

# Exhibit D

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11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

15 APPLE INC., a California corporation,

16 Plaintiff,

17 v.

18 SAMSUNG ELECTRONICS CO., LTD., a  
Korean corporation; SAMSUNG  
19 ELECTRONICS AMERICA, INC., a New  
York corporation; and SAMSUNG  
20 TELECOMMUNICATIONS AMERICA,  
LLC, a Delaware limited liability company,

21 Defendants.

Case No. 11-cv-01846-LHK

**APPLE INC.'S REQUESTS FOR  
PRODUCTION OF DOCUMENTS  
AND THINGS RELATING TO  
APPLE'S MOTION FOR A  
PRELIMINARY INJUNCTION – SET  
TWO**

1 APPLE INC. (“Apple”) hereby requests, pursuant to Rules 26 and 34 of the Federal Rules  
2 of Civil Procedure, that SAMSUNG ELECTRONICS CO., LTD.; SAMSUNG ELECTRONICS  
3 AMERICA, INC.; and SAMSUNG TELECOMMUNICATIONS AMERICA, LLC,  
4 (“Defendants”) respond to Apple’s Requests for Production of Documents Relating to Apple’s  
5 Motion for a Preliminary Injunction. Apple requests that Defendants produce for inspection and  
6 copying the documents and things set forth below at the offices of Morrison & Foerster, LLP, 425  
7 Market St., San Francisco, CA 94105-2482 on or before September 12, 2011.

### 8 DEFINITIONS

9 The words and phrases used in these Requests shall have the meanings ascribed to them  
10 under the Federal Rules of Civil Procedure and the Local Rules of the United States District  
11 Court for the Northern District of California. In addition, the following terms shall have the  
12 meanings set forth below whenever used in any Request.

13 1. “Samsung,” “You” and/or “your” mean Defendants and all predecessors,  
14 successors, predecessors-in-interest, successors-in-interest, subsidiaries, divisions, parents,  
15 and/or affiliates, past or present, any companies that have a controlling interest in Defendants,  
16 and any current or former employee, officer, director, principal, agent, consultant, sales  
17 representative, or attorney thereof.

18 2. “Apple” means Apple Inc.

19 3. “Products at Issue” means the Samsung Galaxy S 4G, Infuse 4G, Droid Charge,  
20 and Galaxy Tab 10.1, as released anywhere in the world.

21 4. “Hardware Design” means a device’s casing, screen and screen borders, bezel or  
22 band, buttons, ports, speaker, and speaker slots, and all hardware, insignia, or ornamentation  
23 thereon.

24 5. “Patents at Issue” means U.S. Design Patent Nos. D618,677, D593,087, and  
25 D504,889, and U.S. Patent No. 7,469,381.

26 6. “Opposition” means your Opposition to Apple’s Motion for a Preliminary  
27 Injunction and all supporting declarations and exhibits.

28 7. “Document(s)” has the broadest possible meaning permitted by Federal Rules of

1 Civil Procedure Rules 26 and 34 and the relevant case law. “Document(s)” also includes all  
2 drafts or non-final versions, alterations, modifications, and amendments to any of the foregoing.

3 8. “Relating” means regarding, referring to, concerning, mentioning, reflecting,  
4 pertaining to, evidencing, involving, describing, discussing, commenting on, embodying,  
5 responding to, supporting, contradicting, containing or constituting (in whole or in part), as the  
6 context makes appropriate.

7 9. The use of a verb in any tense shall be construed as the use of the verb in all other  
8 tenses.

9 10. The use of the singular form of any word includes the plural and vice versa.

10 11. “And” and “or” shall be construed conjunctively and disjunctively to acquire the  
11 broadest meaning possible.

## 12 **INSTRUCTIONS**

13 1. Each document is to be produced along with all non-identical drafts thereof in  
14 their entirety, without abbreviation or redaction.

15 2. All documents should be produced as maintained in the ordinary course of  
16 business.

17 3. If you withhold any documents on a claim of privilege, you must provide a  
18 statement of the claim of privilege and all facts relied upon in support of that claim as required  
19 by Rule 26(b)(5) of the Federal Rules of Civil Procedure.

20 4. Documents responsive to each Request must be produced in full and subject to  
21 any Request being narrowed by the parties’ meeting and conferring regarding your  
22 corresponding requests to Plaintiff, if applicable.

## 23 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

### 24 **REQUEST NO. 156:**

25 Things you allege that are “rectangular-shaped phone[s] with rounded corners, a dominant  
26 display screen with narrow borders, a horizontally oriented and centered rounded speaker slot,  
27 and minimal or non-existent physical navigation buttons” that existed before January 2007 as  
28 described in your Opposition.

1 **REQUEST NO. 157:**

2 All Documents relating to the “rectangular-shaped phone[s] with rounded corners, a  
3 dominant display screen with narrow borders, a horizontally oriented and centered rounded  
4 speaker slot, and minimal or non-existent physical navigation buttons” that existed before January  
5 2007, as described in your Opposition.

6 **REQUEST NO. 158:**

7 All Documents relating to the design, development, or implementation of the following  
8 features of the Products at Issue: (1) their Hardware Design; (2) the functionality that allows for a  
9 list to be scrolled beyond its terminus or a document to be translated beyond its edge until the list  
10 or document is partially displayed; and (3) functionality that allows for a list that is scrolled  
11 beyond its terminus to scroll back or bounce back into place or for a document that is translated  
12 beyond its edge to translate back or bounce back so that the list or document returns to fill the  
13 screen.

14 **REQUEST NO. 159:**

15 Documents sufficient to identify the individuals who contributed to the design,  
16 development, or implementation of the following features of the Products at Issue: (1) their  
17 Hardware Design; (2) the functionality that allows for a list to be scrolled beyond its terminus or a  
18 document to be translated beyond its edge until the list or document is partially displayed; and  
19 (3) functionality that allows for a list that is scrolled beyond its terminus to scroll back or bounce  
20 back into place or for a document that is translated beyond its edge to translate back or bounce  
21 back so that the list or document returns to fill the screen.

22 **REQUEST NO. 160:**

23 Documents sufficient to identify the date of the first design of the following features of the  
24 Products at Issue: (1) their Hardware Design; (2) the functionality that allows for a list to be  
25 scrolled beyond its terminus or a document to be translated beyond its edge until the list or  
26 document is partially displayed; and (3) functionality that allows for a list that is scrolled beyond  
27 its terminus to scroll back or bounce back into place or for a document that is translated beyond  
28 its edge to translate back or bounce back so that the list or document returns to fill the screen.

1 **REQUEST NO. 161:**

2 All Documents and things relating to the design of the Hardware Design of the Products at  
3 Issue, including for example, CAD images or files, emails, notebooks, photographs, sketches,  
4 design specifications, models, mock-ups, and other design documents.

5 **REQUEST NO. 162:**

6 Documents sufficient to show alternative Hardware Designs considered by Samsung  
7 during the development of the Products at Issue.

8 **REQUEST NO. 163:**

9 All Documents relating to functional and cost considerations that constrained or altered  
10 the Hardware Design of the Products at Issue.

11 **REQUEST NO. 164:**

12 All Documents relating to aesthetic considerations relating to the Hardware Design of the  
13 Products at Issue.

14 **REQUEST NO. 165:**

15 All Documents relating to the redesign of the Galaxy Tab 10.1 following Apple's  
16 announcement of the iPad 2 on or about March 2, 2011.

17 **REQUEST NO. 166:**

18 All Documents to or from Lee Don-Joo relating to the redesign of the Galaxy Tab 10.1  
19 following Apple's announcement of the iPad 2 on or about March 2, 2011.

20 **REQUEST NO. 167:**

21 All Documents to the design of the user interface for each of the Products at Issue.

22 **REQUEST NO. 168:**

23 All Documents relied on by Benjamin B. Bederson in his declaration submitted in support  
24 of your Opposition.

25 **REQUEST NO. 169:**

26 All prior expert reports and declarations submitted by Benjamin B. Bederson in other  
27 litigation involving mobile devices or user interfaces.

28 **REQUEST NO. 170:**

1 All trial and deposition transcripts from other litigation in which Benjamin B. Bederson  
2 testified about mobile devices or user interfaces.

3 **REQUEST NO. 171:**

4 All Documents relied on by Roger Fidler in his declaration submitted in support of your  
5 Opposition.

6 **REQUEST NO. 172:**

7 All Documents relating to Roger Fidler’s assertion that “Apple personnel were exposed to  
8 my tablet ideas and prototypes” in his declaration submitted in support of your Opposition.

9 **REQUEST NO. 173:**

10 All documents relating to Roger Fidler’s assertion that he presented the 1990 Video  
11 attached as Exhibit G to his declaration to “a group of executives at Knight-Ridder and to Alan  
12 Kay [of Apple]” in the fall of 1990.

13 **REQUEST NO. 174:**

14 All documents relating to Roger Fidler’s assertion that “[m]ore than 200 copies of the  
15 1994 video [attached as Exhibit L to his declaration] were distributed to various newspaper  
16 organizations and media outlets.”

17 **REQUEST NO. 175:**

18 All documents relating to Roger Fidler’s claim that starting in 1994, he provided to  
19 Toshiba “specifications that they could use to create a working electronic tablet.”

20 **REQUEST NO. 176:**

21 All non-disclosure agreements between Apple and Information Design Lab executed  
22 before 1995.

23 **REQUEST NO. 177:**

24 All non-disclosure agreements executed between Roger Fidler and Toshiba in connection  
25 with Mr. Fidler’s alleged provision to Toshiba of “specifications that they could use to create a  
26 working electronic tablet.”

27 **REQUEST NO. 178:**

28 All prior expert reports and declarations submitted by Roger Fidler in other litigation

1 involving the “1981 Tablet,” the “1990 Tablet,” the “1994 Tablet,” and the “1996 Toshiba  
2 Tablet,” as described in his declaration submitted in support of your Opposition.

3 **REQUEST NO. 179:**

4 All trial and deposition transcripts from other litigation in which Roger Fidler testified  
5 about the “1981 Tablet,” the “1990 Tablet,” the “1994 Tablet,” and the “1996 Toshiba Tablet,” as  
6 described in his declaration submitted in support of your Opposition.

7 **REQUEST NO. 180:**

8 All Documents relied on by Nicholas P. Godici in his declaration submitted in support of  
9 your Opposition.

10 **REQUEST NO. 181:**

11 All prior expert reports and declarations submitted by Nicholas P. Godici in other  
12 litigation involving patent prosecution.

13 **REQUEST NO. 182:**

14 All trial and deposition transcripts from other litigation in which Nicholas P. Godici was  
15 an expert.

16 **REQUEST NO. 183:**

17 All Documents relied on by Andries Van Dam in his declaration submitted in support of  
18 your Opposition.

19 **REQUEST NO. 184:**

20 All prior expert reports and declarations submitted by Andries Van Dam in other litigation  
21 involving utility patents.

22 **REQUEST NO. 185:**

23 All trial and deposition transcripts from other litigation in which Andries Van Dam was an  
24 expert.

25 **REQUEST NO. 186:**

26 All Documents relied on by Itay Sherman in his declaration submitted in support of your  
27 Opposition.

28 **REQUEST NO. 187:**



1 All prior expert reports and declarations submitted by Itay Sherman in other litigation  
2 involving design patents.

3 **REQUEST NO. 188:**

4 All trial and deposition transcripts from other litigation in which Itay Sherman was an  
5 expert.

6 **REQUEST NO. 189:**

7 All Documents relied on by Michael J. Wagner in his declaration submitted in support of  
8 your Opposition.

9 **REQUEST NO. 190:**

10 To the extent not attached as an exhibit, hard copies of all Documents cited by Michael J.  
11 Wagner in his declaration submitted in support of your Opposition. Documents responsive to this  
12 Request include, but are not limited to, hard copies of all references cited in the footnotes of Mr.  
13 Wagner's declaration.

14 **REQUEST NO. 191:**

15 All prior expert reports and declarations submitted by Michael J. Wagner in other  
16 litigation involving damages.

17 **REQUEST NO. 192:**

18 All trial and deposition transcripts from other litigation in which Michael J. Wagner was  
19 an expert.

20 **REQUEST NO. 193:**

21 All Documents relied on by Jeffrey Johnson in his declaration submitted in support of  
22 your Opposition.

23 **REQUEST NO. 194:**

24 All prior expert reports and declarations submitted by Jeffrey Johnson in other litigation  
25 involving utility patents.

26 **REQUEST NO. 195:**

27 All trial and deposition transcripts from other litigation in which Jeffrey Johnson was an  
28 expert.

1 **REQUEST NO. 196:**

2 All native photographs of the Products at Issue, prior art, and Apple products taken in  
3 support of your Opposition, regardless of whether the photographs were referenced, inserted, or  
4 relied upon in your Opposition.

5 **REQUEST NO. 197:**

6 All Documents, including source code, relating to any art that Samsung alleges is relevant  
7 to the validity of U.S. Patent No. 7,469,381, including LaunchTile and XNav.

8 **REQUEST NO. 198:**

9 All Documents relating to any instructions, manuals, guides, or other documentation for  
10 LaunchTile and XNav.

11 **REQUEST NO. 199:**

12 A device that runs LaunchTile.

13 **REQUEST NO. 200:**

14 Source code for the Gallery, Contacts, and Browser applications on the Products at Issue.

15 **REQUEST NO. 201:**

16 Source code relating to features of the Products at Issue that Apple has alleged infringe  
17 U.S. Patent No. 7,469,381.

18 **REQUEST NO. 202:**

19 Source code for any instructions relating to not illuminating part of the screens on the  
20 Products at Issue while they are powered on.

21 **REQUEST NO. 203:**

22 Documents sufficient to show the operation and functionality of the AMOLED screens of  
23 the Products at Issue.

24 **REQUEST NO. 204:**

25 All Documents relating to your analysis, review, consideration, or copying of, or  
26 comparison against, any Apple product or product feature, including (1) their Hardware Design;  
27 (2) the functionality that allows for a list to be scrolled beyond its terminus or a document to be  
28 translated beyond its edge until the list or document is partially displayed; and (3) functionality

1 that allows for a list that is scrolled beyond its terminus to scroll back or bounce back into place  
2 or for a document that is translated beyond its edge to translate back or bounce back so that the  
3 list or document returns to fill the screen.

4 **REQUEST NO. 205:**

5 All Documents relating to any statements made by you regarding Apple and the Products  
6 at Issue.

7 **REQUEST NO. 206:**

8 All Documents relating to any customer surveys, studies, analyses or investigations  
9 regarding the Products at Issue.

10 **REQUEST NO. 207:**

11 All Documents identifying or analyzing the market or markets to which Samsung intends  
12 to sell the Products at Issue.

13 **REQUEST NO. 208:**

14 All Documents created within the last five years relating to Samsung's actual or projected  
15 smartphone market share.

16 **REQUEST NO. 209:**

17 All Documents created within the last five years relating to Samsung's actual or projected  
18 tablet computer market share.

19 **REQUEST NO. 210:**

20 All Documents created between 2008 and the present relating to Samsung's expansion of  
21 its U.S. market share for smartphones and tablet computers.

22 **REQUEST NO. 211:**

23 All Documents relating to the development of the Products at Issue that mention or refer  
24 to Apple or Apple products, including communications among or with your personnel that discuss  
25 whether or how to copy any design, feature, or function of an Apple product. Documents  
26 responsive to this Request include, but are not limited to, Documents related to the redesign of the  
27 Products at Issue in light of Apple products.

28 **REQUEST NO. 212:**

1 All physical samples of Apple products in your possession (excluding only samples, if any,  
2 which may have been purchased exclusively for purposes related to this litigation by or at the  
3 direction of counsel) together with all documents relating to when the samples were obtained, for  
4 what purpose, and how you used them.

5 **REQUEST NO. 213:**

6 All Documents relating to your inspection of Apple products. Documents responsive to  
7 this Request include, but are not limited to, photographs of Apple products and tear-downs of  
8 Apple products, notes and memoranda that you made relating to Apple products, and email  
9 communications relating to any such inspection.

10 **REQUEST NO. 214:**

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

18 **REQUEST NO. 215:**

19 All Documents relating to any instances of consumer confusion in which Samsung was  
20 made aware that a person confused an Apple product for a Product at Issue, or a Product at Issue  
21 for an Apple product.

22 **REQUEST NO. 216:**

23 All Documents relating to your decision to give away a free Galaxy Tab 10.1 with the  
24 purchase of certain Samsung televisions at Best Buy stores.

25 **REQUEST NO. 217:**

26 All Documents relating to any promotions, actual or considered, related to any of the  
27 Products at Issue.

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Dated: August 26, 2011

MORRISON & FOERSTER LLP

By: /s/ Richard S.J. Hung  
RICHARD S.J. HUNG  
Attorneys for Defendant  
APPLE INC.