

Part 3  
of  
Exhibit D

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14 DIGITAL, INC., TERAPIN TECHNOLOGY PTE.,  
15 LTD. CORPORATION, TERAOPTIX L.P. d/b/a  
16 TERAPIN TECHNOLOGY, AUDIOVOX  
17 CORPORATION, INITIAL TECHNOLOGY,  
18 CHANGZHOU SHINCO DIGITAL  
19 TECHNOLOGY CO., LTD., SHINCO  
20 INTERNATIONAL AV CO., ULTIMA  
21 ELECTRONICS CORP., ASUSTEK COMPUTER,  
22 INC., LITE-ON IT CORP., TEAC  
23 CORPORATION, TEAC AMERICA, INC.,  
24 ATRONIX TECHNOLOGY, INC., ASUS  
25 COMPUTER INTERNATIONAL, INC., EPO  
26 SCIENCE AND TECHNOLOGY CO., INC.,  
27 MICRO-STAR INTERNATIONAL CO., LTD.,  
28 and MSI COMPUTER CORP.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

20 ZORAN CORPORATION and OAK )  
21 TECHNOLOGY, INC., )  
22 )  
23 Plaintiffs, )  
24 )  
25 v. )  
26 )  
27 MEDIATEK, INC., MINTEK DIGITAL, INC., )  
28 TERAPIN TECHNOLOGY PTE., LTD. )  
CORPORATION, TERAOPTIX L.P. d/b/a )  
TERAPIN TECHNOLOGY, AUDIOVOX )  
CORPORATION, INITIAL TECHNOLOGY, )  
CHANGZHOU SHINCO DIGITAL )  
TECHNOLOGY CO., LTD., SHINCO )  
INTERNATIONAL AV CO., AND ULTIMA )  
ELECTRONICS CORP., )  
Defendants. )

CASE NO.: C-04-02619 RMW  
C-04-04609 RMW

EPO'S RESPONSE TO PLAINTIFFS'  
FIRST SET OF DOCUMENT  
REQUESTS TO DEFENDANT EPO  
SCIENCE AND TECHNOLOGY CO.,  
INC.

**CONFIDENTIAL BUSINESS  
INFORMATION – SUBJECT TO  
PROTECTIVE ORDER**

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AND RELATED CROSS-ACTION AND  
COUNTERCLAIMS

Attorneys for Defendants and Counterclaimants  
[continued]  
ASUSTEK COMPUTER, INC., LITE-ON IT  
CORP., TEAC CORPORATION, TEAC  
AMERICA, INC., ATRONIX TECHNOLOGY,  
INC., ASUS COMPUTER INTERNATIONAL,  
INC., EPO SCIENCE AND TECHNOLOGY CO.,  
INC., MICRO-STAR INTERNATIONAL CO.,  
LTD., and MSI COMPUTER CORP.

ZORAN CORPORATION and OAK  
TECHNOLOGY, INC.,

Plaintiffs,

v.

MEDIATEK, INC., ASUSTEK COMPUTER,  
INC., LITE-ON IT CORP., TEAC  
CORPORATION, TEAC AMERICA, INC.,  
ATRONIX TECHNOLOGY, INC., ASUS  
COMPUTER INTERNATIONAL, INC., EPO  
SCIENCE AND TECHNOLOGY CO., INC.,  
MICRO-STAR INTERNATIONAL CO., LTD.,  
and MSI COMPUTER CORP.,

Defendants.

AND RELATED CROSS-ACTION AND  
COUNTERCLAIMS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant and Counter-  
Claimant EPO Science and Technology Co., Inc. ("EPO") objects and responds to Plaintiffs and  
Counter-Defendants Zoran Corporation's and Oak Technology, Inc.'s (collectively "Plaintiffs")  
First Set of Document Requests.

**RESPONSES TO DOCUMENT REQUESTS**

EPO incorporates by reference the General Objections set forth in EPO's Responses to  
Plaintiffs' First Set of Interrogatories to EPO Science and Technology Co., Inc.

1 **GENERAL OBJECTION NO. 1:**

2 EPO objects to the Requests that documents be produced for inspection and copying at  
3 the offices of counsel for Plaintiffs at 2000 University Avenue, East Palo Alto, CA on the  
4 grounds that said location for inspection and copying is unduly burdensome and oppressive, and  
5 is not reasonable. Many of the documents requested consist of business records of EPO, which  
6 are maintained at EPO's offices in Taipei, Taiwan. Production of said documents for inspection  
7 and copying at a place other than those offices could seriously disrupt EPO's business.

8 Without waiving the foregoing objections, EPO responds that it will produce responsive  
9 documents by mailing copies of such documents to the parties on a mutually agreeable date or  
10 dates.

11 **GENERAL OBJECTION NO. 2:**

12 EPO objects to the Requests, and to each and every individual request contained therein,  
13 to the extent that they seek documents or information protected by the attorney-client privilege,  
14 or for the work product of EPO's attorneys, or for otherwise privileged material. Any  
15 inadvertent disclosure of such information shall not be deemed a waiver of the attorney-client  
16 privilege, the work product doctrine, or any other applicable privilege or immunity recognized  
17 by statute or case law.

18 **GENERAL OBJECTION NO. 3:**

19 EPO objects to each request as unduly burdensome and oppressive to the extent that it  
20 purports to require EPO to search EPO facilities and inquire of EPO employees other than those  
21 facilities and employees that would reasonably be expected to have responsive information.  
22 EPO's responses are based upon (1) a reasonable search, given the time allotted to EPO to  
23 respond to the requests, of facilities and files that could reasonably be expected to contain  
24 responsive information, and (2) inquiries of EPO employees and/or representatives who could  
25 reasonably be expected to possess responsive information. The subject matter of these requests  
26 is under continuing investigation. Further, Defendant EPO is located in Taipei, Taiwan.  
27 Consequently, communication between counsel and Defendant EPO is hampered, as a practical  
28 matter. Accordingly, these responses are limited to and are applicable only to documents and

1 other information which Defendant's counsel has been able to ascertain and locate as of the date  
2 hereof. EPO expressly reserves the right to use, rely upon and to offer into evidence any and all  
3 documents and other information responsive to these requests, whether or not presently  
4 identified or produced, if the documents or other information have not been obtained by counsel  
5 and deemed responsive by counsel as of the date of this response, or if the responsiveness of the  
6 documents or other information has been overlooked in good faith, or if an objection is  
7 interposed to producing a document or other information.

8 **GENERAL OBJECTION NO. 4:**

9 EPO objects to the Requests, and to each and every individual request contained therein,  
10 to the extent they require EPO to search for and reveal privileged information from its, and its  
11 attorneys' litigation files pertaining to the litigation. EPO will not schedule on its privilege log  
12 any attorney-client privileged materials or materials protected by the attorney work product  
13 doctrine created on or after March 15, 2004 when Plaintiffs filed the Complaint in the Central  
14 District of California alleging infringement of United States Patent Nos. 6,446,736 ("the '736  
15 patent"), 6,584,527 ("the '527 patent") and 6,546,440 ("the '440 patent").

16 **GENERAL OBJECTION NO. 5:**

17 To the extent that Plaintiffs' Requests seek confidential or proprietary information  
18 pertaining to EPO's business, trade secrets and/or economic relationships, or to the extent they  
19 seek confidential information which would impinge on the constitutionally protected right to  
20 privacy of individuals, EPO will only produce such information subject to the terms of Order  
21 No. 2: Protective Order, issued on April 13, 2004 by Administrative Law Judge Luckern (the  
22 "Protective Order") in the ITC Investigation No. 506 ("the current ITC investigation") as well as  
23 the terms of any protective order issued in this action.

24 **GENERAL OBJECTION NO. 6:**

25 EPO objects to each and every request to the extent that it calls for information that is  
26 confidential or proprietary to, or the trade secrets of, a third party. Each such request is  
27 overbroad, unduly burdensome, oppressive and seeks to impose obligations beyond those  
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1 permitted by the Federal Rules of Civil Procedure and Civil Local Rules. EPO will only produce  
2 such material subject to the terms of the Protective Order.

3 **GENERAL OBJECTION NO. 7:**

4 EPO objects to each and every request to the extent it seeks information relating to or  
5 revealing its proprietary development activities for products not yet on sale or otherwise  
6 available to the public. The slight relevance, if any, of such highly confidential, trade secret  
7 information is vastly outweighed by the severe prejudice that would result to EPO were it to be  
8 disclosed or available to competitors of EPO. Such requests are therefore unduly burdensome  
9 and oppressive, and EPO will not produce any such information.

10 **GENERAL OBJECTION NO. 8:**

11 EPO objects to the requests as overbroad, burdensome, and oppressive in that they seek  
12 information from more than two years ago. Unless otherwise noted, EPO will answer all  
13 requests based on activities and events occurring on or after April 1, 2003.

14 **GENERAL OBJECTION NO. 9:**

15 EPO objects to the requests to the extent that they seek to impose an obligation to poll or  
16 question purchasers or customers of parts manufactured by EPO to ascertain the specific down-  
17 stream products, which may incorporate such parts. Such requests are overly broad, unduly  
18 burdensome and oppressive and seek information that is neither relevant nor reasonably  
19 calculated to lead to the discovery of admissible evidence, and EPO will not produce any such  
20 information.

21 **GENERAL OBJECTION NO. 10:**

22 EPO objects to the interrogatories to the extent that they seek discovery on subjects  
23 outside the limited scope of permissible discovery as outlined in the Court's December 8, 2004  
24 Case Management Order.

25 **GENERAL OBJECTION NO. 11:**

26 EPO objects to the requests to the extent that they rely on quotations from confidential  
27 sources in a public document.

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1 **GENERAL OBJECTION NO. 12:**

2 EPO objects to Definition (3)~(4) on the grounds that the terms “subsidiary,” “division,”  
3 “affiliate,” “predecessor,” “successor,” “parent,” or “related company thereof” are vague, ambiguous,  
4 and overbroad. EPO will construe the terms “Defendant” or “EPO” to mean EPO Science and  
5 Technology Co., Inc. EPO will construe the term “MediaTek” to mean MediaTek, Inc.

6 **GENERAL OBJECTION NO. 13:**

7 EPO objects to Definition (5) on the grounds that the term “accused product” is vague  
8 and ambiguous to the extent that it intends to implicate products that do not practice functions  
9 relevant to the patents at issue.

10 **GENERAL OBJECTION NO. 14:**

11 EPO objects to Definition (11) on the grounds that it is overbroad, unduly burdensome,  
12 oppressive, harassing and seeks to impose obligations beyond those permitted by the Federal  
13 Rules of Civil Procedure and Civil Local Rules. EPO also objects to the extent that this  
14 Definition calls for the production of information or documents protected by the attorney-client  
15 privilege and/or work product doctrine.

16 **GENERAL OBJECTION NO. 15:**

17 EPO objects to Definition (12) on the grounds that it is vague, ambiguous, overbroad,  
18 unduly burdensome, oppressive and harassing. EPO will construe the phrase “relate” or “refer”  
19 wherever used in the requests to call for documents or other information that directly discuss or  
20 concern a particular topic.

21 **GENERAL OBJECTION NO. 16:**

22 EPO objects to Definition (14) on the grounds that it is vague, ambiguous, overbroad,  
23 unduly burdensome, oppressive and harassing. EPO will construe the terms “sold,” “sale,”  
24 “sales,” or “selling” wherever used in the Requests to refer to the exchange for consideration of  
25 any of the accused products between EPO and another entity.

26 **RESPONSES TO DOCUMENT REQUESTS**

27 EPO expressly incorporates the above General Objections as though set forth fully in  
28 response to each of the following requests, and, to the extent that they are not raised in any

1 particular response, EPO does not waive those objections. An answer to a request shall not be  
2 deemed a waiver of any applicable specific or general objection to a request.

3 EPO further notes that to the extent that EPO intends to limit any response based on a  
4 specific objection, EPO will clearly set forth such limitation in its response.

5 **REQUEST NO. 1:**

6 All documents relating to any analyses, studies, or opinions regarding the validity or  
7 invalidity of the Patent-in-Suit, whether or not tending to support or undermine the validity  
8 thereof.

9 **RESPONSE TO REQUEST NO. 1:**

10 EPO objects to this Request to the extent that it is overbroad, unduly burdensome,  
11 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
12 also objects to this request on the grounds that it is outside the limited scope of permissible  
13 discovery topics listed in the Court's December 8, 2004 Case Management Order. EPO further  
14 objects to this Request to the extent that it seeks information that is protected by the attorney-  
15 client privilege and/or the work product doctrine. EPO emphasizes that its investigation into the  
16 facts sought by this request is ongoing, and EPO reserves the right to supplement or modify its  
17 response as it discovers additional information.

18 Subject to and without waiving these objections, EPO responds that it has already  
19 provided the responsive information in the current ITC investigation. *See* EPO's Supplemental  
20 Response to Complainants' First Set of Interrogatories No. 11, Respondents' Amended  
21 Identification of Prior Art and Respondents' invalidity expert reports served in ITC Investigation  
22 No. 337-TA-506.

23 **REQUEST NO. 2:**

24 All documents relating to any analyses, studies, or opinions regarding infringement or  
25 non-infringement of the Patent-in-Suit, whether or not tending to support or undermine EPO's  
26 infringement thereof.

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1 **RESPONSE TO REQUEST NO. 2:**

2 EPO objects to this Request to the extent that it is overbroad, unduly burdensome,  
3 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
4 also objects to this request on the grounds that it is outside the limited scope of permissible  
5 discovery topics listed in the Court's December 8, 2004 Case Management Order. EPO further  
6 objects to this Request to the extent that it seeks information that is protected by the attorney-  
7 client privilege and/or the work product doctrine. EPO emphasizes that its investigation into the  
8 facts sought by this request is ongoing, and EPO reserves the right to supplement or modify its  
9 response as it discovers additional information.

10 Subject to and without waiving these objections, EPO responds that it has already  
11 provided the responsive information in the current ITC investigation. *See* Respondents' non-  
12 infringement expert reports served in ITC Investigation No. 337-TA-506.

13 **REQUEST NO. 3:**

14 All documents relating to any analyses, studies, or opinions regarding the enforceability  
15 or unenforceability of the Patent-in-Suit, whether or not tending to support or undermine the  
16 enforceability thereof.

17 **RESPONSE TO REQUEST NO. 3:**

18 EPO objects to this Request to the extent that it is overbroad, unduly burdensome,  
19 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
20 also objects to this request on the grounds that it is outside the limited scope of permissible  
21 discovery topics listed in the Court's December 8, 2004 Case Management Order. EPO further  
22 objects to this Request to the extent that it seeks information that is protected by the attorney-  
23 client privilege and/or the work product doctrine. EPO emphasizes that its investigation into the  
24 facts sought by this request is ongoing, and EPO reserves the right to supplement or modify its  
25 response as it discovers additional information.

26 Subject to and without waiving these objections, EPO responds that it has already  
27 provided the responsive information in the current ITC investigation. *See* EPO's Supplemental  
28 Response to Complainants' First Set of Interrogatories No. 11, Respondents' Amended

1 Identification of Prior Art and Respondents' invalidity expert reports served in ITC Investigation  
2 No. 337-TA-506.

3 **REQUEST NO. 4:**

4 Annual, quarterly, and monthly Documents for April 8, 2003 to the present from which  
5 the following may be determined for EPO's sales of accused products in the United States:

- 6 a. Gross revenues
- 7 b. Discounts
- 8 c. Net revenues
- 9 d. Cost of goods sold
- 10 e. Gross profit
- 11 f. Operating expenses
- 12 g. Operating profit
- 13 h. Net profit
- 14 i. Contribution margin
- 15 j. Allocated overhead expenses and/or other allocated expenses
- 16 k. Other sales, general, and administrative expenses

17 **RESPONSE TO REQUEST NO. 4:**

18 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
19 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
20 also objects to this request on the grounds that it is duplicative and unnecessary. EPO further  
21 objects to this request as vague and ambiguous, particularly with respect to the following  
22 undefined terms" "gross revenues," "discounts," "net revenues," "cost of goods sold," "gross  
23 profits," "operating expenses," "net profit," "contribution margin," "allocated overhead expenses  
24 and/or other allocated expenses."

25 Subject to and without waiving these objections, EPO responds that it is willing to meet  
26 and confer with Plaintiffs in an effort to understand the intended scope of this request and to  
27 provide documents relevant to this action.

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1 **REQUEST NO. 5:**

2 For the period between April 8, 2003 and the present, documents sufficient to show gross  
3 and net sales revenues and number of units sold: (1) by customer account; (2) by month, quarter,  
4 and year; and (3) by product/part number for sales of accused products.

5 **RESPONSE TO REQUEST NO. 5:**

6 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
7 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
8 also objects to this request on the grounds that it is duplicative and unnecessary. EPO  
9 emphasizes that its investigation into the facts sought by this request is ongoing, and EPO  
10 reserves the right to supplement or modify its response as it discovers additional information.

11 Subject to and without waiving these objections, EPO responds that it has provided the  
12 responsive information in the current ITC investigation. *See* EPO 's ITC production with Bates  
13 ranges: EPO-ITC-000656 to EPO-ITC-000703; EPO-ITC-000709 to EPO-ITC-000757.

14 **REQUEST NO. 6:**

15 Documents that list all customers that received accused products for sale or other  
16 distribution in the United States from April 8, 2003 to the present, including customer account  
17 number, name, full address, customer key contact person, and any EPO entity or employee  
18 servicing the account.

19 **RESPONSE TO REQUEST NO. 6:**

20 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
21 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
22 also objects to this request as duplicative. EPO emphasizes that its investigation into the facts  
23 sought by this request is ongoing, and EPO reserves the right to supplement or modify its  
24 response as it discovers additional information.

25 Subject to and without waiving the foregoing objections, EPO responds that it has already  
26 provided the information sought by this request in the current ITC investigation. *See* EPO 's ITC  
27 production with Bates ranges: EPO-ITC-000656 to EPO-ITC-000703; EPO-ITC-000709 to  
28 EPO-ITC-000757.

1 **REQUEST NO. 7:**

2 For April 8, 2003 to the present, all quarterly and annual income statements, balance  
3 sheets, and cash flow statements prepared in the normal course of business for all EPO divisions,  
4 business units, affiliates, subsidiaries, and/ or product lines responsible for the design,  
5 procurement, and sale of accused products.

6 **RESPONSE TO REQUEST NO. 7:**

7 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
8 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
9 also objects to this request on the grounds that it is duplicative and unnecessary. EPO  
10 emphasizes that its investigation into the facts sought by this request is ongoing, and EPO  
11 reserves the right to supplement or modify its response as it discovers additional information.

12 Subject to and without waiving these objections, EPO responds that it has already  
13 provided the information sought by this request in the current ITC investigation. *See* EPO-ITC-  
14 000794 to EPO-ITC-000708.

15 **REQUEST NO. 8:**

16 Documents referring or relating to the fixed versus variable nature of the following costs  
17 and/or expenses associated with the accused products:

- 18 a. Cost of goods sold (including, but not limited to, standard material, standard  
19 labor, standard overhead, and variances thereof);  
20 b. Product procurement costs not included in cost of goods sold as recorded by EPO;  
21 c. Operating Expenses (including, but not limited to, selling, general, and  
22 administrative expenses and all direct and/or allocated costs).

23 **RESPONSE TO REQUEST NO. 8:**

24 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
25 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
26 also objects to this request on the grounds that it is duplicative and unnecessary. EPO further  
27 objects to this request as vague and ambiguous. EPO emphasizes that its investigation into the  
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1 facts sought by this request is ongoing, and EPO reserves the right to supplement or modify its  
2 response as it discovers additional information.

3 Subject to and without waiving these objections, EPO responds that it is willing to meet  
4 and confer with Plaintiffs in an effort to understand the intended scope of this request and to  
5 provide documents relevant to this action.

6 **REQUEST NO. 9:**

7 All documents referring or relating to EPO's annual research and development  
8 expenditures incurred in connection with the accused products from initial conception to date.

9 **RESPONSE TO REQUEST NO. 9:**

10 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
11 oppressive, vague and not reasonably calculated to lead to the discovery of admissible evidence.  
12 EPO further objects to this request as vague and ambiguous with respect to the term "initial  
13 conception."

14 Subject to and without waiving these objections, EPO responds that it is willing to meet  
15 and confer with Plaintiffs in an effort to understand the intended scope of this request and to  
16 provide documents relevant to this action.

17 **REQUEST NO. 10:**

18 All documents referring or relating to anticipated sales units and/or revenues and/or  
19 profits for the accused products and all EPO products typically sold in conjunction therewith,  
20 generated by EPO or other parties on behalf of EPO from April 8, 2003 to the present including,  
21 but not limited to: pro-forma estimates, projections, forecasts, budgets, marketing plans, strategic  
22 plans, and capital expenditure plans or requests.

23 **RESPONSE TO REQUEST NO. 10:**

24 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
25 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
26 further objects to this request on the grounds that it is vague and ambiguous, particularly with  
27 respect to the undefined terms "anticipated sales units and/or revenues and/or profits" and  
28 "products typically sold."

1           Subject to and without waiving these objections, EPO responds that it is willing to meet  
2 and confer with Plaintiffs in an effort to understand the intended scope of this request and to  
3 provide documents relevant to this action.

4 **REQUEST NO. 11:**

5           All documents generated by EPO or third parties referring or relating to the market(s) for  
6 the accused products, including, but not limited to, documents describing the size, structure, and  
7 composition of the market(s) for the accused products, and EPO's actual and anticipated market  
8 share in said market(s).

9 **RESPONSE TO REQUEST NO. 11:**

10           EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
11 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
12 further objects to this request on the grounds that it is vague and ambiguous.

13           Subject to and without waiving these objections, EPO responds that it is willing to meet  
14 and confer with Plaintiffs in an effort to understand the intended scope of this request and to  
15 provide documents relevant to this action.

16 **REQUEST NO. 12:**

17           All documents generated by EPO or third parties referring or relating to competitors in  
18 the market(s) for PC optical storage devices, including, but not limited to, competitor sales data,  
19 distribution networks, customer relationships, strengths and weaknesses, and other competitor  
20 information.

21 **RESPONSE TO REQUEST NO. 12:**

22           EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
23 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
24 further objects to this request on the grounds that it is vague and ambiguous.

25           Subject to and without waiving these objections, EPO responds that it is willing to meet  
26 and confer with Plaintiffs in an effort to understand the intended scope of this request and to  
27 provide documents relevant to this action.

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1 **REQUEST NO. 13:**

2 All Documents generated by EPO or third parties referring or relating to any relationships  
3 that do or may exist between sales of the accused products and sales of other EPO products.

4 **RESPONSE TO REQUEST NO. 13:**

5 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
6 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
7 further objects to this request on the grounds that it is vague and ambiguous.

8 Subject to and without waiving these objections, EPO responds that it is willing to meet  
9 and confer with Plaintiffs in an effort to understand the relevance of this request as well as the  
10 intended scope of this request.

11 **REQUEST NO. 14:**

12 All EPO product catalogs, brochures, correspondence, training guides, user or operator  
13 manuals, advertisements, and promotional materials that discuss, mention, refer to, feature, or  
14 describe the accused products.

15 **RESPONSE TO REQUEST NO. 14:**

16 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
17 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
18 also objects to this request on the grounds that it is outside the limited scope of permissible  
19 discovery topics listed in the Court's December 8, 2004 Case Management Order. EPO further  
20 objects to this request on the grounds that it is vague and ambiguous.

21 **REQUEST NO. 15:**

22 All documents referring or relating to interactions between EPO and actual or potential  
23 customers for the Accused products, including but not limited to: quotations, acknowledgements,  
24 correspondence, bids, proposals, demonstrations, sales calls reports, meeting notes, invoices,  
25 purchase orders, bills of lading and agreements.

26 **RESPONSE TO REQUEST NO. 15:**

27 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
28 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO

1 also objects to this request on the grounds that it is duplicative and unnecessary. EPO further  
2 objects to this request on the grounds that it is vague and ambiguous with respect to the term  
3 “interactions.”

4 Subject to and without waiving these objections, EPO responds that it is willing to meet  
5 and confer with Plaintiffs in an effort to understand the relevance of this request as well as the  
6 intended scope of this request.

7 **REQUEST NO. 16:**

8 All documents sufficient to show any serial numbers for any of the accused products and  
9 the present location or disposition of any such serial numbered accused products.

10 **RESPONSE TO REQUEST NO. 16:**

11 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
12 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
13 also objects to this request on the grounds that it is outside the limited scope of permissible  
14 discovery topics listed in the Court’s December 8, 2004 Case Management Order. EPO further  
15 objects to this request on the grounds that it is vague and ambiguous particularly with respect to  
16 the term “serial number.”

17 **REQUEST NO. 17:**

18 All price lists or pricing schedules issued or developed by EPO and its distributors for the  
19 Accused products from October 15, 2002 to the present.

20 **RESPONSE TO REQUEST NO. 17:**

21 EPO objects to this request on the grounds that it seeks information that is not relevant to  
22 any of the claims or defenses that have been asserted in this lawsuit and that cannot reasonably  
23 be calculated to lead to the discovery of admissible evidence. EPO objects to this request to the  
24 extent that it is overbroad, unduly burdensome and oppressive.

25 Subject to and without waiving these objections EPO responds that it has produced  
26 related pricing information responsive to this request. *See* EPO’s ITC production with Bates  
27 ranges: EPO-ITC-000656 to EPO-ITC-000703; EPO-ITC-000709 to EPO-ITC-000757.



1 **REQUEST NO. 18:**

2 All documents referring or relating to EPO's determination of prices for accused products  
3 in competitive situations where Zoran or other third parties were bidding or otherwise competing  
4 for the same customer business.

5 **RESPONSE TO REQUEST NO. 18:**

6 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
7 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
8 also objects to this request as vague and ambiguous.

9 Subject to and without waiving these objections, EPO responds that it is willing to meet  
10 and confer with Plaintiffs in an effort to understand the intended scope of this request.

11 **REQUEST NO. 19:**

12 All licenses entered into by EPO for patents or technology relating to PC optical storage  
13 devices as well as all documents including, correspondence, memoranda, and work papers,  
14 generated by EPO or others referring or relating to the negotiation of the above licensing  
15 agreements.

16 **RESPONSE TO REQUEST NO. 19:**

17 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
18 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
19 also objects to this request to the extent that it seeks information that is protected by the attorney-  
20 client privilege and/or the work product doctrine.

21 Subject to and without waiving these objections, EPO responds that it is willing to  
22 produce one copy of the license agreements entered into by EPO that relate to the specific  
23 features and functionality of the asserted patents to the extent that they exist and have not already  
24 been produced.

25 **REQUEST NO. 20:**

26 All documents, including correspondence, memoranda, and work papers, generated by  
27 EPO or others referring or relating to the negotiation of unconsummated licenses for patents or  
28 technology relating to PC optical storage devices.

1 **RESPONSE TO REQUEST NO. 20:**

2 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
3 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
4 also objects to this request to the extent that it seeks information that is protected by the attorney-  
5 client privilege and/or the work product doctrine.

6 **REQUEST NO. 21:**

7 All documents referring or relating to EPO policies, procedures, or guidelines in  
8 instances where EPO has sought (or will seek) intellectual property licenses either as the licensor  
9 or the licensee.

10 **RESPONSE TO REQUEST NO. 21:**

11 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
12 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
13 also objects to this request to the extent that it seeks information that is protected by the attorney-  
14 client privilege and/or the work product doctrine. EPO emphasizes that its investigation into the  
15 facts sought by this request is ongoing, and EPO reserves the right to supplement or modify its  
16 response as it discovers additional information.

17 Subject to and without waiving these objections, EPO responds that it will produce non-  
18 privileged documents responsive to this Request to the extent that they exist.

19 **REQUEST NO. 22:**

20 All documents in EPO's possession that refer or relate to specific intellectual property  
21 licenses in the PC optical storage device industry and/or to customary licensing practices or  
22 norms in said industries.

23 **RESPONSE TO REQUEST NO. 22:**

24 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
25 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
26 also objects to this request to the extent that it seeks information that is protected by the attorney-  
27 client privilege and/or the work product doctrine. EPO further objects to this request as vague  
28 and ambiguous.

1 **REQUEST NO. 23:**

2 All shipping records, bills of lading, purchase orders and invoices which show the first  
3 date on which EPO or a third party (whether or not controlled by EPO): (1) first commenced and  
4 completed the design of each accused product; (2) first commenced and completed the  
5 development of each accused product; (3) manufactured each accused product; (4) offered for  
6 sale each accused product; (5) sold each accused product and (6) distributed each accused  
7 product.

8 **RESPONSE TO REQUEST NO. 23:**

9 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
10 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
11 also objects to this request on the grounds that it is outside the limited scope of permissible  
12 discovery topics listed in the Court's December 8, 2004 Case Management Order. EPO further  
13 objects to this request on the grounds that it is compound, duplicative and unnecessary. EPO  
14 emphasizes that its investigation into the facts sought by this request is ongoing, and EPO  
15 reserves the right to supplement or modify its response as it discovers additional information.

16 Subject to and without waiving these objections, EPO responds that it has provided the  
17 responsive information in the current ITC investigation. See EPO's Response to Complainants'  
18 First Set of Interrogatories No. 6.

19 **REQUEST NO. 24:**

20 All documents concerning any communications within EPO, or between EPO and any  
21 other entity, concerning: (a) EPO's continued use of MediaTek chips in any accused product, or  
22 (b) EPO's use of any controller chips other than those manufactured by MediaTek in any  
23 accused products, as a result of this litigation.

24 **RESPONSE TO REQUEST NO. 24:**

25 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
26 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. In  
27 addition, EPO objects to this request on the grounds that it is outside the limited scope of  
28 permissible discovery topics listed in the Court's December 8, 2004 Case Management Order.

1 EPO also objects to this request on the grounds that it is vague and ambiguous. EPO further  
2 objects to this request to the extent that it seeks information that is protected by the attorney-  
3 client privilege and/or the work product doctrine.

4 **REQUEST NO. 25:**

5 All documents referring or relating to EPO's receipt and/or purchase of accused products  
6 in the United States from any supplier, reseller, importer and/or distributor for the period  
7 between April 8, 2003 and the present.

8 **RESPONSE TO REQUEST NO. 25:**

9 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
10 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
11 also objects to this request on the grounds that it is vague and ambiguous.

12 Subject to and without waiving these objections, EPO responds that it is willing to meet  
13 and confer with Plaintiffs in an effort to understand the intended scope of this request and to  
14 provide documents relevant to this action.

15 **REQUEST NO. 26:**

16 All documents relating to any analyses, studies or opinions, including, but not limited to,  
17 opinions of counsel, regarding the infringement or noninfringement by the MT1888 of the  
18 Patents-in-Suit.

19 **RESPONSE TO REQUEST NO. 26:**

20 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
21 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
22 also objects to this request to the extent that it is outside the limited scope of permissible  
23 discovery topics listed in the Court's December 8, 2004 Case Management Order. EPO further  
24 objects to this request to the extent that it seeks information that is protected by the attorney-  
25 client privilege and/or the work product doctrine.

26 **REQUEST NO. 27:**

27 All business plans, strategic plans, marketing plans, product plans and meeting minutes  
28 relating to the MT1888.

1 **RESPONSE TO REQUEST NO. 27:**

2 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
3 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
4 also objects to this request on the grounds that it is outside the limited scope of permissible  
5 discovery topics listed in the Court's December 8, 2004 Case Management Order. EPO further  
6 objects to this request on the grounds that it is vague and ambiguous.

7 **REQUEST NO. 28:**

8 All documents relating to the design, testing and development of the MT1888, including,  
9 but not limited to, specifications, schematics, block diagrams, data sheets, layouts, databases,  
10 depictions, photographs, simulations, test results, manuals, journals, notes and notebooks.

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

12 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
13 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
14 also objects to this request on the grounds that it is outside the limited scope of permissible  
15 discovery topics listed in the Court's December 8, 2004 Case Management Order.

16 **REQUEST NO. 29:**

17 All documents relating to any analysis, discussion or consideration of design, redesign, or  
18 modification of any existing product or new product, including, but not limited to, the MT1888,  
19 to avoid or in light of the claims of the Patents-in-Suit.

20 **RESPONSE TO REQUEST NO. 29:**

21 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
22 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
23 also objects to this request on the grounds that it is outside the limited scope of permissible  
24 discovery topics listed in the Court's December 8, 2004 Case Management Order. EPO further  
25 objects to this request to the extent that it seeks information that is protected by the attorney-  
26 client privilege and/or the work product doctrine.

27

28

1 **REQUEST NO. 30:**

2 All documents relating to design reviews and design review meetings, including but not  
3 limited to, all notes, minutes, reports, action item lists and management summaries, relating to  
4 the MT1888.

5 **RESPONSE TO REQUEST NO. 30:**

6 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
7 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
8 also objects to this request on the grounds that it is outside the limited scope of permissible  
9 discovery topics listed in the Court's December 8, 2004 Case Management Order.

10 **REQUEST NO. 31:**

11 All business plans, strategic plans, marketing plans, product plans, and meeting minutes  
12 relating to any design changes or proposed design changes, including, but not limited to, the  
13 MT1888, to avoid or in light of the Patents-in-Suit.

14 **RESPONSE TO REQUEST NO. 31:**

15 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
16 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
17 also objects to this request on the grounds that it is outside the limited scope of permissible  
18 discovery topics listed in the Court's December 8, 2004 Case Management Order. EPO further  
19 objects to this request to the extent that it seeks information that is protected by the attorney-  
20 client privilege and/or the work product doctrine.

21 **REQUEST NO. 32:**

22 All internal EPO communications relating to any design changes or proposed design  
23 changes, including, but not limited to, the MT1888, to avoid or in light of the Patents-in-Suit.

24 **RESPONSE TO REQUEST NO. 32:**

25 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
26 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
27 also objects to this request on the grounds that it is outside the limited scope of permissible  
28 discovery topics listed in the Court's December 8, 2004 Case Management Order. EPO further

1 objects to this request to the extent that it seeks information that is protected by the attorney-  
2 client privilege and/or the work product doctrine.

3 **REQUEST NO. 33:**

4 All documents relating to communications between MediaTek and its foundries  
5 including, but not limited to UMC and Silterra, regarding any design, redesign, or modification  
6 of any existing or new product, including but not limited to, the MT1888, to avoid or in light of  
7 the claims of the Patents-in-Suit.

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

9 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
10 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
11 also objects to this request on the grounds that it is outside the limited scope of permissible  
12 discovery topics listed in the Court's December 8, 2004 Case Management Order. EPO further  
13 objects to this request to the extent that it seeks information that is protected by the attorney-  
14 client privilege and/or the work product doctrine.

15 **REQUEST NO. 34:**

16 All documents relating to MediaTek's communication with any customers or potential  
17 customers, including, but not limited to, EPO, regarding any design, redesign, or modification of  
18 any design of any existing or new product, including but not limited to, the MT1888, to avoid or  
19 in light of any claims of the Patents-in-Suit.

20 **RESPONSE TO REQUEST NO. 34:**

21 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
22 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
23 also objects to this request on the grounds that it is outside the limited scope of permissible  
24 discovery topics listed in the Court's December 8, 2004 Case Management Order. EPO further  
25 objects to this request to the extent that it seeks information that is protected by the attorney-  
26 client privilege and/or the work product doctrine.

27

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1 **REQUEST NO. 35:**

2 All documents relating to the actual or anticipated release and mass production of the  
3 MT1888.

4 **RESPONSE TO REQUEST NO. 35:**

5 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
6 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
7 also objects to this request on the grounds that it is outside the limited scope of permissible  
8 discovery topics listed in the Court's December 8, 2004 Case Management Order.

9 **REQUEST NO. 36:**

10 All documents relating to communications between MediaTek and its foundries,  
11 including, but not limited to, UMC and Silterra, regarding the MT1888.

12 **RESPONSE TO REQUEST NO. 36:**

13 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
14 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
15 also objects to this request on the grounds that it is outside the limited scope of permissible  
16 discovery topics listed in the Court's December 8, 2004 Case Management Order. EPO also  
17 objects to this request on the grounds that it is vague and ambiguous.

18 **REQUEST NO. 37:**

19 All documents relating to MediaTek's communication with any customers or potential  
20 customers, including, but not limited to, EPO, regarding the MT1888.

21 **RESPONSE TO REQUEST NO. 37:**

22 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
23 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
24 also objects to this request on the grounds that it is outside the limited scope of permissible  
25 discovery topics listed in the Court's December 8, 2004 Case Management Order. EPO further  
26 objects to this request to the extent that it seeks information that is protected by the attorney-  
27 client privilege and/or the work product doctrine.

28



1 **REQUEST NO. 38:**

2 All documents relating to the February 17, 2005, "substantial design change" to the  
3 MT1888 referenced in the Ladra Letter.

4 **RESPONSE TO REQUEST NO. 38:**

5 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
6 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
7 also objects to this request on the grounds that it is vague and ambiguous. In addition, EPO  
8 objects to this request on the grounds that it is outside the limited scope of permissible discovery  
9 topics listed in the Court's December 8, 2004 Case Management Order. EPO further objects to  
10 this request to the extent that it seeks information that is protected by the attorney-client privilege  
11 and/or the work product doctrine.

12 **REQUEST NO. 39:**

13 All documents relating to the "continual design modification" of the MT1888 referenced  
14 in the Ladra Letter.

15 **RESPONSE TO REQUEST NO. 39:**

16 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
17 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
18 also objects to this request on the grounds that it is vague and ambiguous. In addition, EPO  
19 objects to this request on the grounds that it is outside the limited scope of permissible discovery  
20 topics listed in the Court's December 8, 2004 Case Management Order. EPO further objects to  
21 this request to the extent that it seeks information that is protected by the attorney-client privilege  
22 and/or the work product doctrine.

23 **REQUEST NO. 40:**

24 All documents relating to the statement in the Ho Declaration that "my engineers are still  
25 in the design process and have, to date, identified between 90-100 problems with the chip, which  
26 will need to be corrected before the MT1888 can be released into mass production."  
27  
28

1 **RESPONSE TO REQUEST NO. 40:**

2 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
3 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
4 also objects to this request on the grounds that it is vague and ambiguous. In addition, EPO  
5 objects to this request on the grounds that it is outside the limited scope of permissible discovery  
6 topics listed in the Court's December 8, 2004 Case Management Order. EPO further objects to  
7 this request to the extent that it seeks information that is protected by the attorney-client privilege  
8 and/or the work product doctrine.

9 **REQUEST NO. 41:**

10 All documents relating to the statement in the Ho Declaration that "some of the known  
11 problems involve the host interface function of the chip."

12 **RESPONSE TO REQUEST NO. 41:**

13 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
14 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
15 also objects to this request on the grounds that it is vague and ambiguous. In addition, EPO  
16 objects to this request on the grounds that it is outside the limited scope of permissible discovery  
17 topics listed in the Court's December 8, 2004 Case Management Order. EPO further objects to  
18 this request to the extent that it seeks information that is protected by the attorney-client privilege  
19 and/or the work product doctrine.

20 **REQUEST NO. 42:**

21 All documents relating to the statement in the Ho Declaration that "[s]ignificant design  
22 changes will have to be made before the chip can be released into mass production."

23 **RESPONSE TO REQUEST NO. 42:**

24 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
25 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
26 also objects to this request on the grounds that it is vague and ambiguous. In addition, EPO  
27 objects to this request on the grounds that it is outside the limited scope of permissible discovery  
28 topics listed in the Court's December 8, 2004 Case Management Order. EPO further objects to

1 this request to the extent that it seeks information that is protected by the attorney-client privilege  
2 and/or the work product doctrine.

3 **REQUEST NO. 43:**

4 All documents relating to the statement in the Ho Declaration that “[m]any of these  
5 problems can only be corrected by making changes to the RTL code, which can be a tedious and  
6 time consuming process.”

7 **RESPONSE TO REQUEST NO. 43:**

8 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
9 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
10 also objects to this request on the grounds that it is vague and ambiguous. In addition, EPO  
11 objects to this request on the grounds that it is outside the limited scope of permissible discovery  
12 topics listed in the Court’s December 8, 2004 Case Management Order. EPO further objects to  
13 this request to the extent that it seeks information that is protected by the attorney-client privilege  
14 and/or the work product doctrine.

15 **REQUEST NO. 44:**

16 All documents relating to the statement in the Ho Declaration that “[a]lthough, MediaTek  
17 has scheduled the release of the MT1888 into mass production by second quarter of 2005, this  
18 release date, like many in the industry, is very aggressive considering the significant design  
19 changes which need to be made to the chip. Thus, the MT1888 will certainly not be available on  
20 the market until second quarter 2005 at the very earliest.”

21 **RESPONSE TO REQUEST NO. 44:**

22 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
23 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
24 also objects to this request on the grounds that it is vague and ambiguous. In addition, EPO  
25 objects to this request on the grounds that it is outside the limited scope of permissible discovery  
26 topics listed in the Court’s December 8, 2004 Case Management Order. EPO further objects to  
27 this request to the extent that it seeks information that is protected by the attorney-client privilege  
28 and/or the work product doctrine.

1 **REQUEST NO. 45:**

2 All documents, including, but not limited to the actual design documents, relating to the  
3 statement in the Ho Declaration that “[a]ny design documents dated before first quarter of 2004  
4 reflect a design for the MT1888 that was abandoned and changed significantly during the  
5 ongoing development process of the MT1888.”

6 **RESPONSE TO REQUEST NO. 45:**

7 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
8 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
9 also objects to this request on the grounds that it is vague and ambiguous. In addition, EPO  
10 objects to this request on the grounds that it is outside the limited scope of permissible discovery  
11 topics listed in the Court’s December 8, 2004 Case Management Order. EPO further objects to  
12 this request to the extent that it seeks information that is protected by the attorney-client privilege  
13 and/or the work product doctrine.

14 **REQUEST NO. 46:**

15 All documents sufficient to show Respondents’ first knowledge of the Patents-in-Suit.

16 **RESPONSE TO REQUEST NO. 46:**

17 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
18 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
19 also objects to this request on the grounds that it is vague and ambiguous. In addition, EPO  
20 objects to this request to the extent that it is outside the limited scope of permissible discovery  
21 topics listed in the Court’s December 8, 2004 Case Management Order. EPO further objects to  
22 this request to the extent that it seeks information that is protected by the attorney-client privilege  
23 and/or the work product doctrine.

24 **REQUEST NO. 47:**

25 All documents relating to the amounts that EPO has budgeted or set-aside for payment of  
26 potential future damages or license payments to Plaintiffs with respect to the Patents-in-Suit.

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1 **RESPONSE TO REQUEST NO. 47:**

2 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
3 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
4 also objects to this request on the grounds that it is vague and ambiguous. In addition, EPO  
5 objects to this request on the grounds that it is outside the limited scope of permissible discovery  
6 topics listed in the Court's December 8, 2004 Case Management Order. EPO further objects to  
7 this request to the extent that it seeks information that is protected by the attorney-client privilege  
8 and/or the work product doctrine.

9 **REQUEST NO. 48:**

10 All documents relating to any agreements (whether formal or informal, oral or written)  
11 between MediaTek and any of its customers, including, but not limited to, EPO, regarding the  
12 Patents-in-Suit, Plaintiffs' action against EPO for infringement of the Patents-in-Suit, the defense  
13 of this action, the settlement of this action, or any potential license by Plaintiffs to MediaTek or  
14 its customers under any of the Patents-in-Suit, including any agreement or contract to share the  
15 costs of MediaTek's and/or EPO's defense or to indemnify or pay to MediaTek and/or EPO all  
16 or any part of any damages that might be awarded to Plaintiffs in any such action, and any  
17 communications between MediaTek and any of its customers regarding such agreements.

18 **RESPONSE TO REQUEST NO. 48:**

19 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
20 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
21 also objects to this request on the grounds that it is outside the limited scope of permissible  
22 discovery topics listed in the Court's December 8, 2004 Case Management Order. EPO further  
23 objects to this request to the extent that it seeks information that is protected by the attorney-  
24 client privilege and/or the work product doctrine.

25 **REQUEST NO. 49:**

26 All documents relating to agreements (whether formal or informal, oral or writtend) and  
27 communications between MediaTek and any other company that Plaintiffs have charged with  
28 infringement of any of the Patents-in-Suit or against which Plaintiffs have commenced any

1 action for infringement of any of the Patents-in-Suit regarding the Patents-in-Suit, the offer or  
2 acceptance of any license under the Patents-in-Suit, or the defense or settlement of any action for  
3 infringement of the Patents-in-Suit, including the terms of any such agreements and MediaTek's  
4 and/or EPO's activities in connection with such agreements.

5 **RESPONSE TO REQUEST NO. 49:**

6 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
7 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
8 also objects to this request on the grounds that it is vague and ambiguous. In addition, EPO  
9 objects to this request on the grounds that it is outside the limited scope of permissible discovery  
10 topics listed in the Court's December 8, 2004 Case Management Order. EPO further objects to  
11 this request to the extent that it seeks information that is protected by the attorney-client privilege  
12 and/or the work product doctrine.

13 **REQUEST NO. 50:**

14 All documents relating to all joint defense or common interest agreements between EPO  
15 and any other respondent(s) in these proceedings that relate to these proceedings.

16 **RESPONSE TO REQUEST NO. 50:**

17 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
18 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
19 also objects to this request on the grounds that it is vague and ambiguous with respect to the  
20 terms "these proceedings" and "respondent(s)." In addition, EPO objects to this request on the  
21 grounds that it is outside the limited scope of permissible discovery topics listed in the Court's  
22 December 8, 2004 Case Management Order. EPO further objects to this request to the extent  
23 that it seeks information that is protected by the attorney-client privilege and/or the work product  
24 doctrine.

25 **REQUEST NO. 51:**

26 All documents relating to MediaTek's efforts to purchase or acquire some of all of Oak  
27 Technology, Inc.'s patent portfolio, including, but not limited to, the Patents-in-Suit.

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1 **RESPONSE TO REQUEST NO. 51:**

2 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
3 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
4 also objects to this request on the grounds that it is outside the limited scope of permissible  
5 discovery topics listed in the Court's December 8, 2004 Case Management Order. EPO further  
6 objects to this request to the extent that it seeks information that is protected by the attorney-  
7 client privilege and/or the work product doctrine.

8 **REQUEST NO. 52:**

9 All documents relating to any established policy, guideline, procedure, or program within  
10 EPO relating to the licensing of patents or other intellectual property (either as the licensor or as  
11 the licensee).

12 **RESPONSE TO REQUEST NO. 52:**

13 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
14 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
15 also objects to this request on the grounds that it is outside the limited scope of permissible  
16 discovery topics listed in the Court's December 8, 2004 Case Management Order. EPO further  
17 objects to this request to the extent that it seeks information that is protected by the attorney-  
18 client privilege and/or the work product doctrine.

19 **REQUEST NO. 53:**

20 All documents relating to EPO's capital costs and other borrowing costs during the  
21 period April 8, 2003 to the present.

22 **RESPONSE TO REQUEST NO. 53:**

23 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
24 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
25 also objects to this request on the grounds that it is outside the limited scope of permissible  
26 discovery topics listed in the Court's December 8, 2004 Case Management Order.  
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1 **REQUEST NO. 54:**

2 Documents sufficient to show EPO's accounting and other business methods, forms,  
3 reports and terminology for compiling, maintaining, recording and analyzing financial data from  
4 April 8, 2003 to the present, including those relating to plans, budgets, forecasts, standard costs,  
5 actual results, and financial reports on a company-wide basis for specific products or product  
6 lines, and for specific accounts, contracts or customers.

7 **RESPONSE TO REQUEST NO. 54:**

8 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
9 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
10 also objects to this request on the grounds that it is vague and ambiguous. In addition, EPO  
11 objects to this request on the grounds that it is outside the limited scope of permissible discovery  
12 topics listed in the Court's December 8, 2004 Case Management Order.

13 Subject to and without waiving these objections, EPO responds that it is willing to meet  
14 and confer with Plaintiffs in an effort to understand the intended scope of this request and to  
15 provide documents relevant to this action.

16 **REQUEST NO. 55:**

17 All documents relating EPO's rate of return on invested capital and EPO's net income or  
18 net profits during the period April 8, 2003 to the present.

19 **RESPONSE TO REQUEST NO. 55:**

20 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
21 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
22 also objects to this request on the grounds that it is outside the limited scope of permissible  
23 discovery topics listed in the Court's December 8, 2004 Case Management Order.

24 Subject to and without waiving these objections, EPO responds that it is willing to meet  
25 and confer with Plaintiffs in an effort to understand the intended scope of this request and to  
26 provide documents relevant to this action.

27  
28



1 **REQUEST NO. 56:**

2 All documents relating to the rate of return on invested capital and the net income or net  
3 profits typically earned by manufacturers and sellers of optical storage controller chips and  
4 chipsets during the period April 8, 2003 to the present.

5 **RESPONSE TO REQUEST NO. 56:**

6 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
7 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
8 also objects to this request on the grounds that it is outside the limited scope of permissible  
9 discovery topics listed in the Court's December 8, 2004 Case Management Order.

10 **REQUEST NO. 57:**

11 All documents relating to EPO's net income and net profits for its optical storage  
12 controller chips and chipsets during the period April 8, 2003 to the present.

13 **RESPONSE TO REQUEST NO. 57:**

14 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
15 oppressive and not reasonably calculated to lead to the discovery of admissible evidence.

16 Subject to and without waiving these objections, EPO responds that it is willing to meet  
17 and confer with Plaintiffs in an effort to understand the intended scope of this request and to  
18 provide documents relevant to this action.

19 **REQUEST NO. 58:**

20 All documents relating to the identity of any optical storage controller chips and chipsets  
21 that have competed with MediaTek's optical storage controller chips and chipsets since April 8,  
22 2003.

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1 **RESPONSE TO REQUEST NO. 58:**

2 EPO objects to this request to the extent that it is overbroad, unduly burdensome,  
3 oppressive and not reasonably calculated to lead to the discovery of admissible evidence. EPO  
4 also objects to this request on the grounds that it is outside the limited scope of permissible  
5 discovery topics listed in the Court's December 8, 2004 Case Management Order.

6  
7 Dated: May 23, 2005

Respectfully submitted,

8 WILSON SONSINI GOODRICH & ROSATI  
9 Professional Corporation

10 By: 

11 Michael A. Ladra, Esq.  
12 James C. Otteson, Esq.  
13 Susan A. Callender, Esq.  
14 Jerry Chen, Esq.

15 Attorneys for Defendants  
16 MEDIATEK, INC., MEDIATEK, INC.,  
17 MINTEK DIGITAL, INC., TERAPIN  
18 TECHNOLOGY PTE., LTD.  
19 CORPORATION, TERAOPTIX L.P. d/b/a  
20 TERAPIN TECHNOLOGY, AUDIOVOX  
21 CORPORATION, INITIAL TECHNOLOGY,  
22 CHANGZHOU SHINCO DIGITAL  
23 TECHNOLOGY CO., LTD., SHINCO  
24 INTERNATIONAL AV CO., ULTIMA  
25 ELECTRONICS CORP., ASUSTEK  
26 COMPUTER, INC., LITE-ON IT CORP.,  
27 TEAC CORPORATION, TEAC AMERICA,  
28 INC., ATRONIX TECHNOLOGY, INC.,  
ASUS COMPUTER INTERNATIONAL,  
INC., EPO SCIENCE AND TECHNOLOGY  
CO., INC., MICRO-STAR  
INTERNATIONAL CO., LTD., and MSI  
COMPUTER CORP.

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Of Counsel for Defendants  
TEAC CORP., TEAC AMERICA, INC.

1 CERTIFICATE OF SERVICE

2

3 I, Virginia Mendoza, declare:

4 I am employed in Santa Clara County. I am over the age of 18 years and not a party to  
5 the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill  
6 Road, Palo Alto, California 94304-1050. I am readily familiar with Wilson Sonsini Goodrich &  
7 Rosati's practice for collection and processing of correspondence for same-day delivery by  
8 messenger. In the ordinary course of business, correspondence would be consigned to a  
9 messenger service on this date.

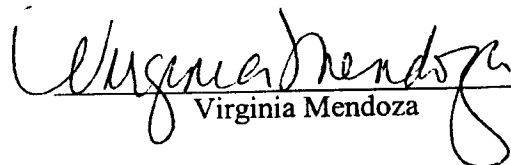
10 On this date, I caused to be personally served

- 11 1. **EPO'S RESPONSE TO PLAINTIFFS' FIRST SET OF DOCUMENT**  
12 **REQUESTS TO DEFENDANT EPO SCIENCE AND TECHNOLOGY CO.,**  
**INC.**

13 on the person(s) listed below by placing the document(s) described above in an envelope  
14 addressed as indicated below, which I sealed. I consigned the envelope(s) to a messenger for  
15 hand delivery by placing it/them for collection and processing on this day, following ordinary  
16 business practices at Wilson Sonsini Goodrich & Rosati.

17 Mark Fowler, Esq.  
18 DLA Piper Rudnick Gray Cary US LLP  
19 2000 University Avenue  
20 East Palo Alto, CA 94304

21 I declare under penalty of perjury under the laws of the State of California that the  
22 foregoing is true and correct. Executed at Palo Alto, California on May 23, 2005.

23   
24 Virginia Mendoza