's production pursuant to Patent Local Rule 3-  
11 2.

12 To the extent Google seeks other documents or things, Oracle objects to this request on  
13 the grounds that it is not clear exactly what Google seeks because the request does not describe  
14 with reasonable particularity each item or category of items to be inspected as required by Federal  
15 Rule of Civil Procedure 34(b)(1)(A). Oracle objects to this request as vague, overly broad,  
16 unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further  
17 objects to this request to the extent that it encompasses documents and information protected  
18 from discovery by the attorney-client privilege or the attorney work-product doctrine.

19 **REQUEST FOR PRODUCTION NO. 20:**

20 Documents and Things sufficient to show the terms of any license for the creation and  
21 distribution of clean room implementations of each Java release offered by Sun, including but not  
22 limited to a copy of each license, all negotiations related to each license, and any draft licenses.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

24 Oracle directs Google to documents produced in response to Google's request for  
25 production no. 16. Oracle also directs Google to the JSPA, which is publicly available at  
26 [www.jcp.org](http://www.jcp.org). Oracle also directs Google to publicly available Java agreements and licenses at:  
27 [developer.sun.com](http://developer.sun.com), [java.sun.com](http://java.sun.com), and [www.sun.com](http://www.sun.com).  
28

1 **REQUEST FOR PRODUCTION NO. 21:**

2 Documents and Things sufficient to identify all test suites relating to each release of each  
3 Java specification.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

5 Oracle objects to this request on the grounds that it is not clear what Google seeks because  
6 the request does not describe with reasonable particularity each item or category of items to be  
7 inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As to “all test suites,”  
8 Oracle objects to this request as vague, overly broad, unduly burdensome, and not reasonably  
9 calculated to lead to admissible evidence. Oracle further objects to this request to the extent that  
10 it encompasses documents and information protected from discovery by the attorney-client  
11 privilege or the attorney work-product doctrine.

12 **REQUEST FOR PRODUCTION NO. 22:**

13 Documents and Things sufficient to identify any intellectual property rights that are  
14 essential to practice each release of each Java specification.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

16 Oracle objects to this request on the grounds that it is not clear exactly what Google seeks  
17 because the request does not describe with reasonable particularity each item or category of items  
18 to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As to “essential to  
19 practice,” Oracle objects to this request as vague, overly broad, unduly burdensome, and not  
20 reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the  
21 extent that it encompasses documents and information protected from discovery by the attorney-  
22 client privilege or the attorney work-product doctrine.

23 **REQUEST FOR PRODUCTION NO. 23:**

24 Documents and Things sufficient to show the assignment of Sun’s intellectual property to  
25 Oracle, including but not limited to any agreements, written assignments, and documents filed  
26 with or exchanged with public or private entities.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

28 Oracle produced the Sun Microsystems, Inc. and Oracle America, Inc. merger agreement.

1 To the extent Google seeks other documents or things, Oracle objects to this request on  
2 the grounds that it is not clear exactly what Google seeks because the request does not describe  
3 with reasonable particularity each item or category of items to be inspected as required by Federal  
4 Rule of Civil Procedure 34(b)(1)(A). Oracle objects to this request as vague, overly broad,  
5 unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further  
6 objects to this request to the extent that it encompasses documents and information protected  
7 from discovery by the attorney-client privilege or the attorney work-product doctrine.

8 **REQUEST FOR PRODUCTION NO. 24:**

9 Documents and Things sufficient to identify and show the terms of each license to any  
10 version of Sun's Java Technology Compatibility Kit that are, or have been made, available to any  
11 party.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

13 As stated in response to Google's request No. 16, Oracle will produce Java licenses,  
14 which include Java TCK licenses, that can be found in its possession, custody, or control through  
15 reasonable efforts. Oracle directs Google to publicly available Java agreements and licenses at  
16 the following public websites: developer.sun.com, java.sun.com, www.sun.com, and  
17 www.jcp.org.

18 **REQUEST FOR PRODUCTION NO. 25:**

19 All Documents and Things Relating to each attempt by any third party to obtain a  
20 Technology Compatibility Kit from Sun to verify compatibility of a product, including but not  
21 limited to all Documents related to the communications between Sun and the Apache Software  
22 Foundation concerning Apache Software Foundation's attempt to obtain a Technology  
23 Compatibility Kit, all Documents detailing any field of use restrictions relating to such  
24 Technology Compatibility Kit, and all Documents setting forth the criteria employed by Sun to  
25 determine whether to make the Technology Compatibility Kit available.



1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

2 Oracle directs Google to Oracle's response to Google's request for production no. 24.  
3 Oracle directs Google to publicly available communications at the following public website:  
4 [www.jcp.org](http://www.jcp.org).

5 To the extent Google seeks other documents or things, Oracle objects to this request on  
6 the grounds that it is not clear exactly what Google seeks because the request does not describe  
7 with reasonable particularity each item or category of items to be inspected as required by Federal  
8 Rule of Civil Procedure 34(b)(1)(A). Oracle objects to this request as vague, overly broad,  
9 unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further  
10 objects to this request to the extent that it encompasses documents and information protected  
11 from discovery by the attorney-client privilege or the attorney work-product doctrine.

12 **REQUEST FOR PRODUCTION NO. 26:**

13 All Documents and Things reflecting or Relating to any public or private comments,  
14 opinions or communications of third parties regarding the licensing of Java, including but not  
15 limited to Oracle Corporation comments in the Java Community Process.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

17 Oracle directs Google to the publicly available JCP repositories at [www.jcp.org](http://www.jcp.org).

18 To the extent Google seeks other documents or things, Oracle objects to this request on  
19 the grounds that it is not clear exactly what Google seeks because the request does not describe  
20 with reasonable particularity each item or category of items to be inspected as required by Federal  
21 Rule of Civil Procedure 34(b)(1)(A). As for "all documents and things relating to" such  
22 comments, Oracle objects to this request as overly broad, unduly burdensome, and not reasonably  
23 calculated to lead to admissible evidence. Oracle further objects to this request to the extent that  
24 it would encompass documents and information protected from discovery by the attorney-client  
25 privilege or the attorney work-product doctrine.

26 **REQUEST FOR PRODUCTION NO. 27:**

27 All Documents and Things Relating to the ways, if any, in which Android has affected or  
28 is expected to affect the demand for, utilization of or market for Java, including but not limited to

1 all Documents Relating to comments from Jonathan Schwartz, and any studies, assessments,  
2 financial analyses, business plans, or projections.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

4 Subject to the following objections, Oracle will produce non-privileged Documents and  
5 Things responsive to this Request.

6 Oracle objects to Request No. 27 to the extent that it is vague, overbroad, or seeks  
7 documents within the possession of Google or protected by any applicable privilege or the work  
8 product doctrine.

9 **REQUEST FOR PRODUCTION NO. 28:**

10 Complete copies of each of the Asserted Works.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

12 Oracle will obtain and produce copies of the deposit materials submitted to the U.S.  
13 Copyright Office in connection with the applications for the asserted copyrights. Oracle also  
14 directs Google to Oracle's production pursuant to Patent Local Rule 3-2 and refers Google to  
15 developer.sun.com, java.sun.com, and www.sun.com.

16 **REQUEST FOR PRODUCTION NO. 29:**

17 True and correct copies of the deposit materials submitted to the U.S. Copyright Office in  
18 connection with (a) the applications for the Asserted Copyrights and (b) the applications for  
19 registration of the copyrights in the Prior Works, in the same format (i.e., electronic or paper  
20 copy) as submitted to the Copyright Office.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

22 Oracle will obtain and produce copies of the deposit materials submitted to the U.S.  
23 Copyright Office in connection with the applications for the asserted copyrights and the Prior  
24 Works.

25 **REQUEST FOR PRODUCTION NO. 30:**

26 Documents and Things sufficient to identify the specific portions of, elements of or  
27 materials relating to the Android platform that Oracle contends evidence infringement of one or  
28 both of the Asserted Copyrights.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

2 Oracle directs Google's attention to Oracle's pleadings, Oracle's production pursuant to  
3 Patent Local Rule 3-2 and to developer.sun.com, java.sun.com, and www.sun.com. Oracle will  
4 also obtain and produce copies of the deposit materials submitted to the U.S. Copyright Office in  
5 connection with the applications for the asserted copyrights.

6 Oracle also directs Google to Oracle's Preliminary Infringement Contentions and  
7 produces by reference <http://android.git.kernel.org>; <http://developer.android.com>;  
8 <http://www.android.com>; <http://source.android.com>; <http://www.openhandsetalliance.com>;  
9 <http://code.google.com/p/android-dalvik-vm-on-java>; Google I/O 2008 Video, entitled "Dalvik  
10 Virtual Machine Internals," presented by Dan Bornstein (Google Android Project), available at  
11 <http://developer.android.com/videos/index.html#v=ptjedOZEXPM>; Google Presentation, entitled  
12 "Android: Securing a Mobile Platform from the Ground Up," presented by Rich Cannings  
13 (Google's Android Team) at the Usenix 18<sup>th</sup> Security Symposium (Aug. 12, 2010), available at  
14 <http://www.usenix.org/events/sec09/tech/>; Google I/O 2010 Video, entitled "A JIT Compiler for  
15 Android's Dalvik VM," presented by Ben Cheng and Bill Buzbee (Google's Android Team),  
16 available at <http://developer.android.com/videos/index.html#v=Ls0tM-c4Vfo>.

17 **REQUEST FOR PRODUCTION NO. 31:**

18 Complete copies of all works on which the Asserted Works were based, that are included  
19 in the Asserted Works (in whole or in part) or of which the Asserted Works are derivative works,  
20 including but not limited to the Prior Works.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

22 Oracle directs Google's attention to Oracle's response to Google's request for production  
23 No. 28.

24 **REQUEST FOR PRODUCTION NO. 32:**

25 Complete copies of all materials included in the Asserted Works that were created by any  
26 Third Party Authors.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

2 Oracle directs Google's attention to Oracle's response to Google's request for production  
3 no. 28.

4 **REQUEST FOR PRODUCTION NO. 33:**

5 Documents and Things sufficient to show the basis for Sun's claim of ownership of all  
6 materials created by the Third Party Authors, including any agreements with such authors or  
7 transfers or assignments from such authors.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

9 Oracle will obtain and produce copies of the deposit materials submitted to the U.S.  
10 Copyright Office in connection with the applications for the asserted copyrights. Oracle will  
11 obtain and produce copies of the copyright registration certificates and registration files for the  
12 asserted copyrights.

13 **REQUEST FOR PRODUCTION NO. 34:**

14 Documents and Things sufficient to identify the portions of each of the Asserted Works  
15 that Oracle contends were new, original, and were not included in any Prior Works or other  
16 preexisting materials.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

18 Oracle directs Google's attention to Oracle's response to Google's request for production  
19 no. 28.

20 **REQUEST FOR PRODUCTION NO. 35:**

21 All Documents and Things Relating to any Related Litigation or prior action in which Sun  
22 or Oracle claimed infringement of any of (1) the two Asserted Copyrights or (2) the copyrights in  
23 any Prior Works, including without limitation any lawsuit, interference, arbitration, mediation,  
24 opposition proceeding, or any other dispute or adversarial proceeding.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

26 Oracle will produce the pleadings from prior litigation in which Sun or Oracle claimed  
27 infringement of the copyrights at issue in this action.

1 To the extent Google seeks other documents or things, Oracle objects to this request on  
2 the grounds that it is not clear exactly what Google seeks because the request does not describe  
3 with reasonable particularity each item or category of items to be inspected as required by Federal  
4 Rule of Civil Procedure 34(b)(1)(A). As for “all documents and things relating to any Related  
5 Litigation or prior action,” Oracle objects to this request as overly broad, unduly burdensome, and  
6 not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to  
7 the extent that it would encompass documents and information protected from discovery by the  
8 attorney-client privilege or the attorney work-product doctrine.

9 **REQUEST FOR PRODUCTION NO. 36:**

10 All Documents Relating to any communications between Sun or Oracle with any third  
11 party relating to any claim of infringement of the Asserted Works or any Prior Works, including  
12 without limitation cease and desist, demand or notice letters.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

14 Oracle will meet and confer with Google to determine appropriate ESI search terms,  
15 which Oracle will apply to user-generated documents and data pursuant to the Parties’ ESI  
16 agreement.

17 Oracle otherwise objects to this request on the grounds that it is not clear what Google  
18 seeks because the request does not describe with reasonable particularity each item or category of  
19 items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As to “all test  
20 suites,” Oracle objects to this request as vague, overly broad, unduly burdensome, and not  
21 reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the  
22 extent that it encompasses documents and information protected from discovery by the attorney-  
23 client privilege or the attorney work-product doctrine.

24 **REQUEST FOR PRODUCTION NO. 37:**

25 All Documents and Things Relating to any licenses granted by Sun or Oracle that include  
26 the right to use in mobile devices any of the works that are the subject of the Asserted Copyrights  
27 or any Prior Works.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

2 As stated in response to request No. 16 above, Oracle will produce Java licenses that can  
3 be found in its possession, custody, or control through reasonable efforts.

4 To the extent Google seeks other documents or things, Oracle objects to this request on  
5 the grounds that it is not clear exactly what Google seeks because the request does not describe  
6 with reasonable particularity each item or category of items to be inspected as required by Federal  
7 Rule of Civil Procedure 34(b)(1)(A). As for “all documents and things relating to” such licenses,  
8 Oracle objects to this request as overly broad, unduly burdensome, and not reasonably calculated  
9 to lead to admissible evidence. Oracle further objects to this request to the extent that it would  
10 encompass documents and information protected from discovery by the attorney-client privilege  
11 or the attorney work-product doctrine.

12 **REQUEST FOR PRODUCTION NO. 38:**

13 All Documents and Things Relating to or reflecting any analysis of or comparison  
14 between any portion or element of Java and any portion or element of Android.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

16 Oracle objects to this request on the grounds that it is not clear exactly what Google seeks  
17 because the request does not describe with reasonable particularity each item or category of items  
18 to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As for “All  
19 Documents and Things Relating to,” Oracle objects to this request as vague, overly broad, unduly  
20 burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects  
21 to this request to the extent that it encompasses documents and information protected from  
22 discovery by the attorney-client privilege or the attorney work-product doctrine.

23 **REQUEST FOR PRODUCTION NO. 39:**

24 All Documents and Things Relating to the computation, calculation, study, analysis,  
25 report, investigation, or other inquiry into FRAND and/or RAND pricing for any intellectual  
26 property rights related to Java or the Patents-in-Suit, including without limitation standards  
27 policies and agreements, consent decrees, and other commitments to license Java or the Patents-  
28 in- Suit on FRAND and/or RAND terms.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

2 Subject to the following objections, Oracle will produce non-privileged Documents and  
3 Things responsive to this Request.

4 Oracle objects to Request No. 39 to the extent that it is vague, overbroad, or seeks  
5 documents protected by any applicable privilege or the work product doctrine.

6 **REQUEST FOR PRODUCTION NO. 40:**

7 All Documents and Things Relating to any marketing studies, marketing analyses,  
8 marketing plans, business plans, or other study on techniques, plans, or tactics to increase or  
9 establish market share or utilization for Java.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

11 Subject to the following objections, Oracle will produce non-privileged Documents and  
12 Things responsive to this Request.

13 Oracle objects to Request No. 40 to the extent that it is vague, overbroad, or seeks  
14 documents protected by any applicable privilege or the work product doctrine.

15 **REQUEST FOR PRODUCTION NO. 41:**

16 All Documents and Things that were prepared for, provided to, received from, exchanged  
17 with, presented to or by, or jointly reviewed with any Investment Banks Relating to Sun's  
18 Intellectual Property, Java or the Acquisition of Sun by Oracle Corporation.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

20 Oracle will produce responsive non-privileged documents relating to the technology at  
21 issue, to the extent any can reasonably be found in its possession, custody, or control.

22 **REQUEST FOR PRODUCTION NO. 42:**

23 All Documents and Things Relating to or reflecting any communications between Oracle  
24 or Sun, on the one hand, and Google, on the other hand, Relating to the Patents-In-Suit, the  
25 Asserted Copyrights, or any claim or possible claim of patent or copyright infringement by Oracle  
26 or Sun against Google.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

2 Oracle will meet and confer with Google to determine appropriate ESI search terms,  
3 which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI  
4 agreement.

5 Oracle otherwise objects to this request on the grounds that it unduly burdensome because  
6 Google is already in possession of any responsive documents. Oracle also objects on the grounds  
7 that it is not clear exactly what Google seeks because the request does not describe with  
8 reasonable particularity each item or category of items to be inspected as required by Federal  
9 Rule of Civil Procedure 34(b)(1)(A). Oracle objects to this request as vague, overly broad,  
10 unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further  
11 objects to this request to the extent that it encompasses documents and information protected  
12 from discovery by the attorney-client privilege or the attorney work-product doctrine.

13 **REQUEST FOR PRODUCTION NO. 43:**

14 All Documents and Things Relating to the valuation of intangible assets of Sun acquired  
15 by Oracle Corporation as reflected in Oracle Corporation's July 1, 2010 Form 10-K Annual  
16 Report, including but not limited to all analyses, studies, investigations, reports, and calculations  
17 Relating to the determination of the values in the table in the section entitled "Valuations of  
18 Intangible Assets Acquired" on page 104 of such report.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

20 Subject to the following objections, Oracle will produce non-privileged Documents and  
21 Things Relating to any valuation of the Patents-in-Suit or related Java technology acquired from  
22 Sun.

23 Oracle objects to Request No. 43 to the extent that it is vague, overbroad, or seeks  
24 documents r protected by any applicable privilege or the work product doctrine. In addition,  
25 Oracle objects that Request No. 43 is not limited to valuation of the Patents-in-Suit or related  
26 technology and, therefore, not reasonably calculated to lead to admissible evidence.



1 **REQUEST FOR PRODUCTION NO. 44:**

2 All Documents and Things Relating to the factual basis for Oracle’s claim for copyright  
3 infringement not produced pursuant to any other request herein.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

5 Oracle objects to this request on the grounds that it is not clear what Google seeks because  
6 the request does not describe with reasonable particularity each item or category of items to be  
7 inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As for “all documents and  
8 things relating to” the factual basis for Oracle’s claim for copyright infringement, Oracle objects  
9 to this request as overly broad, unduly burdensome, and not reasonably calculated to lead to  
10 admissible evidence. Oracle further objects on the grounds that “not produced pursuant to any  
11 other request herein” is vague and ambiguous. Oracle further objects to this request to the extent  
12 that it would encompass documents and information protected from discovery by the attorney-  
13 client privilege or the attorney work-product doctrine.

14 **REQUEST FOR PRODUCTION NO. 45:**

15 All Documents and Things Relating to the factual basis for Oracle’s statement that Oracle  
16 “has suffered, and will continue to suffer, monetary loss to its business, reputation, and goodwill.”

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

18 Subject to the following objections, Oracle will produce non-privileged Documents and  
19 Things responsive to this Request.

20 Oracle objects to Request No. 45 to the extent that it is vague, overbroad, or seeks  
21 documents within the possession of Google or protected by any applicable privilege or the work  
22 product doctrine.

23 **REQUEST FOR PRODUCTION NO. 46:**

24 All Documents and Things Relating to the factual basis for Oracle’s prayer for an “order  
25 permanently enjoining Google. . . .”

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 46:**

27 Subject to the following objections, Oracle will produce non-privileged Documents and  
28 Things responsive to this Request.

1 Oracle objects to Request No. 46 to the extent that it is vague, overbroad, or seeks  
2 documents within the possession of Google or protected by any applicable privilege or the work  
3 product doctrine.

4 **REQUEST FOR PRODUCTION NO. 47:**

5 All Documents and Things Relating to the factual basis for Oracle’s prayer for “statutory  
6 damages and damages.”

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 47:**

8 Subject to the following objections, Oracle will produce non-privileged Documents and  
9 Things responsive to this Request.

10 Oracle objects to Request No. 47 to the extent that it is vague, overbroad, or seeks  
11 documents within the possession of Google or protected by any applicable privilege or the work  
12 product doctrine.

13 **REQUEST FOR PRODUCTION NO. 48:**

14 All Documents and Things Relating to the factual basis for Oracle’s prayer for the trebling  
15 of damages, including but not limited to, Documents forming the factual basis for Oracle’s  
16 allegation of willful and deliberate infringement.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 48:**

18 Subject to the following objections, Oracle will produce non-privileged Documents and  
19 Things responsive to this Request.

20 Oracle objects to Request No. 48 to the extent that it is vague, overbroad, or seeks  
21 documents within the possession of Google or protected by any applicable privilege or the work  
22 product doctrine.

23 **REQUEST FOR PRODUCTION NO. 49:**

24 All Documents and Things Relating to the factual basis for Oracle’s prayer for costs and  
25 attorney’s fees.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 49:**

27 Subject to the following objections, Oracle will produce non-privileged Documents and  
28 Things responsive to this Request.

1 Oracle objects to Request No. 49 to the extent that it is vague, overbroad, or seeks  
2 documents within the possession of Google or protected by any applicable privilege or the work  
3 product doctrine.

4 **REQUEST FOR PRODUCTION NO. 50:**

5 Documents and Things sufficient to identify the “corresponding documents” referred to in  
6 Oracle’s contention that that approximately one third of Android’s Application Programmer  
7 Interface (API) packages (available at <http://developer.android.com/reference/packages.html>) are  
8 derivative of Oracle America’s copyrighted Java API packages (available at <http://download-llnw.oracle.com/javase/1.5.0/docs/api/> and <http://download-llnw.oracle.com/javase/1.4.2/docs/-api/>) and corresponding documents.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 50:**

12 Oracle refers Google to <http://developer.android.com/reference/packages.html>;  
13 <http://download-llnw.oracle.com/javase/1.5.0/docs/api/>; and <http://download-llnw.oracle.com/javase/1.4.2/docs/api/>. Oracle also directs Google to  
14 <http://android.git.kernel.org>; <http://developer.android.com>; <http://www.android.com>;  
15 <http://source.android.com>; <http://www.openhandsetalliance.com>;  
16 <http://code.google.com/p/android-dalvik-vm-on-java>; Google I/O 2008 Video, entitled “Dalvik  
17 Virtual Machine Internals,” presented by Dan Bornstein (Google Android Project), available at  
18 <http://developer.android.com/videos/index.html#v=ptjedOZEXPM>; Google Presentation, entitled  
19 “Android: Securing a Mobile Platform from the Ground Up,” presented by Rich Cannings  
20 (Google’s Android Team) at the Usenix 18<sup>th</sup> Security Symposium (Aug. 12, 2010), available at  
21 <http://www.usenix.org/events/sec09/tech/>; Google I/O 2010 Video, entitled “A JIT Compiler for  
22 Android’s Dalvik VM,” presented by Ben Cheng and Bill Buzbee (Google’s Android Team),  
23 available at <http://developer.android.com/videos/index.html#v=Ls0tM-c4Vfo>. Oracle also directs  
24 Google to [developer.sun.com](http://developer.sun.com), [java.sun.com](http://java.sun.com), and [www.sun.com](http://www.sun.com), and the deposit materials  
25 produced in response to Google’s request for production no. 28.

27 Oracle objects to this request on the grounds that it is not clear exactly what Google seeks  
28 because the request does not describe with reasonable particularity each item or category of items

1 to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). Oracle objects to this  
2 request as vague, overly broad, unduly burdensome, and not reasonably calculated to lead to  
3 admissible evidence. Oracle further objects to this request to the extent that it encompasses  
4 documents and information protected from discovery by the attorney-client privilege or the  
5 attorney work-product doctrine.

6 **REQUEST FOR PRODUCTION NO. 51:**

7 All Documents identified by Oracle in response to Google Inc.'s First Set of  
8 Interrogatories to Oracle served in this Action.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 51:**

10 Oracle will produce documents identified in its responses to Google's First Set of  
11 Interrogatories that may reasonably be located in its possession, custody or control and are not  
12 publicly available.

13 **REQUEST FOR PRODUCTION NO. 52:**

14 All Documents and Things Relating to Java, Android, Dalvik, or Google that were  
15 prepared, created, revised, received, reviewed or compiled by Sun during or in connection with  
16 any negotiations Relating to the potential acquisition of Sun by any third party.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 52:**

18 Oracle will meet and confer with Google to determine appropriate ESI search terms,  
19 which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI  
20 agreement.

21 To the extent Google seeks other documents or things, Oracle objects to this request on  
22 the grounds that it is not clear exactly what Google seeks because the request does not describe  
23 with reasonable particularity each item or category of items to be inspected as required by Federal  
24 Rule of Civil Procedure 34(b)(1)(A). As to "All Documents and Things Relating to," Oracle  
25 objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated  
26 to lead to admissible evidence. Oracle further objects to this request to the extent that it  
27 encompasses documents and information protected from discovery by the attorney-client  
28 privilege or the attorney work-product doctrine.

1 **REQUEST FOR PRODUCTION NO. 53:**

2 All Documents and Things Relating to MULTICS, Hydra System, KEYKOS, “capability-  
3 based systems,” “protection domains,” or “protected domains” that were known to or were in the  
4 possession, custody or control of the prosecuting attorneys of, named inventors of, or any Sun  
5 employee working on technology related to the subject matter of, U.S. Patent Nos. 6,192,476 and  
6 6,125,447 prior to the latest issue date of the patents.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 53:**

8 Oracle does not have custodial data for named inventor Li Gong of U.S. Patent Nos.  
9 6,192,476 and 6,125,447. Oracle will meet and confer with Google to determine appropriate ESI  
10 search terms, which Oracle will apply to user-generated documents and data pursuant to the  
11 Parties’ ESI agreement.

12 To the extent Google seeks other documents or things, Oracle objects to this request on  
13 the grounds that it is not clear exactly what Google seeks because the request does not describe  
14 with reasonable particularity each item or category of items to be inspected as required by Federal  
15 Rule of Civil Procedure 34(b)(1)(A). As for “All Documents and Things Relating to,” Oracle  
16 objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated  
17 to lead to admissible evidence. Oracle further objects to this request to the extent that it  
18 encompasses documents and information protected from discovery by the attorney-client  
19 privilege or the attorney work-product doctrine. Oracle further objects to this request to the  
20 extent it seeks documents and things not in Oracle’s possession, custody, or control.

21 **REQUEST FOR PRODUCTION NO. 54:**

22 All Documents and Things Relating to MULTICS, IBM 360 assembler, IBM linkers,  
23 MIPS linkers, GNU gettext, GNU linkers, GCC, Plan9 linker, Microsoft ICF, Transmeta, Shade,  
24 LISP, SmallTalk, ELF, “snapping,” “JIT compilation,” “dynamic translation,” “object code  
25 translation,” “link snapping,” “delaying binding,” “call linkage,” dynamic linking,” “UUO  
26 (unimplemented user opcode) linking,” “software interrupt instruction,” “SVC instruction,” “link  
27 snapping,” “linker optimizations,” “constant folding,” “constant pooling,” or “CMS (code-  
28 morphing instruction)” that were known to or were in the possession, custody or control of the

1 prosecuting attorneys of, named inventor of, or any Sun employee working on technology related  
2 to the subject matter of, U.S. Patent No. RE38,104 prior to the reissue date of the patent.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 54:**

4 Oracle will meet and confer with Google to determine appropriate ESI search terms,  
5 which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI  
6 agreement.

7 To the extent Google seeks other documents or things, Oracle objects to this request on  
8 the grounds that it is not clear exactly what Google seeks because the request does not describe  
9 with reasonable particularity each item or category of items to be inspected as required by Federal  
10 Rule of Civil Procedure 34(b)(1)(A). As for "All Documents and Things Relating to," Oracle  
11 objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated  
12 to lead to admissible evidence. Oracle further objects to this request to the extent that it  
13 encompasses documents and information protected from discovery by the attorney-client  
14 privilege or the attorney work-product doctrine. Oracle further objects to this request to the  
15 extent it seeks documents and things not in Oracle's possession, custody, or control.

16 **REQUEST FOR PRODUCTION NO. 55:**

17 All Documents and Things Relating to MULTICS, IBM 360 assembler, IBM linkers,  
18 MIPS linkers, GNU gettext, GNU linkers, GCC, Plan9 linker, Microsoft ICF, Transmeta, Shade,  
19 LISP, SmallTalk, ELF, "snapping," "JIT compilation," "dynamic translation," "object code  
20 translation," "link snapping," "delaying binding," "call linkage," dynamic linking," "UUO  
21 (unimplemented user opcode) linking," "software interrupt instruction," "SVC instruction," "link  
22 snapping," "linker optimizations," "constant folding," "constant pooling," or "CMS (code-  
23 morphing instruction)" that were known to or were in the possession, custody or control of the  
24 prosecuting attorneys of, named inventors of, or any Sun employee working on technology  
25 related to the subject matter of, U.S. Patent No. 6,061,520 prior to the issue date of the patent.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 55:**

27 Oracle does not have custodial data for named inventors Frank Yellin and Richard Tuck  
28 of U.S. Patent No. 6,061,520. Oracle will meet and confer with Google to determine appropriate

1 ESI search terms, which Oracle will apply to user-generated documents and data pursuant to the  
2 Parties' ESI agreement.

3 To the extent Google seeks other documents or things, Oracle objects to this request on  
4 the grounds that it is not clear exactly what Google seeks because the request does not describe  
5 with reasonable particularity each item or category of items to be inspected as required by Federal  
6 Rule of Civil Procedure 34(b)(1)(A). As for "All Documents and Things Relating to," Oracle  
7 objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated  
8 to lead to admissible evidence. Oracle further objects to this request to the extent that it  
9 encompasses documents and information protected from discovery by the attorney-client  
10 privilege or the attorney work-product doctrine. Oracle further objects to this request to the  
11 extent it seeks documents and things not in Oracle's possession, custody, or control.

12 **REQUEST FOR PRODUCTION NO. 56:**

13 All Documents and Things Relating to MULTICS, IBM 360 assembler, IBM linkers,  
14 MIPS linkers, GNU gettext, GNU linkers, GCC, Plan9 linker, Microsoft ICF, Transmeta, Shade,  
15 LISP, SmallTalk, ELF, "snapping," "JIT compilation," "dynamic translation," "object code  
16 translation," "link snapping," "delaying binding," "call linkage," dynamic linking," "UUO  
17 (unimplemented user opcode) linking," "software interrupt instruction," "SVC instruction," "link  
18 snapping," "linker optimizations," "constant folding," "constant pooling," or "CMS (code-  
19 morphing instruction)" that were known to or were in the possession, custody or control of the  
20 prosecuting attorneys of, named inventors of, or any Sun employee working on technology  
21 related to the subject matter of, U.S. Patent No. 6,910,205 prior to the issue date of the patent.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 56:**

23 Oracle does not have custodial data for named inventors Lars Bak and Robert Griesemer  
24 of U.S. Patent No. 6,910,205. Oracle will meet and confer with Google to determine appropriate  
25 ESI search terms, which Oracle will apply to user-generated documents and data pursuant to the  
26 Parties' ESI agreement.

27 To the extent Google seeks other documents or things, Oracle objects to this request on  
28 the grounds that it is not clear exactly what Google seeks because the request does not describe

1 with reasonable particularity each item or category of items to be inspected as required by Federal  
2 Rule of Civil Procedure 34(b)(1)(A). As for “All Documents and Things Relating to,” Oracle  
3 objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated  
4 to lead to admissible evidence. Oracle further objects to this request to the extent that it  
5 encompasses documents and information protected from discovery by the attorney-client  
6 privilege or the attorney work-product doctrine. Oracle further objects to this request to the  
7 extent it seeks documents and things not in Oracle’s possession, custody, or control.

8 **REQUEST FOR PRODUCTION NO. 57:**

9 All Documents and Things Relating to MULTICS, IBM 360 assembler, IBM linkers,  
10 MIPS linkers, GNU gettext, GNU linkers, GCC, Plan9 linker, Microsoft ICF, Transmeta, Shade,  
11 LISP, SmallTalk, ELF, “snapping,” “JIT compilation,” “dynamic translation,” “object code  
12 translation,” “link snapping,” “delaying binding,” “call linkage,” dynamic linking,” “UUO  
13 (unimplemented user opcode) linking,” “software interrupt instruction,” “SVC instruction,” “link  
14 snapping,” “linker optimizations,” “constant folding,” “constant pooling,” or “CMS (code-  
15 morphing instruction)” that were known to or were in the possession, custody or control of the  
16 prosecuting attorneys of, named inventors of, or any Sun employee working on technology  
17 related to the subject matter of, U.S. Patent No. 5,966,702 prior to the issue date of the patent.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 57:**

19 Oracle does not have custodial data for named inventors Nedim Fresko and Richard Tuck  
20 of U.S. Patent No. 5,966,702. Oracle will meet and confer with Google to determine appropriate  
21 ESI search terms, which Oracle will apply to user-generated documents and data pursuant to the  
22 Parties’ ESI agreement.

23 To the extent Google seeks other documents or things, Oracle objects to this request on  
24 the grounds that it is not clear exactly what Google seeks because the request does not describe  
25 with reasonable particularity each item or category of items to be inspected as required by Federal  
26 Rule of Civil Procedure 34(b)(1)(A). As for “All Documents and Things Relating to,” Oracle  
27 objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated  
28 to lead to admissible evidence. Oracle further objects to this request to the extent that it



1 encompasses documents and information protected from discovery by the attorney-client  
2 privilege or the attorney work-product doctrine. Oracle further objects to this request to the  
3 extent it seeks documents and things not in Oracle's possession, custody, or control.

4 **REQUEST FOR PRODUCTION NO. 58:**

5 All Documents and Things Relating to LISP, SmallTalk, EMACS editor, Tex text  
6 formatting system, "MMAP flag," "fork," or "vfork" that were known to or were in the  
7 possession, custody or control of the prosecuting attorneys of, named inventor of, or any Sun  
8 employee working on technology related to the subject matter of, U.S. Patent No. 7,426,720 prior  
9 to the issue date of the patent.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 58:**

11 Oracle does not have custodial data for named inventor Nedim Fresko of U.S. Patent No.  
12 7,426,720. Oracle will meet and confer with Google to determine appropriate ESI search terms,  
13 which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI  
14 agreement.

15 To the extent Google seeks other documents or things, Oracle objects to this request on  
16 the grounds that it is not clear exactly what Google seeks because the request does not describe  
17 with reasonable particularity each item or category of items to be inspected as required by Federal  
18 Rule of Civil Procedure 34(b)(1)(A). As for "All Documents and Things Relating to," Oracle  
19 objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated  
20 to lead to admissible evidence. Oracle further objects to this request to the extent that it  
21 encompasses documents and information protected from discovery by the attorney-client  
22 privilege or the attorney work-product doctrine. Oracle further objects to this request to the  
23 extent it seeks documents and things not in Oracle's possession, custody, or control.

24 **REQUEST FOR PRODUCTION NO. 59:**

25 All Documents and Things Relating to Eiffel, SmallTalk, LISP, Objective C or  
26 Cedar/Mesa that are or were known to or were in the possession, custody or control of any  
27 prosecuting attorney of, or named inventors of, any of the patents-in-suit prior to the issue date, or  
28 in the case of U.S. RE38,104, the reissue date, of the patent.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 59:**

2 Oracle will meet and confer with Google to determine appropriate ESI search terms,  
3 which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI  
4 agreement.

5 To the extent Google seeks other documents or things, Oracle objects to this request on  
6 the grounds that it is not clear exactly what Google seeks because the request does not describe  
7 with reasonable particularity each item or category of items to be inspected as required by Federal  
8 Rule of Civil Procedure 34(b)(1)(A). As for "All Documents and Things Relating to," Oracle  
9 objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated  
10 to lead to admissible evidence. Oracle further objects to this request to the extent that it  
11 encompasses documents and information protected from discovery by the attorney-client  
12 privilege or the attorney work-product doctrine. Oracle further objects to this request to the  
13 extent it seeks documents and things not in Oracle's possession, custody, or control.

14 **REQUEST FOR PRODUCTION NO. 60:**

15 All Documents and Things Relating to any research and development projects associated  
16 with technology that was ultimately included or incorporated in Java, including but not limited to  
17 Imagination Project, Stealth Project, Green Project, Project Oak or other similar projects.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 60:**

19 Oracle will meet and confer with Google to determine appropriate ESI search terms,  
20 which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI  
21 agreement.

22 To the extent Google seeks other documents or things, Oracle objects to this request on  
23 the grounds that it is not clear exactly what Google seeks because the request does not describe  
24 with reasonable particularity each item or category of items to be inspected as required by Federal  
25 Rule of Civil Procedure 34(b)(1)(A). Oracle objects to this request as vague, overly broad,  
26 unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further  
27 objects to this request to the extent that it encompasses documents and information protected  
28 from discovery by the attorney-client privilege or the attorney work-product doctrine.

1 **REQUEST FOR PRODUCTION NO. 61:**

2 All Documents and Things sufficient to show each public presentation, white paper,  
3 conference submission, or other public communication Relating to any subject matter of any  
4 patent-in-suit dated prior to the filing date of the application for the corresponding patent-in-suit.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 61:**

6 Oracle directs Google’s attention to Oracle’s production pursuant to Patent Local Rule 3-2  
7 and Oracle’s response to Google’s request for production no. 8.

8 Oracle objects to this request on the grounds that it is not clear exactly what Google seeks  
9 because the request does not describe with reasonable particularity each item or category of items  
10 to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). Oracle objects to this  
11 request as vague, overly broad, unduly burdensome, and not reasonably calculated to lead to  
12 admissible evidence. Oracle further objects to this request to the extent that it encompasses  
13 documents and information protected from discovery by the attorney-client privilege or the  
14 attorney work-product doctrine. Oracle further objects to this request to the extent it seeks  
15 documents and things not in Oracle’s possession, custody, or control.

16 **REQUEST FOR PRODUCTION NO. 62:**

17 All Documents and Things Relating to a document entitled “Further” by Bill Joy,  
18 including but not limited to all drafts thereof and any internal or external correspondence  
19 regarding the document.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 62:**

21 Oracle will meet and confer with Google to determine appropriate ESI search terms,  
22 which Oracle will apply to user-generated documents and data pursuant to the Parties’ ESI  
23 agreement.

24 To the extent Google seeks other documents or things, Oracle objects to this request on  
25 the grounds that it is not clear exactly what Google seeks because the request does not describe  
26 with reasonable particularity each item or category of items to be inspected as required by Federal  
27 Rule of Civil Procedure 34(b)(1)(A). As for “All Documents and Things Relating to a document  
28 entitled ‘Further’ by Bill Joy,” Oracle objects to this request as vague, overly broad, unduly

1 burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects  
2 to this request to the extent that it encompasses documents and information protected from  
3 discovery by the attorney-client privilege or the attorney work-product doctrine. Oracle further  
4 objects to this request to the extent it seeks documents and things not in Oracle's possession,  
5 custody, or control.

6 **REQUEST FOR PRODUCTION NO. 63:**

7 All Documents and Things Relating to virtual machines other than the Java virtual  
8 machine that were known to or were in the possession, custody, or control of any named  
9 inventors of any of the patents-in-suit prior to the issue date, or reissue date, of the inventor's  
10 corresponding patent(s).

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 63:**

12 Oracle will meet and confer with Google to determine appropriate ESI search terms,  
13 which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI  
14 agreement.

15 To the extent Google seeks other documents or things, Oracle objects to this request on  
16 the grounds that it is not clear exactly what Google seeks because the request does not describe  
17 with reasonable particularity each item or category of items to be inspected as required by Federal  
18 Rule of Civil Procedure 34(b)(1)(A). As for "All Documents and Things Relating to virtual  
19 machines," Oracle objects to this request as vague, overly broad, unduly burdensome, and not  
20 reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the  
21 extent that it encompasses documents and information protected from discovery by the attorney-  
22 client privilege or the attorney work-product doctrine. Oracle further objects to this request to the  
23 extent it seeks documents and things not in Oracle's possession, custody, or control.

24 **REQUEST FOR PRODUCTION NO. 64:**

25 All Documents and Things Relating to the subject matters identified in requests for  
26 production numbers 53 through 59 above that are currently in Oracle's possession, custody or  
27 control, including all such documents in the possession, custody or control of Oracle's counsel.  
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 64:**

2 Oracle will meet and confer with Google to determine appropriate ESI search terms,  
3 which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI  
4 agreement.

5 To the extent Google seeks other documents or things, Oracle objects to this request on  
6 the grounds that it is not clear exactly what Google seeks because the request does not describe  
7 with reasonable particularity each item or category of items to be inspected as required by Federal  
8 Rule of Civil Procedure 34(b)(1)(A). As for "All Documents and Things Relating to," Oracle  
9 objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated  
10 to lead to admissible evidence. Oracle further objects to this request to the extent that it  
11 encompasses documents and information protected from discovery by the attorney-client  
12 privilege or the attorney work-product doctrine. Oracle further objects to this request to the  
13 extent it seeks documents and things not in Oracle's possession, custody, or control.

14 **REQUEST FOR PRODUCTION NO. 65:**

15 All Documents Relating to any agreement or proposed agreement with any third party  
16 regarding joint development of any Java programs or materials or any portions or elements of  
17 Java, including all Documents relating to the negotiation of any such agreements or proposed  
18 agreements.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 65:**

20 Oracle will produce Java joint-development agreements that can be found in its  
21 possession, custody, or control through reasonable efforts.

22 To the extent Google seeks other documents or things, Oracle objects to this request on  
23 the grounds that it is not clear exactly what Google seeks because the request does not describe  
24 with reasonable particularity each item or category of items to be inspected as required by Federal  
25 Rule of Civil Procedure 34(b)(1)(A). As for "all documents relating to" such agreements, Oracle  
26 objects to this request as overly broad, unduly burdensome, and not reasonably calculated to lead  
27 to admissible evidence. Oracle further objects to this request to the extent that it would  
28

1 encompass documents and information protected from discovery by the attorney-client privilege  
2 or the attorney work-product doctrine.

3  
4 Dated: January 6, 2011

MICHAEL A. JACOBS  
MARC DAVID PETERS  
MORRISON & FOERSTER LLP

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By: /s/ Richard S. Ballinger  
Richard S. Ballinger

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*Attorneys for Plaintiff*  
ORACLE AMERICA, INC.

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