

# Exhibit 5

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22 LTD., SAMSUNG ELECTRONICS AMERICA,  
23 INC. and SAMSUNG  
24 TELECOMMUNICATIONS AMERICA, LLC

25 UNITED STATES DISTRICT COURT

26 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

27 APPLE INC., a California corporation,

28 Plaintiff,

29 vs.

30 SAMSUNG ELECTRONICS CO., LTD., a  
31 Korean business entity; SAMSUNG  
32 ELECTRONICS AMERICA, INC., a New  
33 York corporation; SAMSUNG  
34 TELECOMMUNICATIONS AMERICA,  
35 LLC, a Delaware limited liability company,

36 Defendant.

CASE NO. 11-cv-01846-LHK

**SAMSUNG'S OBJECTIONS AND  
RESPONSES TO APPLE INC.'S SECOND  
SET OF INTERROGATORIES (Nos. 2-6)**

1 **INTERROGATORIES**

2 **INTERROGATORY NO. 2:**

3 For each of the Asserted Claims, set forth in detail Samsung’s bases for asserting the  
4 defense of non-infringement, including a claim chart indicating whether each element of the claim  
5 is present or absent in each of the Products at Issue and, if Samsung contends that an element is  
6 absent, the detailed basis for that contention.

7 **RESPONSE TO INTERROGATORY NO. 2:**

8 Samsung objects to this interrogatory as vague and ambiguous. Samsung further objects to  
9 this interrogatory to the extent that it seeks to elicit information subject to and protected by the  
10 attorney-client privilege, the attorney work-product doctrine, the joint defense privilege, the  
11 common interest doctrine, and/or any other applicable privilege or immunity. Samsung objects to  
12 Apple’s definition of “Products at Issue” as overly broad, vague, and ambiguous insofar as it  
13 includes the undefined categories of “any similar products” and “any products that Apple accuses  
14 of infringing its intellectual property in this litigation.” Samsung further objects to this  
15 interrogatory as premature to the extent it requests information regarding Samsung’s non-  
16 infringement contentions just seven business days after Apple has served its infringement  
17 contentions and before sufficient discovery has been conducted. Samsung further objects to this  
18 interrogatory to the extent it prematurely calls for contentions at this stage of litigation. Samsung  
19 will provide such contentions in accordance with the Court’s Minute Order and Case Management  
20 Order, dated August 25, 2011.

21 Subject to the foregoing general and specific objections, Samsung responds as follows:

22 For U.S. Patent No. 7,812,828, Samsung’s investigation is ongoing and Samsung will  
23 supplement this interrogatory after it has had a reasonable opportunity to review Apple’s  
24 infringement contentions and respond thereto.

25 For U.S. Patent No. 6,493,002, Samsung’s investigation is ongoing and Samsung will  
26 supplement this interrogatory after it has had a reasonable opportunity to review Apple’s  
27 infringement contentions and respond thereto.

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1 For U.S. Patent No. 7,469,381, Samsung's investigation is ongoing and Samsung will  
2 supplement this interrogatory after it has had a reasonable opportunity to review Apple's  
3 infringement contentions and respond thereto. Samsung also incorporates by reference the  
4 Declaration of Jeffrey Johnson in Support of Samsung's Opposition to Apple's Motion for a  
5 Preliminary Injunction (Dkt. No. 174).

6 For U.S. Patent No. 7,844,915, Samsung's investigation is ongoing and Samsung will  
7 supplement this interrogatory after it has had a reasonable opportunity to review Apple's  
8 infringement contentions and respond thereto.

9 For U.S. Patent No. 7,853,891, Samsung's investigation is ongoing and Samsung will  
10 supplement this interrogatory after it has had a reasonable opportunity to review Apple's  
11 infringement contentions and respond thereto.

12 For U.S. Patent No. 7,663,607, Samsung's investigation is ongoing and Samsung will  
13 supplement this interrogatory after it has had a reasonable opportunity to review Apple's  
14 infringement contentions and respond thereto.

15 For U.S. Patent No. 7,864,163, Samsung's investigation is ongoing and Samsung will  
16 supplement this interrogatory after it has had a reasonable opportunity to review Apple's  
17 infringement contentions and respond thereto.

18 For U.S. Patent No. 7,920,129, Samsung's investigation is ongoing and Samsung will  
19 supplement this interrogatory after it has had a reasonable opportunity to review Apple's  
20 infringement contentions and respond thereto.

21 **INTERROGATORY NO. 3:**

22 Identify in detail the person or persons most knowledgeable about the design,  
23 development, implementation, structure, operation, and promotion of each of the Products at Issue,  
24 including the design, development, implementation, structure, or operation of the Hardware  
25 Design of each of the Products at Issue and the Graphical User Interface Design installed or  
26 available on each of the Products at Issue, including a detailed description of each of their roles.

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1 including an identification of any documents on which Samsung intends to rely or which tend to  
2 prove or disprove Samsung's contention.

3 **RESPONSE TO INTERROGATORY NO. 6:**

4 Samsung objects to this interrogatory as vague and ambiguous. Samsung further objects to  
5 this interrogatory to the extent that it seeks to elicit information subject to and protected by the  
6 attorney-client privilege, the attorney work-product doctrine, the joint defense privilege, the  
7 common interest doctrine, and/or any other applicable privilege or immunity. Samsung further  
8 objects to this interrogatory as premature to the extent it requests information regarding  
9 Samsung's contentions before discovery has been completed or substantially completed, and to the  
10 extent it requests information that is or will be the subject of expert testimony.

11 Subject to the foregoing general and specific objections, Samsung responds as follows:

12 Samsung directs Apple to Samsung's Answer in this case. See Dkt. No. 80. Samsung also  
13 refers Apple to smartphone and tablet computer product selections available on the market and in  
14 retailer stores.

15 Samsung has not yet completed its discovery and investigation of the facts relating to this  
16 interrogatory. Samsung will supplement this response with a narrative and/or with the documents  
17 reflecting this information pursuant to Federal Rule of Civil Procedure 33(d).

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19 DATED: September 8, 2011

Respectfully submitted,

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21 SULLIVAN, LLP

22  
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