

Exhibit 4

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21 Attorneys for SAMSUNG ELECTRONICS CO.,
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 REQUESTS FOR PRODUCTION
OF DOCUMENTS (NOS. 9-52)**

1 **OBJECTIONS COMMON TO ALL REQUESTS FOR PRODUCTION**

2 The following objections apply to each document request in Apple Inc.’s (“Apple’s”)
3 Second Set of Requests for Production of Documents and Things, whether or not stated separately
4 in response to each particular document request.

5 1. Samsung objects to each document request to the extent that it requests documents
6 and information protected from disclosure by the attorney-client privilege, attorney work product
7 doctrine, community of interest doctrine, joint defense privilege, and/or any other applicable
8 privilege. Any such documents and information will not be provided, and an inadvertent
9 production of any document or information that Samsung believes is immune from discovery
10 pursuant to any applicable privilege shall not be deemed a waiver. Samsung may give written
11 notice to Apple that the document or information inadvertently produced is privileged or otherwise
12 protected, and upon receipt of such written notice, Apple shall immediately comply with Federal
13 Rule of Civil Procedure 26(b)(5)(B) and the applicable provisions of any Protective Order entered
14 in this action, including the Model Interim Protective Order.

15 2. Samsung objects to each document request to the extent that it is vague,
16 ambiguous, overly broad, oppressive, unduly burdensome, harassing, compound, fails to identify
17 the documents and things sought with reasonable particularity, and seeks information that is
18 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Where
19 a term is vague and ambiguous, Samsung will respond based on its understanding of the term.

20 3. Samsung objects to each document request to the extent that it is not reasonably
21 limited in time or geographic scope, and to the extent it pertains to products that are not at issue in
22 this litigation.

23 4. Samsung objects to each document request to the extent that it seeks documents
24 that are not within its possession, custody or control. In making objections and/or responding to
25 any and all requests, Samsung does not indicate that responsive documents exist within the
26 ownership, possession, custody or control of Samsung.

27 5. Samsung objects to the definition of “Samsung,” “You,” “Your,” and
28 “Defendants” as overly broad, unduly burdensome, vague, and as calling for documents or

1 information not in Samsung's possession, custody, or control to the extent that it defines Samsung
2 to include "all predecessors, successors, predecessors-in-interest, successors-in-interest,
3 subsidiaries, divisions, parents, and/or affiliates, past or present, any companies that have a
4 controlling interest in Defendants, and any current or former employee, officer, director, principal,
5 agent, consultant, representative, or attorney thereof, or anyone acting on their behalf."

6 6. Samsung objects to the definition of "Apple" as overly broad.

7 7. Samsung objects to the definition of "Products at Issue" as vague to the extent it
8 includes "similar products, and any products that Apple accuses of infringing its intellectual
9 property in this litigation."

10 8. Samsung objects to the definition of "Hardware Design" as vague and ambiguous.

11 9. Samsung objects to the definition of "Graphical User Interface Design" as vague
12 and ambiguous.

13 10. Samsung objects to the definition of "Third Party" or "Third Parties" as overly
14 broad.

15 11. Samsung objects to the definitions of "Original iPhone Trade Dress," "iPhone 3G
16 Trade Dress," "iPhone 4 Trade Dress," "iPhone Trade Dress," "iPad Trade Dress," "iPad 2 Trade
17 Dress," to the extent they imply that any aspect of the Apple products' design constitutes an
18 element of its trade dress.

19 12. Samsung objects to the definition of "Relating" as overly broad.

20 13. Samsung objects to Instruction Nos. 1 and 3 to the extent they ask for documents to
21 be produced "without abbreviation or redaction" or "in full." Where applicable, Samsung will
22 redact from certain documents any non-responsive, irrelevant or privileged information.

23 14. Samsung objects to Instruction No. 2 to the extent it asks Samsung to log any
24 privileged document dated after April 15, 2011.

25 15. Samsung objects to each document request to the extent it seeks documents more
26 readily available to Apple than to Samsung, or equally available to Apple as to Samsung,
27 including documents and things that are publicly available.

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1 16. Samsung objects to each document request to the extent that it seeks the
2 confidential, proprietary and/or trade secret information of third parties, and to the extent it seeks
3 information subject to non-disclosure or other agreements between Samsung and third parties.

4 17. Samsung objects to each document request to the extent that it seeks documents
5 protected from disclosure by the constitutional and/or statutory privacy rights of third persons.

6 18. Samsung objects to each document request that alleges or implies Samsung
7 engaged in copying or other such activity as inappropriate harassment.

8 19. Samsung objects to each document request to the extent that it seeks documents
9 and things before Samsung is required to disclose such documents and things in accordance with
10 any applicable law, such as the Northern District of California Patent Local Rules.

11 20. Samsung objects to each document request to the extent that it seeks a legal
12 conclusion.

13 21. Samsung objects to each document request to the extent that it seeks to impose any
14 requirement or discovery obligation greater or different than those imposed by the Federal Rules
15 of Civil Procedure.

16 22. Samsung further objects to each document request to the extent it seeks highly
17 confidential documents containing Samsung's sensitive proprietary business information, the
18 disclosure of which could cause Samsung substantial competitive harm. Any such documents will
19 be appropriately designated under the applicable protective order and/or redacted to exclude non-
20 responsive, irrelevant or privileged information.

21 23. Samsung's investigation and analysis of the facts and law pertaining to this lawsuit
22 is ongoing. Thus, Samsung's responses are made without prejudice to its right subsequently to
23 add, modify or otherwise change, correct, or amend these responses.

24 **SPECIFIC RESPONSES AND OBJECTIONS**

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

26 All documents created within the last five years relating to Samsung's actual or projected
27 smartphone market share.

28

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

2 In addition to its Objections and Responses Common to All Requests for Production,
3 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
4 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
5 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
6 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
7 burdensome, and/or would require undue expense to answer. Samsung further objects to the
8 Request as overbroad in that it seeks documents and things that pertain to products not at issue in
9 this litigation. Samsung further objects to the Request as overbroad in that it seeks documents and
10 things that bear on occurrences in other countries that are not at issue in this litigation. Samsung
11 further objects to the Request as duplicative of Apple's Request For Production No. 5. Samsung
12 further objects to the Request to the extent it seeks documents equally or more readily available to
13 Apple than to Samsung. Samsung further objects to the Request to the extent the requested
14 documents are publicly available.

15 Subject to these objections, Samsung will produce relevant, non-privileged documents
16 within its possession, custody, or control, if any, after conducting a reasonable search in
17 accordance with the Patent Local Rules sufficient to show Samsung's actual or projected
18 smartphone market share.

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

20 All documents created within the last five years relating to Samsung's actual or projected
21 tablet computer market share.

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

23 In addition to its Objections and Responses Common to All Requests for Production,
24 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
25 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
26 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
27 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
28 burdensome, and/or would require undue expense to answer. Samsung further objects to the

1 Request as overbroad in that it seeks documents and things that pertain to products not at issue in
2 this litigation. Samsung further objects to the Request as overbroad in that it seeks documents and
3 things that bear on occurrences in other countries that are not at issue in this litigation. Samsung
4 further objects to the Request as duplicative of Apple’s Request For Production No. 5. Samsung
5 further objects to the Request to the extent it seeks documents equally or more readily available to
6 Apple than to Samsung. Samsung further objects to the Request to the extent the requested
7 documents are publicly available.

8 Subject to these objections, Samsung will produce relevant, non-privileged documents
9 within its possession, custody, or control, if any, after conducting a reasonable search in
10 accordance with the Patent Local Rules sufficient to show Samsung’s actual or projected tablet
11 computer market share.

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

13 Documents relating to the Hardware Design and Graphical User Interface Design of the
14 Captivate, Continuum, Fascinate, Galaxy Ace, Galaxy Prevail, Galaxy S (i9000), Galaxy S 4G,
15 Gravity, Indulge, Infuse 4G, Intercept, Mesmerize, Showcase i500, Showcase Galaxy S,
16 Transform, Vibrant, and Galaxy S II phones and the Galaxy tablets.

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

18 In addition to its Objections and Responses Common to All Requests for Production,
19 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
20 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
21 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
22 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
23 burdensome, and/or would require undue expense to answer. Samsung further objects the request
24 as vague and ambiguous. For example, the terms “Hardware Design” and “Graphical User
25 Interface Design” and “relating to” are vague and ambiguous. Samsung further objects to the
26 Request as overbroad in that it is not reasonably limited as to the scope of documents and things it
27 seeks. Samsung further objects to the Request to the extent it seeks documents that are not
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1 relevant to the claims or defenses of any party and/or not reasonably calculated to lead to the
2 discovery of admissible evidence.

3 Subject to these objections, Samsung is willing to meet and confer with Apple about the
4 relevance and scope of the information sought by this request.

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

6 Documents relating to the development of the designs, features, and functions in the
7 Products at Issue that are alleged in this action to infringe one or more of the Patents at Issue,
8 including, but not limited to, all documents reviewed for purposes of developing these designs,
9 features, and functions and all computer-aided design files relating to these designs, features, and
10 functions.

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

12 In addition to its Objections and Responses Common to All Requests for Production,
13 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
14 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
15 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
16 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
17 burdensome, and/or would require undue expense to answer. Samsung further objects the request
18 as vague and ambiguous. For example, the terms “Products at Issue,” “relating to,” “functions,”
19 and “all documents reviewed for purposes of developing” are vague, ambiguous and overbroad.
20 Samsung further objects to the Request to the extent it seeks documents that are not relevant to the
21 claims or defenses of any party and/or not reasonably calculated to lead to the discovery of
22 admissible evidence. Samsung further objects to the Request as duplicative of Apple’s Request
23 For Production No. 11.

24 Subject to these objections, Samsung will produce relevant, non-privileged documents
25 within its possession, custody, or control, if any, after conducting a reasonable search in
26 accordance with the Patent Local Rules.

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

2 All documents relating to the development of the Products at Issue that mention or refer to
3 Apple or Apple Products, including communications among or with Your personnel that discuss
4 whether or how to copy any design, feature, or function of an Apple Product. Documents
5 responsive to this Request include, but are not limited to, Your decision to redesign the Galaxy
6 Tab 10.1 to more closely match the design of the iPad 2.

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

8 In addition to its Objections and Responses Common to All Requests for Production,
9 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
10 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
11 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
12 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
13 burdensome, and/or would require undue expense to answer. Samsung further objects the request
14 as vague and ambiguous. For example, the terms “Products at Issue,” “relating to” and “redesign”
15 are vague and ambiguous. Samsung further objects to the Request to the extent it seeks
16 documents that are not relevant to the claims or defenses of any party and/or not reasonably
17 calculated to lead to the discovery of admissible evidence. Samsung further objects to the Request
18 as duplicative of Apple’s Request For Production Nos. 1 and 2. Samsung further objects to the
19 Request to the extent it seeks documents that are not within the possession, custody, or control of
20 Samsung. Samsung further objects to this request as oppressive and harassing inasmuch as it
21 implies Samsung engaged in copying and other such activity. Documents produced in response to
22 this request, if any, do not constitute an admission that Samsung “designed the Galaxy Tab 10.1 to
23 more closely match the design of the iPad 2.”

24 Subject to these objections, Samsung is willing to meet and confer with Apple about the
25 relevance and scope of the information sought by this request.

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

27 All physical samples of Apple Products in Your possession (excluding only samples, if
28 any, which may have been purchased exclusively for purposes related to this litigation by or at the

1 direction of counsel) together with all documents relating to when the samples were obtained, for
2 what purpose, and how You used them.

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

4 In addition to its Objections and Responses Common to All Requests for Production,
5 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
6 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
7 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
8 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
9 burdensome, and/or would require undue expense to answer. Samsung further objects to the
10 Request as overbroad in that it seeks documents and things that pertain to products not at issue in
11 this litigation. Samsung further objects to the Request as overbroad in that it is not limited to any
12 reasonable time period and seeks documents and things from time periods not at issue in this
13 litigation. Samsung further objects to the Request to the extent it seeks documents that are not
14 relevant to the claims or defenses of any party and/or not reasonably calculated to lead to the
15 discovery of admissible evidence. For example, the request seeks every Apple product any person
16 who was at any time an employee of Samsung has ever owned, at any time. Samsung further
17 objects to the Request to the extent it seeks documents equally or more readily available to Apple
18 than to Samsung. Samsung further objects to the Request to the extent the requested documents
19 are publicly available.

20 Subject to these objections, Samsung is willing to meet and confer with Apple about the
21 relevance and scope of the information sought by this request.

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

23 All documents relating to Your inspection of Apple Products. Documents responsive to
24 this Request include, but are not limited to, photographs of Apple Products and tear-downs of
25 Apple Products, notes and memoranda that You made relating to Apple Products, and email
26 communications relating to any such inspection.

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

2 In addition to its Objections and Responses Common to All Requests for Production,
3 which it hereby incorporates by reference Samsung further objects the request as vague and
4 ambiguous. For example, the term “inspection” is vague and ambiguous. Samsung objects to this
5 Request to the extent that it seeks to elicit information subject to and protected by the attorney-
6 client privilege, the attorney work-product doctrine, the joint defense privilege, the common
7 interest doctrine, and/or any other applicable privilege or immunity. Samsung further objects to
8 the Request to the extent it is unduly burdensome, and/or would require undue expense to answer.
9 Samsung further objects to the Request as overbroad in that it seeks documents and things that
10 pertain to products not at issue in this litigation. Samsung further objects to the Request to the
11 extent it seeks documents that are not relevant to the claims or defenses of any party and/or not
12 reasonably calculated to lead to the discovery of admissible evidence. Samsung further objects to
13 the Request as duplicative of Apple’s Request For Production Nos. 13 and 14.

14 Subject to these objections, Samsung is willing to meet and confer with Apple about the
15 relevance and scope of the information sought by this request.

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

17 All documents relating to marketing of any Products at Issue that discuss or refer directly
18 or indirectly to Apple or Apple Products, including copies of all advertisements or other
19 promotional materials, marketing plans, market surveys, focus group studies, or other documents
20 related to testing of advertisements or advertisement messaging. Documents responsive to this
21 Request include, but are not limited to, Your “Hello” marketing campaign relating to the Galaxy
22 S, Your “See Flash Run” marketing campaign for the Galaxy Tab, and Your “Appelmos”
23 (“Applesauce”) marketing campaign relating to the Galaxy S II.

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

25 In addition to its Objections and Responses Common to All Requests for Production,
26 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
27 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
28 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other

1 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
2 burdensome, and/or would require undue expense to answer. Samsung further objects the request
3 as vague and ambiguous. For example, the terms “Products at Issue” and “indirectly” are vague
4 and ambiguous. Samsung further objects to the Request as overbroad in that it seeks documents
5 and things that bear on occurrences in other countries that are not at issue in this litigation.
6 Samsung further objects to the Request as duplicative of Apple’s Request For Production No. 15.
7 Samsung further objects to the Request to the extent it seeks documents that are not within the
8 possession, custody, or control of Samsung. Samsung further objects to the Request to the extent
9 it seeks documents containing confidential third party information, including information subject
10 to a non-disclosure or other agreement between Samsung and a third party.

11 Subject to these objections, Samsung is willing to meet and confer with Apple about the
12 relevance and scope of the information sought by this request.

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

14 Copies of all advertisements relating to the Products at Issue.

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

16 In addition to its Objections and Responses Common to All Requests for Production,
17 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
18 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
19 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
20 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
21 burdensome, and/or would require undue expense to answer. Samsung further objects the request
22 as vague and ambiguous. For example, the terms “Products at Issue” and “relating to” are vague
23 and ambiguous. Samsung further objects to the Request as overbroad in that it is not reasonably
24 limited as to the scope of documents and things it seeks. Samsung further objects to the Request
25 as duplicative of Apple’s Request For Production No. 16. Samsung further objects to the Request
26 to the extent it seeks documents that are not within the possession, custody, or control of Samsung.
27 Samsung further objects to the Request to the extent the requested documents are publicly
28 available.

1 Subject to these objections, Samsung is willing to meet and confer with Apple about the
2 relevance and scope of the information sought by this request.

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

4 Three samples of each Product at Issue, together with all packaging and documentation
5 that You provide to end users in connection with the Products at Issue.

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

7 In addition to its Objections and Responses Common to All Requests for Production,
8 which it hereby incorporates by reference, Samsung further objects to the Request to the extent it
9 seeks documents equally or more readily available to Apple than to Samsung. Samsung further
10 objects to the Request to the extent the requested documents are publicly available. Samsung
11 further objects the request as vague and ambiguous. For example, the term “Products at Issue” is
12 vague and ambiguous.

13 Subject to these objections, Samsung is willing to meet and confer with Apple about the
14 relevance and scope of the information sought by this request.

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

16 All documents relating to when and under what circumstances You first became aware of
17 the Patents at Issue.

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

19 In addition to its Objections and Responses Common to All Requests for Production,
20 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
21 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
22 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
23 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
24 burdensome, and/or would require undue expense to answer. Samsung further objects the request
25 as vague and ambiguous. For example, the term “aware” is vague and ambiguous. Samsung
26 further objects to the Request to the extent it seeks documents that are not within the possession,
27 custody, or control of Samsung. Samsung further objects to the Request to the extent it calls for a
28 legal conclusion.

1 Subject to these objections, Samsung will produce relevant, non-privileged documents
2 within its possession, custody, or control, if any, after conducting a reasonable search in
3 accordance with the Patent Local Rules.

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

5 All documents relating to Samsung’s analyses, actions, plans or attempts to exercise due
6 care to avoid infringing the Patents at Issue.

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

8 In addition to its Objections and Responses Common to All Requests for Production,
9 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
10 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
11 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
12 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
13 burdensome, and/or would require undue expense to answer. Samsung further objects the request
14 as vague and ambiguous. For example, the terms “analyses, actions, plans or attempts” and “due
15 care” are vague and ambiguous. Samsung further objects to the Request as overbroad in that it
16 seeks documents and things that pertain to products not at issue in this litigation. Samsung further
17 objects to the Request to the extent it seeks documents that are not within the possession, custody,
18 or control of Samsung. Samsung further objects to the Request to the extent it calls for a legal
19 conclusion.

20 Subject to these objections, Samsung will produce relevant, non-privileged documents
21 within its possession, custody, or control, if any, after conducting a reasonable search in
22 accordance with the Patent Local Rules.

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

24 All documents relating to any opinions, investigations, prior art searches, legal opinions, or
25 oral or written advice regarding the patentability, novelty, validity, enforceability, infringement,
26 interpretation, or scope of any claim(s) of the Patents at Issue.

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

2 In addition to its Objections and Responses Common to All Requests for Production,
3 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
4 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
5 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
6 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
7 burdensome, and/or would require undue expense to answer. Samsung further objects to the
8 Request as overbroad in that it is not reasonably limited as to the scope of documents and things it
9 seeks. Samsung further objects to the Request to the extent it seeks documents that are not within
10 the possession, custody, or control of Samsung. Samsung further objects to the Request as
11 premature to the extent it seeks documents and things inconsistent with the timeframes set forth in
12 the Northern District of California Patent Local Rules. Samsung further objects to the Request to
13 the extent it calls for a legal conclusion.

14 Subject to these objections, Samsung will produce relevant, non-privileged documents
15 within its possession, custody, or control, if any, after conducting a reasonable search in
16 accordance with the Patent Local Rules.

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

18 All documents relating to any indemnification for any infringement (including contributory
19 or inducement of infringement) of the Patents at Issue, including all documents relating to
20 agreements by Samsung to indemnify any person or third parties, agreements by any person or
21 third party to indemnify Samsung, and all documents relating to discussions, meetings, and
22 communications relating to any indemnification proposal or agreement.

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

24 In addition to its Objections and Responses Common to All Requests for Production,
25 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
26 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
27 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
28 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly

1 burdensome, and/or would require undue expense to answer. Samsung further objects to the
2 Request as overbroad in that it is not reasonably limited as to the scope of documents and things it
3 seeks. Samsung further objects to the Request to the extent it seeks documents that are not
4 relevant to the claims or defenses of any party and/or not reasonably calculated to lead to the
5 discovery of admissible evidence. Samsung further objects to the Request to the extent it seeks
6 documents that are not within the possession, custody, or control of Samsung. Samsung further
7 objects to the Request to the extent it seeks documents containing confidential third party
8 information, including information subject to a non-disclosure or other agreement between
9 Samsung and a third party. Samsung further objects to the Request to the extent it seeks highly
10 confidential documents containing sensitive proprietary business information, the disclosure of
11 which would cause Samsung substantial competitive harm.

12 Subject to these objections, Samsung will produce relevant, non-privileged documents or
13 portions of documents within its possession, custody, or control, if any, after conducting a
14 reasonable search in accordance with the Patent Local Rules and designated at the highest
15 confidentiality level under the applicable protective order.

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

17 All documents relating to any estimate, approximation, or determination of the value of the
18 Patents at Issue.

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

20 In addition to its Objections and Responses Common to All Requests for Production,
21 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
22 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
23 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
24 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
25 burdensome, and/or would require undue expense to answer. Samsung further objects to the
26 Request as overbroad in that it is not reasonably limited as to the scope of documents and things it
27 seeks. Samsung further objects to the Request to the extent it seeks documents that are not within
28 the possession, custody, or control of Samsung. Samsung further objects to the Request as

1 premature to the extent it seeks documents and things inconsistent with the timeframes set forth in
2 the Northern District of California Patent Local Rules. Samsung further objects to the Request to
3 the extent it calls for a legal conclusion.

4 Subject to these objections, Samsung will produce relevant, non-privileged documents
5 within its possession, custody, or control, if any, after conducting a reasonable search in
6 accordance with the Patent Local Rules.

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

8 All documents relating to any estimate, approximation, or determination of a royalty rate
9 or license fee for any patent or portfolio of patents held by Samsung.

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

11 In addition to its Objections and Responses Common to All Requests for Production,
12 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
13 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
14 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
15 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
16 burdensome, and/or would require undue expense to answer. Samsung further objects to the
17 Request as overbroad in that it is not reasonably limited as to the scope of documents and things it
18 seeks. Samsung further objects to the Request to the extent it seeks documents containing
19 confidential third party information, including information subject to a non-disclosure or other
20 agreement between Samsung and a third party. Samsung further objects to the Request as
21 premature to the extent it seeks documents and things inconsistent with the timeframes set forth in
22 the Northern District of California Patent Local Rules. Samsung further objects to the Request to
23 the extent it calls for a legal conclusion.

24 Subject to these objections, Samsung is willing to meet and confer with Apple about the
25 relevance and scope of the information sought by this request.

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

2 All documents relating to payments made by Samsung to third parties for licenses to
3 intellectual property or payments made to Samsung by third parties for licenses to intellectual
4 property.

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

6 In addition to its Objections and Responses Common to All Requests for Production,
7 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
8 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
9 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
10 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
11 burdensome, and/or would require undue expense to answer. Samsung further objects the request
12 as vague and ambiguous. For example, the term “relating to” is vague and ambiguous. Samsung
13 further objects to the Request as overbroad in that it is not reasonably limited as to the scope of
14 documents and things it seeks. Samsung further objects to the Request to the extent it seeks
15 documents containing confidential third party information, including information subject to a non-
16 disclosure or other agreement between Samsung and a third party.

17 Subject to these objections, Samsung is willing to meet and confer with Apple about the
18 relevance and scope of the information sought by this request.

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

20 All documents relating to the decision to adopt the Hardware Design of each of the
21 Captivate, Continuum, Fascinate, Galaxy Ace, Galaxy Prevail, Galaxy S (i9000), Galaxy S 4G,
22 Gravity, Indulge, Infuse 4G, Intercept, Mesmerize, Showcase i500, Showcase Galaxy S,
23 Transform, Vibrant, and Galaxy S II phones and the Galaxy tablets.

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

25 In addition to its Objections and Responses Common to All Requests for Production,
26 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
27 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
28 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other

1 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
2 burdensome, and/or would require undue expense to answer. Samsung further objects the request
3 as vague and ambiguous. For example, the terms “Hardware Design” and “decision” are vague
4 and ambiguous. Samsung further objects to the Request as duplicative of Apple’s Request For
5 Production No. 11.

6 Subject to these objections, Samsung will produce relevant, non-privileged documents
7 within its possession, custody, or control, if any, after conducting a reasonable search in
8 accordance with the Patent Local Rules.

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

10 All documents relating to the decision to adopt each version of the Graphical User
11 Interface Design installed on or available on each of the Products at Issue, including the decision
12 to adopt each of the icons displayed in each version of the Graphical User Interface Design
13 installed on or available on each of the Products at Issue.

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

15 In addition to its Objections and Responses Common to All Requests for Production,
16 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
17 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
18 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
19 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
20 burdensome, and/or would require undue expense to answer. Samsung further objects the request
21 as vague and ambiguous. For example, the terms “decision,” “version” and “Graphical User
22 Interface Design” are vague and ambiguous. Samsung further objects to the Request as
23 duplicative of Apple’s Request For Production No. 11.

24 Subject to these objections, Samsung will produce relevant, non-privileged documents
25 within its possession, custody, or control, if any, after conducting a reasonable search in
26 accordance with the Patent Local Rules.

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

2 All documents sufficient to show each of Your sales forecasts for each of the Products at
3 Issue.

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

5 In addition to its Objections and Responses Common to All Requests for Production,
6 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
7 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
8 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
9 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
10 burdensome, and/or would require undue expense to answer. Samsung further objects the request
11 as vague and ambiguous. For example, the terms “sales forecasts” and “Products at Issue” are
12 vague and ambiguous. Samsung further objects to the Request to the extent it seeks highly
13 confidential documents containing sensitive proprietary business information, the disclosure of
14 which would cause Samsung substantial competitive harm.

15 Subject to these objections, Samsung is willing to meet and confer with Apple about the
16 relevance and scope of the information sought by this request.

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

18 All documents relating to any testing, surveys, focus groups, studies, or other means of
19 obtaining consumer opinions that Samsung conducted or had conducted on their behalf in
20 connection with each of the Products at Issue.

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

22 In addition to its Objections and Responses Common to All Requests for Production,
23 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
24 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
25 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
26 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
27 burdensome, and/or would require undue expense to answer. Samsung further objects the request
28 as vague and ambiguous. For example, the term “Products at Issue” is vague and ambiguous.

1 Samsung further objects to the Request as overbroad in that it seeks documents and things that
2 bear on occurrences in other countries that are not at issue in this litigation. Samsung further
3 objects to the Request to the extent it seeks documents that are not relevant to the claims or
4 defenses of any party and/or not reasonably calculated to lead to the discovery of admissible
5 evidence. Samsung further objects to the Request to the extent it seeks documents that are not
6 within the possession, custody, or control of Samsung. Samsung further objects to the Request to
7 the extent it seeks documents containing confidential third party information, including
8 information subject to a non-disclosure or other agreement between Samsung and a third party.

9 Subject to these objections, Samsung is willing to meet and confer with Apple about the
10 relevance and scope of the information sought by this request.

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

12 Documents sufficient to identify each Person who was involved in the design of the
13 Hardware Design of each of the Products at Issue and/or each version of the Graphical User
14 Interface Design installed on or available on each of the Products at Issue, including identifying
15 the title of each such Person and the group or department with which each such Person was
16 associated during the period of his or her involvement.

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

18 In addition to its Objections and Responses Common to All Requests for Production,
19 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
20 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
21 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
22 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
23 burdensome, and/or would require undue expense to answer. Samsung further objects the request
24 as vague and ambiguous. For example, the terms “Products at Issue,” “Hardware Design,”
25 Graphical User Interface Design” and “each person who was involved” are vague, ambiguous and
26 overbroad. Samsung further objects to the Request to the extent it seeks documents that are not
27 relevant to the claims or defenses of any party and/or not reasonably calculated to lead to the
28 discovery of admissible evidence.

1 Subject to these objections, Samsung will produce relevant, non-privileged documents
2 within its possession, custody, or control, if any, after conducting a reasonable search in
3 accordance with the Patent Local Rules.

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

5 All documents authored, received, or viewed by Lee Don-Joo relating to Apple or the
6 Apple Products, including email communications.

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

8 In addition to its Objections and Responses Common to All Requests for Production,
9 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
10 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
11 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
12 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
13 burdensome, and/or would require undue expense to answer. Samsung further objects to the
14 Request as overbroad in that it is not reasonably limited as to the scope of documents and things it
15 seeks. For example, the Request applies to “everything authored, received or viewed,” without
16 limitation as to time. Samsung further objects to the Request as overbroad in that it seeks
17 documents and things that pertain to products not at issue in this litigation. Samsung further
18 objects to the Request to the extent it seeks documents that are not relevant to the claims or
19 defenses of any party and/or not reasonably calculated to lead to the discovery of admissible
20 evidence.

21 Subject to these objections, Samsung is willing to meet and confer with Apple about the
22 relevance and scope of the information sought by this request.

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

24 Documents sufficient to identify all retail outlets in the United States where each of the
25 Products at Issue has been, is, or will be sold.

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

27 In addition to its Objections and Responses Common to All Requests for Production,
28 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it

1 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
2 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
3 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
4 burdensome, and/or would require undue expense to answer. Samsung further objects the request
5 as vague and ambiguous. For example, the term “Product at Issue” is vague and ambiguous.
6 Samsung further objects to the Request to the extent it seeks documents that are not within the
7 possession, custody, or control of Samsung. Samsung further objects to the Request to the extent
8 it seeks documents equally or more readily available to Apple than to Samsung. Samsung further
9 objects to the Request to the extent the requested documents are publicly available.

10 Subject to these objections, Samsung is willing to meet and confer with Apple about the
11 relevance and scope of the information sought by this request.

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

13 Documents sufficient to show the date when each of the Products at Issue was first offered
14 for sale in the United States.

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

16 In addition to its Objections and Responses Common to All Requests for Production,
17 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
18 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
19 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
20 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
21 burdensome, and/or would require undue expense to answer. Samsung further objects the request
22 as vague and ambiguous. For example, the term “Product at Issue” is vague and ambiguous.
23 Samsung further objects to the Request as overbroad in that it is not limited to any reasonable time
24 period and seeks documents and things from time periods not at issue in this litigation. Samsung
25 further objects to the Request to the extent the requested documents are publicly available.
26 Samsung further objects to the Request as premature to the extent it seeks documents and things
27 inconsistent with the timeframes set forth in the Northern District of California Patent Local
28 Rules.

1 Subject to these objections, Samsung will produce relevant, non-privileged documents
2 within its possession, custody, or control, if any, after conducting a reasonable search in
3 accordance with the Patent Local Rules.

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

5 Documents sufficient to identify U.S. revenues generated by each of the Products at Issue
6 on a product-by-product basis.

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

8 In addition to its Objections and Responses Common to All Requests for Production,
9 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
10 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
11 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
12 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
13 burdensome, and/or would require undue expense to answer. Samsung further objects the request
14 as vague and ambiguous. For example, the term “Product at Issue” is vague and ambiguous.
15 Samsung further objects to the Request to the extent the requested documents are publicly
16 available. Samsung further objects to the Request to the extent it seeks highly confidential
17 documents containing sensitive proprietary business information, the disclosure of which would
18 cause Samsung substantial competitive harm.

19 Subject to these objections, Samsung is willing to meet and confer with Apple about the
20 relevance and scope of the information sought by this request.

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

22 All documents relating to any communications between Samsung and any third parties
23 relating to Apple or to any lawsuit currently pending in which You and Apple are adverse.

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

25 In addition to its Objections and Responses Common to All Requests for Production,
26 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
27 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
28 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other

1 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
2 burdensome, and/or would require undue expense to answer. Samsung further objects the request
3 as vague and ambiguous. For example, the term “adverse” is vague and ambiguous. Samsung
4 further objects to the Request as overbroad in that it is not reasonably limited as to the scope of
5 documents and things it seeks. Samsung further objects to the Request as overbroad in that it
6 seeks documents and things that pertain to products not at issue in this litigation. Samsung further
7 objects to the Request as overbroad in that it seeks documents and things that bear on occurrences
8 in other countries that are not at issue in this litigation. Samsung further objects to the Request to
9 the extent it seeks documents that are not relevant to the claims or defenses of any party and/or not
10 reasonably calculated to lead to the discovery of admissible evidence. Samsung further objects to
11 the Request to the extent it seeks documents that are not within the possession, custody, or control
12 of Samsung. Samsung further objects to the Request to the extent it seeks documents containing
13 confidential third party information, including information subject to a non-disclosure or other
14 agreement between Samsung and a third party.

15 Subject to these objections, Samsung is willing to meet and confer with Apple about the
16 relevance and scope of the information sought by this request.

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

18 All documents relating to any of the elements of the Original iPhone Trade Dress, iPhone
19 3G Trade Dress, iPhone 3GS Trade Dress, iPhone 4 Trade Dress, iPhone Trade Dress, iPad Trade
20 Dress, and iPad 2 Trade Dress, any of the elements identified in the descriptions in the Trade
21 Dress Registrations and the Trade Dress Applications, or any of the Registered Icon Trademarks,
22 the Purple iTunes Store Trademark, or the iTunes Eighth Note and CD Design Trademark.

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

24 In addition to its Objections and Responses Common to All Requests for Production,
25 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
26 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
27 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
28 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly

1 burdensome, and/or would require undue expense to answer. Samsung further objects to the
2 Request as overbroad in that it is not reasonably limited as to the scope of documents and things it
3 seeks. Samsung further objects to the Request to the extent it seeks documents that are not within
4 the possession, custody, or control of Samsung. Samsung further objects to the Request to the
5 extent it seeks documents equally or more readily available to Apple than to Samsung. Samsung
6 further objects to the Request to the extent the requested documents are publicly available.
7 Samsung further objects to the Request as premature to the extent it seeks documents and things
8 inconsistent with the timeframes set forth in the Northern District of California Patent Local
9 Rules. Samsung further objects to the Request to the extent it calls for a legal conclusion.
10 Samsung further objects to the Request to the extent it implies any aspect of Apple products'
11 design constitutes an element of its trade dress. Documents produced in response to this request,
12 if any, do not constitute an admission that any aspect of Apple products' design constitutes an
13 element of its trade dress.

14 Subject to these objections, Samsung is willing to meet and confer with Apple about the
15 relevance and scope of the information sought by this request.

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

17 All documents relating to Samsung's knowledge of any third party's use of any of the
18 elements of the Original iPhone Trade Dress, iPhone 3G Trade Dress, iPhone 3GS Trade Dress,
19 iPhone 4 Trade Dress, and iPhone Trade Dress, any of the elements identified in the descriptions
20 in the Trade Dress Registrations and U.S. Application Serial No. 85/299,118, or any of the
21 Registered Icon Trademarks, the Purple iTunes Store Trademark, or the iTunes Eighth Note and
22 CD Design Trademark in the field of smartphones or digital media players.

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

24 In addition to its Objections and Responses Common to All Requests for Production,
25 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
26 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
27 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
28 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly

1 burdensome, and/or would require undue expense to answer. Samsung further objects the request
2 as vague and ambiguous. For example, the terms “any third party’s use,” “fields,” and “digital
3 media players” are vague and ambiguous. Samsung further objects to the Request as overbroad in
4 that it is not reasonably limited as to the scope of documents and things it seeks. Samsung further
5 objects to the Request to the extent it seeks documents that are not relevant to the claims or
6 defenses of any party and/or not reasonably calculated to lead to the discovery of admissible
7 evidence. Samsung further objects to the Request as duplicative of Apple’s Request For
8 Production No. 36. Samsung further objects to the Request to the extent it calls for a legal
9 conclusion. Samsung further objects to the Request to the extent it seeks documents containing
10 confidential third party information, including information subject to a non-disclosure or other
11 agreement between Samsung and a third party. Samsung further objects to the Request to the
12 extent it implies any aspect of Apple products’ design constitutes an element of its trade dress.
13 Documents produced in response to this request, if any, do not constitute an admission that any
14 aspect of Apple products’ design constitutes an element of its trade dress.

15 Subject to these objections, Samsung is willing to meet and confer with Apple about the
16 relevance and scope of the information sought by this request.

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

18 All documents relating to Samsung’s knowledge of any third party’s use of any of the
19 elements of the iPad Trade Dress and iPad 2 Trade Dress, any of the elements identified in the
20 descriptions of U.S. Application Serial Nos. 77/921,838, 77/921,820, and 77/921,869, or any of
21 the Registered Icon Trademarks, the Purple iTunes Store Trademark, or the iTunes Eighth Note
22 and CD Design Trademark in the field of tablet computers.

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

24 In addition to its Objections and Responses Common to All Requests for Production,
25 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
26 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
27 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
28 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly

1 burdensome, and/or would require undue expense to answer. Samsung further objects the request
2 as vague and ambiguous. For example, the terms “any third party’s use,” “fields,” and “digital
3 media players” are vague and ambiguous. Samsung further objects to the Request as overbroad in
4 that it is not reasonably limited as to the scope of documents and things it seeks. Samsung further
5 objects to the Request to the extent it seeks documents that are not relevant to the claims or
6 defenses of any party and/or not reasonably calculated to lead to the discovery of admissible
7 evidence. Samsung further objects to the Request as duplicative of Apple’s Request For
8 Production No. 36. Samsung further objects to the Request to the extent it calls for a legal
9 conclusion. Samsung further objects to the Request to the extent it seeks documents containing
10 confidential third party information, including information subject to a non-disclosure or other
11 agreement between Samsung and a third party. Samsung further objects to the Request to the
12 extent it implies any aspect of Apple products’ design constitutes an element of its trade dress.
13 Documents produced in response to this request, if any, do not constitute an admission that any
14 aspect of Apple products’ design constitutes an element of its trade dress.

15 Subject to these objections, Samsung is willing to meet and confer with Apple about the
16 relevance and scope of the information sought by this request.

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

18 All documents relating to actual or possible confusion, mistake or deception, or the
19 likelihood of confusion, as to source, affiliation, or sponsorship between Apple and Samsung or
20 between any of the Apple Products and any of the Captivate, Continuum, Fascinate, Galaxy Ace,
21 Galaxy Prevail, Galaxy S (i9000), Galaxy S 4G, Gravity, Indulge, Infuse 4G, Intercept,
22 Mesmerize, Showcase i500, Showcase Galaxy S, Transform, Vibrant, and Galaxy S II phones and
23 the Galaxy tablets.

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

25 In addition to its Objections and Responses Common to All Requests for Production,
26 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
27 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
28 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other

1 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
2 burdensome, and/or would require undue expense to answer. Samsung further objects the request
3 as vague and ambiguous. For example, the term “confusion, source, affiliation, sponsorship” is
4 vague and ambiguous. Samsung further objects to the Request as overbroad in that it seeks
5 documents and things that pertain to products not at issue in this litigation. Samsung further
6 objects to the Request to the extent it seeks documents that are not within the possession, custody,
7 or control of Samsung.

8 Subject to these objections, Samsung is willing to meet and confer with Apple about the
9 relevance and scope of the information sought by this request.

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

11 Documents sufficient to show, by month, the amount spent by Samsung in the United
12 States on advertising, marketing, and promotion of each of the Products at Issue on a product-by-
13 product basis.

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

15 In addition to its Objections and Responses Common to All Requests for Production,
16 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
17 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
18 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
19 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
20 burdensome, and/or would require undue expense to answer. Samsung further objects to the
21 Request as overbroad in that it seeks documents and things that pertain to products not at issue in
22 this litigation. Samsung further objects to the Request to the extent it seeks documents that are not
23 within the possession, custody, or control of Samsung. Samsung further objects the request as
24 vague and ambiguous. For example, the terms “Products at Issue” and “advertising, marketing,
25 and promotion” are vague and ambiguous. Samsung further objects to the Request in that it seeks
26 data broken out by a particular time period. Samsung further objects to the Request to the extent it
27 seeks highly confidential documents containing sensitive proprietary business information, the
28 disclosure of which would cause Samsung substantial competitive harm.

1 Subject to these objections, Samsung is willing to meet and confer with Apple about the
2 relevance and scope of the information sought by this request.

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

4 Documents sufficient to show, by month, the volume of sales in the United States, in units,
5 of each of the Products at Issue on a product-by-product basis.

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

7 In addition to its Objections and Responses Common to All Requests for Production,
8 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
9 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
10 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
11 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
12 burdensome, and/or would require undue expense to answer. Samsung further objects the request
13 as vague and ambiguous. For example, the term “Products at Issue” is vague and ambiguous.
14 Samsung further objects to the Request in that it seeks data broken out by a particular time period.
15 Samsung further objects to the Request to the extent it seeks highly confidential documents
16 containing sensitive proprietary business information, the disclosure of which would cause
17 Samsung substantial competitive harm.

18 Subject to these objections, Samsung is willing to meet and confer with Apple about the
19 relevance and scope of the information sought by this request.

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

21 Documents sufficient to show the current and past retail prices for each of the Products at
22 Issue.

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

24 In addition to its Objections and Responses Common to All Requests for Production,
25 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
26 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
27 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
28 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly

1 burdensome, and/or would require undue expense to answer. Samsung further objects the request
2 as vague and ambiguous. For example, the term “Products at Issue” is vague and ambiguous.
3 Samsung further objects to the Request to the extent it seeks documents that are not within the
4 possession, custody, or control of Samsung. Samsung further objects to the Request to the extent
5 it seeks highly confidential documents containing sensitive proprietary business information, the
6 disclosure of which would cause Samsung substantial competitive harm.

7 Subject to these objections, Samsung is willing to meet and confer with Apple about the
8 relevance and scope of the information sought by this request.

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

10 All documents relating to Your affirmative defenses.

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

12 In addition to its Objections and Responses Common to All Requests for Production,
13 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
14 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
15 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
16 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
17 burdensome, and/or would require undue expense to answer. Samsung further objects the request
18 as vague and ambiguous. For example, the term “relating to” is vague and ambiguous. Samsung
19 further objects to the Request to the extent it seeks documents that are not within the possession,
20 custody, or control of Samsung. Samsung further objects to the Request as premature to the extent
21 it seeks documents and things inconsistent with the timeframes set forth in the Northern District of
22 California Patent Local Rules. Samsung further objects to the Request to the extent the requested
23 documents are publicly available.

24 Subject to these objections, Samsung is willing to meet and confer with Apple about the
25 relevance and scope of the information sought by this request.

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

2 Documents sufficient to disclose Samsung's accounting practices and methods, including
3 Samsung's theories of depreciation, assignment of debt, and allocation of expenses, profit, and
4 losses.

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

6 In addition to its Objections and Responses Common to All Requests for Production,
7 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
8 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
9 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
10 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
11 burdensome, and/or would require undue expense to answer. Samsung further objects the request
12 as vague and ambiguous. For example, the term "theories of depreciation" is vague and
13 ambiguous. Samsung further objects to the Request as overbroad in that it seeks documents and
14 things that pertain to products not at issue in this litigation. Samsung further objects to the
15 Request as overbroad in that it seeks documents and things that bear on occurrences in other
16 countries that are not at issue in this litigation. Samsung further objects to the Request to the
17 extent it seeks documents that are not relevant to the claims or defenses of any party and/or not
18 reasonably calculated to lead to the discovery of admissible evidence. Samsung further objects to
19 the Request to the extent it seeks documents that are not within the possession, custody, or control
20 of Samsung. Samsung further objects to the Request to the extent it seeks documents equally or
21 more readily available to Apple than to Samsung. Samsung further objects to the Request to the
22 extent the requested documents are publicly available. Samsung further objects to the Request to
23 the extent it seeks highly confidential documents containing sensitive proprietary business
24 information, the disclosure of which would cause Samsung substantial competitive harm.

25 Subject to these objections, Samsung is willing to meet and confer with Apple about the
26 relevance and scope of the information sought by this request.

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

2 Documents sufficient to identify Samsung's executive and management structure for each
3 of the past three years, including documents that identify each individual holding such positions as
4 director, CEO, CFO, CTO, CAO, president, vice president, general counsel, and management-
5 level engineers, department heads, and sales and marketing representatives.

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

7 In addition to its Objections and Responses Common to All Requests for Production,
8 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
9 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
10 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
11 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
12 burdensome, and/or would require undue expense to answer. Samsung further objects to the
13 Request to the extent it seeks documents that are not relevant to the claims or defenses of any
14 party and/or not reasonably calculated to lead to the discovery of admissible evidence. Samsung
15 further objects to the Request to the extent it seeks documents equally or more readily available to
16 Apple than to Samsung. Samsung further objects to the Request to the extent the requested
17 documents are publicly available.

18 Subject to these objections, Samsung is willing to meet and confer with Apple about the
19 relevance and scope of the information sought by this request.

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

21 Documents sufficient to identify the structure and hierarchy of all entities, divisions,
22 departments, teams, and groups that research, develop, test, manufacture, produce, market, sell, or
23 are otherwise responsible for any of the Products at Issue, including documents that identify
24 Samsung's management personnel and third-party suppliers, manufacturers, and distributors.

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

26 In addition to its Objections and Responses Common to All Requests for Production,
27 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
28 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney

1 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
2 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
3 burdensome, and/or would require undue expense to answer. Samsung further objects the request
4 as vague and ambiguous. For example, the terms “Products at Issue” and “research, develop, test,
5 manufacture, produce, market, sell, or otherwise responsible” are vague and ambiguous. Samsung
6 further objects to the Request as duplicative of Apple’s Request For Production No. 45. Samsung
7 further objects to the Request to the extent it seeks documents that are not within the possession,
8 custody, or control of Samsung. Samsung further objects to the Request to the extent it seeks
9 documents equally or more readily available to Apple than to Samsung. Samsung further objects
10 to the Request to the extent the requested documents are publicly available.

11 Subject to these objections, Samsung is willing to meet and confer with Apple about the
12 relevance and scope of the information sought by this request.

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

14 Documents sufficient to identify the number (and percentage) of units of each of the
15 Products at Issue that has been returned to retailers by purchasers, or by retailers to, Samsung, on a
16 product-by-product basis.

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

18 In addition to its Objections and Responses Common to All Requests for Production,
19 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
20 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
21 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
22 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
23 burdensome, and/or would require undue expense to answer. Samsung further objects the request
24 as vague and ambiguous. For example, the terms “Products at Issue” and “returned” are vague
25 and ambiguous. Samsung further objects to the Request as overbroad in that it seeks documents
26 and things that bear on occurrences in other countries that are not at issue in this litigation.
27 Samsung further objects to the Request to the extent it seeks documents that are not relevant to the
28 claims or defenses of any party and/or not reasonably calculated to lead to the discovery of

1 admissible evidence. Samsung further objects to the Request to the extent it seeks documents that
2 are not within the possession, custody, or control of Samsung.

3 Subject to these objections, Samsung is willing to meet and confer with Apple about the
4 relevance and scope of the information sought by this request.

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

6 All documents relating to purchasers' reasons for returning any of the Products at Issue to
7 retailers.

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

9 In addition to its Objections and Responses Common to All Requests for Production,
10 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
11 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
12 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
13 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
14 burdensome, and/or would require undue expense to answer. Samsung further objects the request
15 as vague and ambiguous. For example, the terms "Products at Issue" and "returning" are vague
16 and ambiguous. Samsung further objects to the Request as overbroad in that it seeks documents
17 and things that bear on occurrences in other countries that are not at issue in this litigation.
18 Samsung further objects to the Request to the extent it seeks documents that are not relevant to the
19 claims or defenses of any party and/or not reasonably calculated to lead to the discovery of
20 admissible evidence. Samsung further objects to the Request to the extent it seeks documents that
21 are not within the possession, custody, or control of Samsung.

22 Subject to these objections, Samsung is willing to meet and confer with Apple about the
23 relevance and scope of the information sought by this request.

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

25 All documents relating to any joint defense agreements between Samsung and any third
26 parties relating to the subject matter or issues of this proceeding.

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

2 In addition to its Objections and Responses Common to All Requests for Production,
3 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
4 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
5 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
6 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
7 burdensome, and/or would require undue expense to answer. Samsung further objects to the
8 Request to the extent it seeks documents that are not relevant to the claims or defenses of any
9 party and/or not reasonably calculated to lead to the discovery of admissible evidence. Samsung
10 further objects to the Request to the extent it seeks documents that are not within the possession,
11 custody, or control of Samsung. Samsung further objects to the Request to the extent it seeks
12 documents subject to a protective order.

13 Subject to these objections, Samsung is willing to meet and confer with Apple about the
14 relevance and scope of the information sought by this request.

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

16 A copy of each document retention policy used by Samsung during the last three years and
17 documents sufficient to identify the dates during which each policy was in effect.

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

19 In addition to its Objections and Responses Common to All Requests for Production,
20 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
21 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
22 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
23 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
24 burdensome, and/or would require undue expense to answer. Samsung further objects to the
25 Request to the extent it seeks documents that are not relevant to the claims or defenses of any
26 party and/or not reasonably calculated to lead to the discovery of admissible evidence.

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1 Subject to these objections, Samsung will produce relevant, non-privileged documents
2 within its possession, custody, or control, if any, after conducting a reasonable search in
3 accordance with the Patent Local Rules.

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

5 All documents upon which Samsung relied, or to which Samsung referred, in preparing its
6 responses to Apple's Second Set of Interrogatories.

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

8 In addition to its Objections and Responses Common to All Requests for Production,
9 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
10 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney
11 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
12 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
13 burdensome, and/or would require undue expense to answer. Samsung further objects to the
14 Request as duplicative.

15 Subject to these objections, Samsung will produce relevant, non-privileged documents
16 within its possession, custody, or control, if any, after conducting a reasonable search in
17 accordance with the Patent Local Rules.

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

19 All documents relating to agreements, contracts, or other guarantees, between You and any
20 carrier, wholesaler, retailer, or other consumer of Your mobile phones or tablet computers, that
21 would prohibit or impact Your ability to seek, enforce, or maintain an injunction against another
22 manufacturer of mobile phones or tablet computers, including, but not limited to, any "non-
23 disruption" clause, provision, or language in Your "Master Purchase Agreement" or other supply
24 agreement with AT&T.

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

26 In addition to its Objections and Responses Common to All Requests for Production,
27 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it
28 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney

1 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
2 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly
3 burdensome, and/or would require undue expense to answer. Samsung further objects the request
4 as vague and ambiguous. For example, the terms “agreements, contracts, or other guarantees,”
5 “prohibit or impact,” and “seek enforce, or maintain” are vague and ambiguous. Samsung further
6 objects to the Request as overbroad in that it seeks documents and things that pertain to products
7 not at issue in this litigation. Samsung further objects to the Request as overbroad in that it seeks
8 documents and things that bear on occurrences in other countries that are not at issue in this
9 litigation. Samsung further objects to the Request to the extent it seeks documents that are not
10 within the possession, custody, or control of Samsung. Samsung further objects to the Request to
11 the extent it calls for a legal conclusion. Samsung further objects to the Request to the extent it
12 seeks documents containing confidential third party information, including information subject to
13 a non-disclosure or other agreement between Samsung and a third party. Samsung further objects
14 to the Request to the extent it seeks highly confidential documents containing sensitive proprietary
15 business information, the disclosure of which would cause Samsung substantial competitive harm.

16 Subject to these objections, Samsung is willing to meet and confer with Apple about the
17 relevance and scope of the information sought by this request.

18
19 DATED: September 8, 2011

Respectfully submitted,

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22
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