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 12 Counterclaim-Defendant APPLE INC.

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 SAN JOSE DIVISION

17 APPLE INC., a California corporation,  
 18 Plaintiff,  
 19 v.  
 20 SAMSUNG ELECTRONICS CO., LTD., a  
 21 Korean corporation; SAMSUNG ELECTRONICS  
 22 AMERICA, INC., a New York corporation; and  
 23 SAMSUNG TELECOMMUNICATIONS  
 24 AMERICA, LLC, a Delaware limited liability  
 company,  
 Defendants.

Case No. 11-cv-01846-LHK

**APPLE INC.'S MOTION TO  
 COMPEL PRODUCTION OF  
 DOCUMENTS AND THINGS**

Date: January 18, 2012  
 Time: 2:00 p.m.  
 Place: Courtroom 5, 4th Floor  
 Judge: Hon. Paul S. Grewal

**SUBMITTED UNDER SEAL**

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1 **NOTICE OF MOTION AND MOTION**

2 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that on January 18, 2012, at 2:00 p.m., or as soon as the matter  
4 may be heard by the Honorable Paul S. Grewal in Courtroom 5, United States District Court for  
5 the Northern District of California, Robert F. Peckham Federal Building, 280 South 1st Street,  
6 San Jose, CA 95113, Apple, Inc. (“Apple”) shall and hereby does move the Court for an order  
7 compelling Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung  
8 Telecommunications America, LLC (collectively, “Samsung”) to produce, by no later than  
9 January 23, 2012, the relief specified in the concurrently filed Proposed Order.

10 This motion is based on this notice of motion and supporting memorandum of points and  
11 authorities; the supporting Declaration of Mia Mazza in Support of Apple’s Motion to Compel  
12 Production of Documents and Things and exhibits attached thereto; the supporting Declarations  
13 of Harold J. McElhinny and Erik J. Olson in Support of Apple’s Motion to Compel Production of  
14 Documents and Things and exhibits attached thereto; and such other written or oral argument as  
15 may be presented at or before the time this motion is taken under submission by the Court.

16 As detailed in the Declaration of Harold J. McElhinny filed herewith, Apple’s lead trial  
17 counsel met and conferred with Samsung’s lead trial counsel in person before filing this motion,  
18 but were unsuccessful in resolving the issues raised herein.

19 **RELIEF REQUESTED**

20 Pursuant to Federal Rule of Civil Procedure 37 and Patent Local Rule 3-4, Apple seeks an  
21 order compelling Samsung to produce all of the specific, narrowed categories of documents and  
22 things identified in the concurrently filed Proposed Order by the deadlines set forth therein.

23 Stated generally, the requested relief includes: (1) technical documents relevant to Apple’s utility  
24 patent infringement case; (2) documents relevant to Apple’s design patent, trademark, trade dress  
25 infringement claims; (3) marketing and advertising documents relevant to Apple’s showing of  
26 irreparable harm; and (4) sales and financial information relevant to establishing damages.

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**STATEMENT OF ISSUES TO BE DECIDED**

1. Whether Samsung should be ordered to complete production by January 23, 2012, of its technical documents relevant to Apple’s utility patent infringement claims, as specifically identified in the Proposed Order submitted by Apple herewith.
2. Whether Samsung should be ordered to complete production by January 23, 2012, of its documents relevant to Apple’s trademark, trade dress, and design patent infringement claims, as specifically identified in the Proposed Order submitted by Apple herewith.
3. Whether Samsung should be ordered to complete production by January 23, 2012, of marketing and advertising documents relevant to Apple’s showing of irreparable harm, as specifically identified in the Proposed Order submitted by Apple herewith.
4. Whether Samsung should be ordered to complete production by January 23, 2012, of sales and financial information relevant to Apple’s showing of damages, as specifically identified in the Proposed Order submitted by Apple herewith.

**APPLE’S CIVIL L.R. 37-2 STATEMENT**

Pursuant to Civil L.R. 37-2, Apple’s discovery requests to Samsung relating to the documents that are the subject of this motion are set forth in full below, with Samsung’s corresponding objections and/or answers following immediately after each:

**FIRST SET OF REQUESTS FOR PRODUCTION (PI), REQUEST NO. 1:**

Documents relating to your analysis, review, consideration, or copying of, or comparison against, any Apple product or product feature in designing, developing, or implementing any feature of the Products at Issue, including (1) their Exterior Design; (2) functionality that allows for an image, list, or webpage to be scrolled beyond its edge until it is partially displayed; and (3) functionality that allows for an image, list, or webpage that is scrolled beyond its edge to scroll back or bounce back into place so that it returns to fill the screen.

**OBJECTIONS TO REQUEST FOR PRODUCTION NO. 1:**

In addition to its Objections and Responses Common to All Requests for Production, 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 to the  
5 request as overbroad in that it is not reasonably limited as to the scope of documents and things it  
6 seeks. Samsung further objects to this request as oppressive and harassing inasmuch as it implies  
7 Samsung engaged in copying and other such activity.

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 during the  
10 preliminary injunction discovery phase.

11 **FIRST SET OF REQUESTS FOR PRODUCTION (PI), REQUEST NO. 2:**

12 Documents relating to the existence of and/or work conducted by any group within  
13 Defendants that analyzes, analyzed, considers, considered, copies, copied, compares, or compared  
14 any Apple product or product feature in developing one or more of the Products at Issue.

15 **OBJECTIONS TO REQUEST FOR PRODUCTION NO. 2:**

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 to the  
22 request as overbroad in that it is not reasonably limited as to the scope of documents and things it  
23 seeks. Samsung further objects to the Request as duplicative of Apple's Request For Production  
24 No. 1. Samsung further objects to this request as oppressive and harassing inasmuch as it implies  
25 Samsung engaged in copying and other such activity.

26 Subject to these objections, Samsung will produce relevant, non-privileged documents  
27 within its possession, custody, or control, if any, after conducting a reasonable search during the  
28 preliminary injunction discovery phase.

1 **FIRST SET FOR REQUESTS FOR PRODUCTION, REQUEST NO. 3:**

2 Documents relating to competition between Apple and Samsung products, including each  
3 version of the iPhone or iPad and any of the Products at Issue.

4 **OBJECTIONS TO REQUEST FOR PRODUCTION NO. 3:**

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 term “relating to competition” is vague and ambiguous  
12 and Samsung will response based on its understanding of this term. Samsung further objects to  
13 the request as overbroad in that it seeks documents and things that bear on occurrences in other  
14 countries that are not at issue in this litigation. Samsung further objects to the request as  
15 overbroad in that it seeks documents and things that pertain to products not at issue in this  
16 litigation.

17 Subject to these objections, Samsung will produce relevant, non-privileged documents within its  
18 possession, custody, or control, if any, after conducting a reasonable search during the  
19 preliminary injunction discovery phase.

20 **FIRST SET OF REQUESTS FOR PRODUCTION (PI) NO. 4:**

21 Documents sufficient to identify the respective markets of each of the Products at Issue.

22 **OBJECTIONS TO REQUEST FOR PRODUCTION (PI) NO. 4:**

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 the request

1 as vague and ambiguous. For example, the term “respective market shares” is vague and  
2 ambiguous and Samsung will response based on its understanding of this term. Samsung further  
3 objects to the request as overbroad in that it seeks documents and things that bear on occurrences  
4 in other countries that are not at issue in this litigation.

5 Subject to these objections, Samsung will produce relevant, non-privileged documents  
6 within its possession, custody, or control, if any, after conducting a reasonable search during the  
7 preliminary injunction discovery phase.

8 **SECOND SET FOR REQUESTS FOR PRODUCTION, REQUEST NO. 11:**

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

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

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

26 Subject to these objections, Samsung is willing to meet and confer with Apple about the  
27 relevance and scope of the information sought by this request.  
28

1 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 12:**

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

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

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,” “functions,”  
15 and “all documents reviewed for purposes of developing” are vague, ambiguous and overbroad.  
16 Samsung further objects to the Request to the extent it seeks documents that are not relevant to  
17 the claims or defenses of any party and/or not reasonably calculated to lead to the discovery of  
18 admissible evidence. Samsung further objects to the Request as duplicative of Apple’s Request  
19 For Production No. 11.

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 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 13:**

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

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

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 the request  
8     as vague and ambiguous. For example, the terms “Products at Issue,” “relating to” and “redesign”  
9     are vague and ambiguous. Samsung further objects to the Request to the extent it seeks  
10    documents that are not relevant to the claims or defenses of any party and/or not reasonably  
11    calculated to lead to the discovery of admissible evidence. Samsung further objects to the Request  
12    as duplicative of Apple’s Request For Production Nos. 1 and 2. Samsung further objects to the  
13    Request to the extent it seeks documents that are not within the possession, custody, or control of  
14    Samsung. Samsung further objects to this request as oppressive and harassing inasmuch as it  
15    implies Samsung engaged in copying and other such activity. Documents produced in response to  
16    this request, if any, do not constitute an admission that Samsung “designed the Galaxy Tab 10.1  
17    to more closely match the design of the iPad 2.”

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    **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 14:**

21             All physical samples of Apple Products in Your possession (excluding only samples, if  
22    any, which may have been purchased exclusively for purposes related to this litigation by or at the  
23    direction of counsel) together with all documents relating to when the samples were obtained, for  
24    what purpose, and how You used them.

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

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 to the  
4 Request as overbroad in that it seeks documents and things that pertain to products not at issue in  
5 this litigation. Samsung further objects to the Request as overbroad in that it is not limited to any  
6 reasonable time period and seeks documents and things from time periods not at issue in this  
7 litigation. Samsung further objects to the Request to the extent it seeks documents that are not  
8 relevant to the claims or defenses of any party and/or not reasonably calculated to lead to the  
9 discovery of admissible evidence. For example, the request seeks every Apple product any person  
10 who was at any time an employee of Samsung has ever owned, at any time. Samsung further  
11 objects to the Request to the extent it seeks documents equally or more readily available to Apple  
12 than to Samsung. Samsung further objects to the Request to the extent the requested documents  
13 are publicly available.

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 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 15:**

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

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

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

1 Samsung further objects to the Request as overbroad in that it seeks documents and things that  
2 pertain to products not at issue in this litigation. Samsung further objects to the Request to the  
3 extent it seeks documents that are not relevant to the claims or defenses of any party and/or not  
4 reasonably calculated to lead to the discovery of admissible evidence. Samsung further objects to  
5 the Request as duplicative of Apple’s Request For Production Nos. 13 and 14.

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

8 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 16:**

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

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

17 In addition to its Objections and Responses Common to All Requests for Production,  
18 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it  
19 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney  
20 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other  
21 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly  
22 burdensome, and/or would require undue expense to answer. Samsung further objects the request  
23 as vague and ambiguous. For example, the terms “Products at Issue” and “indirectly” are vague  
24 and ambiguous. Samsung further objects to the Request as overbroad in that it seeks documents  
25 and things that bear on occurrences in other countries that are not at issue in this litigation.  
26 Samsung further objects to the Request as duplicative of Apple’s Request For Production No. 15.  
27 Samsung further objects to the Request to the extent it seeks documents that are not within the  
28 possession, custody, or control of Samsung. Samsung further objects to the Request to the extent

1 it seeks documents containing confidential third party information, including information subject  
2 to a non-disclosure or other agreement between Samsung and a third party.

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 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 17:**

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

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

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  
13 unduly burdensome, and/or would require undue expense to answer. Samsung further objects the  
14 request as vague and ambiguous. For example, the terms “Products at Issue” and “relating to” are  
15 vague and ambiguous. Samsung further objects to the Request as overbroad in that it is not  
16 reasonably limited as to the scope of documents and things it seeks. Samsung further objects to  
17 the Request as duplicative of Apple’s Request For Production No. 16. Samsung further objects to  
18 the Request to the extent it seeks documents that are not within the possession, custody, or control  
19 of Samsung. Samsung further objects to the Request to the extent the requested documents are  
20 publicly available.

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 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 18:**

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

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

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

1 seeks documents equally or more readily available to Apple than to Samsung. Samsung further  
2 objects to the Request to the extent the requested documents are publicly available. Samsung  
3 further objects the request as vague and ambiguous. For example, the term “Products at Issue” is  
4 vague and ambiguous.

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

7 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 20:**

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

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

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 the request  
17 as vague and ambiguous. For example, the terms “analyses, actions, plans or attempts” and “due  
18 care” are vague and ambiguous. Samsung further objects to the Request as overbroad in that it  
19 seeks documents and things that pertain to products not at issue in this litigation. Samsung further  
20 objects to the Request to the extent it seeks documents that are not within the possession, custody,  
21 or control of Samsung. Samsung further objects to the Request to the extent it calls for a legal  
22 conclusion.

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

1 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 21:**

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

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

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  
11 unduly burdensome, and/or would require undue expense to answer. Samsung further objects to  
12 the Request as overbroad in that it is not reasonably limited as to the scope of documents and  
13 things it seeks. Samsung further objects to the Request to the extent it seeks documents that are  
14 not within the possession, custody, or control of Samsung. Samsung further objects to the  
15 Request as premature to the extent it seeks documents and things inconsistent with the timeframes  
16 set forth in the Northern District of California Patent Local Rules. Samsung further objects to the  
17 Request to the extent it calls for a legal conclusion.

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

21 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 26:**

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

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

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 terms “Hardware Design” and “decision” are vague  
6 and ambiguous. Samsung further objects to the Request as duplicative of Apple’s Request For  
7 Production No. 11.

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.

11 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 27:**

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

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

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

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

1 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 29:**

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

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

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 “Products at Issue” is vague and ambiguous.

13 Samsung further objects to the Request as overbroad in that it seeks documents and things  
14 that bear on occurrences in other countries that are not at issue in this litigation. Samsung further  
15 objects to the Request to the extent it seeks documents that are not relevant to the claims or  
16 defenses of any party and/or not reasonably calculated to lead to the discovery of admissible  
17 evidence. Samsung further objects to the Request to the extent it seeks documents that are not  
18 within the possession, custody, or control of Samsung. Samsung further objects to the Request to  
19 the extent it seeks documents containing confidential third party information, including  
20 information subject to a non-disclosure or other agreement between Samsung and a third party.

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 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 30:**

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

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

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  
7 unduly burdensome, and/or would require undue expense to answer. Samsung further objects the  
8 request as vague and ambiguous. For example, the terms “Products at Issue,” “Hardware  
9 Design,” “Graphical User Interface Design” and “each person who was involved” are vague,  
10 ambiguous and overbroad. Samsung further objects to the Request to the extent it seeks  
11 documents that are not relevant to the claims or defenses of any party and/or not reasonably  
12 calculated to lead to the discovery of admissible evidence.

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

16 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 32:**

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

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

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 the request  
26 as vague and ambiguous. For example, the term “Product at Issue” is vague and ambiguous.  
27 Samsung further objects to the Request to the extent it seeks documents that are not within the  
28 possession, custody, or control of Samsung. Samsung further objects to the Request to the extent

1 it seeks documents equally or more readily available to Apple than to Samsung. Samsung further  
2 objects to the Request to the extent the requested documents are publicly available.

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 **SECOND SET FOR REQUESTS FOR PRODUCTION, REQUEST NO. 34:**

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

8 **OBJECTIONS TO REQUEST FOR PRODUCTION NO. 34:**

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 term “Product at Issue” is vague and ambiguous.  
16 Samsung further objects to the Request to the extent the requested documents are publicly  
17 available. Samsung further objects to the Request to the extent it seeks highly confidential  
18 documents containing sensitive proprietary business information, the disclosure of which would  
19 cause Samsung substantial competitive harm.

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 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 36:**

23 All documents relating to any of the elements of the Original iPhone Trade Dress, iPhone  
24 3G Trade Dress, iPhone 3GS Trade Dress, iPhone 4 Trade Dress, iPhone Trade Dress, iPad Trade  
25 Dress, and iPad 2 Trade Dress, any of the elements identified in the descriptions in the Trade  
26 Dress Registrations and the Trade Dress Applications, or any of the Registered Icon Trademarks,  
27 the Purple iTunes Store Trademark, or the iTunes Eighth Note and CD Design Trademark.  
28

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

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

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     **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 37:**

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

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

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

19             Documents produced in response to this request, if any, do not constitute an admission  
20    that any aspect of Apple products’ design constitutes an element of its trade dress.

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     **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 38:**

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

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

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

19             Documents produced in response to this request, if any, do not constitute an admission  
20    that any aspect of Apple products’ design constitutes an element of its trade dress.

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     **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 39:**

24             All documents relating to actual or possible confusion, mistake or deception, or the  
25    likelihood of confusion, as to source, affiliation, or sponsorship between Apple and Samsung or  
26    between any of the Apple Products and any of the Captivate, Continuum, Fascinate, Galaxy Ace,  
27    Galaxy Prevail, Galaxy S (i9000), Galaxy S 4G, Gravity, Indulge, Infuse 4G, Intercept,  
28

1 Mesmerize, Showcase i500, Showcase Galaxy S, Transform, Vibrant, and Galaxy S II phones and  
2 the Galaxy tablets.

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

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  
9 unduly burdensome, and/or would require undue expense to answer. Samsung further objects the  
10 request as vague and ambiguous. For example, the term “confusion, source, affiliation,  
11 sponsorship” is vague and ambiguous. Samsung further objects to the Request as overbroad in  
12 that it seeks documents and things that pertain to products not at issue in this litigation. Samsung  
13 further objects to the Request to the extent it seeks documents that are not within the possession,  
14 custody, or control of Samsung.

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 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 40:**

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

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

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 to the  
28 Request as overbroad in that it seeks documents and things that pertain to products not at issue in

1 this litigation. Samsung further objects to the Request to the extent it seeks documents that are not  
2 within the possession, custody, or control of Samsung. Samsung further objects the request as  
3 vague and ambiguous. For example, the terms “Products at Issue” and “advertising, marketing,  
4 and promotion” are vague and ambiguous. Samsung further objects to the Request in that it seeks  
5 data broken out by a particular time period. Samsung further objects to the Request to the extent it  
6 seeks highly confidential documents containing sensitive proprietary business information, the  
7 disclosure of which would cause Samsung substantial competitive harm.

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 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 41:**

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

13 **OBJECTIONS TO REQUEST FOR PRODUCTION NO. 41:**

14 In addition to its Objections and Responses Common to All Requests for Production,  
15 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it  
16 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney  
17 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other  
18 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly  
19 burdensome, and/or would require undue expense to answer. Samsung further objects the request  
20 as vague and ambiguous. For example, the term “Products at Issue” is vague and ambiguous.  
21 Samsung further objects to the Request in that it seeks data broken out by a particular time period.  
22 Samsung further objects to the Request to the extent it seeks highly confidential documents  
23 containing sensitive proprietary business information, the disclosure of which would cause  
24 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.

1 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 42:**

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

4 **OBJECTIONS TO REQUEST FOR PRODUCTION NO. 42:**

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 term “Products at Issue” is vague and ambiguous.  
12 Samsung further objects to the Request to the extent it seeks documents that are not within the  
13 possession, custody, or control of Samsung. Samsung further objects to the Request to the extent  
14 it seeks highly confidential documents containing sensitive proprietary business information, the  
15 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 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 43:**

19 All documents relating to Your affirmative defenses.

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

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

1 possession, custody, or control of Samsung. Samsung further objects to the Request as premature  
2 to the extent it seeks documents and things inconsistent with the timeframes set forth in the  
3 Northern District of California Patent Local Rules. Samsung further objects to the Request to the  
4 extent the requested documents are publicly available.

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

7 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 44:**

8 Documents sufficient to disclose Samsung's accounting practices and methods, including  
9 Samsung's theories of depreciation, assignment of debt, and allocation of expenses, profit, and  
10 losses.

11 **OBJECTIONS TO REQUEST FOR PRODUCTION NO. 44:**

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 "theories of depreciation" is vague and  
19 ambiguous. Samsung further objects to the Request as overbroad in that it seeks documents and  
20 things that pertain to products not at issue in this litigation. Samsung further objects to the  
21 Request as overbroad in that it seeks documents and things that bear on occurrences in other  
22 countries that are not at issue in this litigation. Samsung further objects to the Request to the  
23 extent it seeks documents that are not relevant to the claims or defenses of any party and/or not  
24 reasonably calculated to lead to the discovery of admissible evidence. Samsung further objects to  
25 the Request to the extent it seeks documents that are not within the possession, custody, or control  
26 of Samsung. Samsung further objects to the Request to the extent it seeks documents equally or  
27 more readily available to Apple than to Samsung. Samsung further objects to the Request to the  
28 extent the requested documents are publicly available. Samsung further objects to the Request to

1 the extent it seeks highly confidential documents containing sensitive proprietary business  
2 information, the disclosure of which would cause Samsung substantial competitive harm.  
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 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 47:**

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

9 **OBJECTIONS TO REQUEST FOR PRODUCTION NO. 47:**

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

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

25 **SECOND SET OF REQUESTS FOR PRODUCTION (PI), REQUEST NO. 157:**

26 All Documents relating to the “rectangular-shaped phone[s] with rounded corners, a  
27 dominant display screen with narrow borders, a horizontally oriented and centered rounded  
28 speaker slot, and minimal or non-existent physical navigation buttons” that existed before January

1 2007, as described in your Opposition

2 **OBJECTIONS AND RESPONSE TO REQUEST NO. 157:**

3 In addition to its Objections and Responses Common to All Requests for Production,  
4 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it  
5 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney  
6 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other  
7 applicable privilege or immunity. Samsung further objects to the request as overbroad in that it  
8 seeks “all” documents and 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 equally or more  
10 readily available to Apple than to Samsung. Samsung further objects to the Request to the extent  
11 the requested documents are publicly available.

12 Subject to these objections, Samsung will produce relevant, non-privileged documents  
13 within its possession, custody, or control, if any, after conducting a reasonable search during the  
14 preliminary injunction discovery phase.

15 **SECOND SET OF REQUESTS FOR PRODUCTION (PI), REQUEST NO. 158:**

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

23 **OBJECTIONS AND RESPONSE TO REQUEST NO. 158:**

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 on the grounds that it  
26 is vague and ambiguous with regard to the terms “Hardware Design,” “scrolled beyond its  
27 terminus” or “translated beyond its edge.” Samsung further objects to the request as overbroad in  
28

1 that it seeks “all” documents and is not reasonably limited as to the scope of documents and  
2 things  
3 it seeks. Samsung further objects to this request because Apple has delayed serving this document  
4 request, despite Apple’s earlier knowledge of the issues raised in the request and despite the fact  
5 that Apple has known about the Court’s Order governing discovery relating to Apple’s motion for  
6 a preliminary injunction since July 18, 2011.

7 Subject to these objections, Samsung will produce relevant, non-privileged documents  
8 within its possession, custody, or control, if any, after conducting a reasonable search during the  
9 preliminary injunction discovery phase.

10 **SECOND SET OF REQUESTS FOR PRODUCTION (PI), REQUEST NO. 159:**

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

18 **OBJECTIONS TO REQUEST FOR PRODUCTION NO. 159:**

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 on the grounds that it  
21 is vague and ambiguous with regard to the terms “Hardware Design,” “scrolled beyond its  
22 terminus” or “translated beyond its edge.” Samsung further objects to this request because Apple  
23 has delayed serving this document request, despite Apple’s earlier knowledge of the issues raised  
24 in the request and despite the fact that Apple has known about the Court’s Order governing  
25 discovery relating to Apple’s motion for a preliminary injunction since July 18, 2011.

26 Subject to these objections, Samsung will produce relevant, non-privileged documents  
27 within its possession, custody, or control, if any, after conducting a reasonable search during the  
28 preliminary injunction discovery phase.

1 **SECOND SET OF REQUESTS FOR PRODUCTION (PI), REQUEST NO. 160:**

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

8 **OBJECTIONS TO REQUEST FOR PRODUCTION NO. 160:**

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 on the grounds that it  
11 is vague and ambiguous with regard to the terms “Hardware Design,” “scrolled beyond its  
12 terminus” or “translated beyond its edge.” Samsung further objects to this request because Apple  
13 has delayed serving this document request, despite Apple’s earlier knowledge of the issues raised  
14 in the request and despite the fact that Apple has known about the Court’s Order governing  
15 discovery relating to Apple’s motion for a preliminary injunction since July 18, 2011.

16 Subject to these objections, Samsung will produce relevant, non-privileged documents  
17 within its possession, custody, or control, if any, after conducting a reasonable search during the  
18 preliminary injunction discovery phase.

19 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 161:**

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

23 **OBJECTIONS TO REQUEST FOR PRODUCTION NO. 161:**

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 on the grounds that it  
26 is vague and ambiguous with regard to the term “Hardware Design.” Samsung further objects to  
27 the Request as overbroad in that it is not limited to any reasonable time period and seeks  
28

1 documents and things from time periods not at issue in this litigation. Samsung further objects to  
2 the request as overbroad in that it seeks “all” documents and is not reasonably limited as to the  
3 scope of documents and things it seeks. Samsung further objects to this request because Apple  
4 has delayed serving this document request, despite Apple’s earlier knowledge of the issues raised  
5 in the request and despite the fact that Apple has known about the Court’s Order governing  
6 discovery relating to Apple’s motion for a preliminary injunction since July 18, 2011.

7 Subject to these objections, Samsung will produce relevant, non-privileged documents  
8 within its possession, custody, or control, if any, after conducting a reasonable search during the  
9 preliminary injunction discovery phase.

10 **SECOND SET OF REQUESTS FOR PRODUCTION (PI), REQUEST NO. 162:**

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

13 **OBJECTIONS TO REQUEST FOR PRODUCTION NO. 162:**

14 In addition to its Objections and Responses Common to All Requests for Production,  
15 which it hereby incorporates by reference, Samsung objects to this Request on the grounds that it  
16 is vague and ambiguous with regard to the term “Hardware Designs.” Samsung further objects to  
17 the Request as overbroad in that it is not limited to any reasonable time period and seeks  
18 documents and things from time periods not at issue in this litigation. Samsung further objects to  
19 this request because Apple has delayed serving this document request, despite Apple’s earlier  
20 knowledge of the issues raised in the request and despite the fact that Apple has known about the  
21 Court’s Order governing discovery relating to Apple’s motion for a preliminary injunction since  
22 July 18, 2011.

23 Subject to these objections, Samsung will produce relevant, non-privileged documents  
24 within its possession, custody, or control, if any, after conducting a reasonable search during the  
25 preliminary injunction discovery phase.  
26  
27  
28

1 **SECOND SET OF REQUESTS FOR PRODUCTION (PI), REQUEST NO. 163:**

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

4 **OBJECTIONS TO REQUEST FOR PRODUCTION NO. 163:**

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 on the grounds that it  
7 is vague and ambiguous with regard to the term “Hardware Design.” Samsung further objects to  
8 the request as overbroad in that it seeks “all” documents and is not reasonably limited as to the  
9 scope of documents and things it seeks. Samsung further objects to this request because Apple  
10 has delayed serving this document request, despite Apple’s earlier knowledge of the issues raised  
11 in the request and despite the fact that Apple has known about the Court’s Order governing  
12 discovery relating to Apple’s motion for a preliminary injunction since July 18, 2011.

13 Subject to these objections, Samsung will produce relevant, non-privileged documents  
14 within its possession, custody, or control, if any, after conducting a reasonable search during the  
15 preliminary injunction discovery phase.

16 **SECOND SET OF REQUESTS FOR PRODUCTION (PI), REQUEST NO. 164:**

17 All documents relating to aesthetic consideration relating to the Hardware Design of the  
18 Products at Issue. .

19 **OBJECTIONS AND RESPONSE TO REQUEST NO. 164:**

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 on the grounds that it  
22 is vague and ambiguous with regard to the term “Hardware Design” and “aesthetic  
23 considerations.” Samsung further objects to the request as overbroad in that it seeks “all”  
24 documents and is not reasonably limited as to the scope of documents and things it seeks.  
25 Samsung further objects to this request because Apple has delayed serving this document request,  
26 despite Apple’s earlier knowledge of the issues raised in the request and despite the fact that  
27 Apple has known about the Court’s Order governing discovery relating to Apple’s motion for a  
28

1 preliminary injunction since July 18, 2011.

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

4 **SECOND SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 167:**

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

6 **OBJECTIONS AND RESPONSE TO REQUEST NO. 167:**

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 on the grounds that it  
9 is vague and ambiguous with regard to the term “user interface.” Samsung further objects to the  
10 request as overbroad in that it seeks “all” documents and is not reasonably limited as to the scope  
11 of documents and things it seeks. Samsung further objects to this request because Apple has  
12 delayed serving this document request, despite Apple’s earlier knowledge of the issues raised in  
13 the request and despite the fact that Apple has known about the Court’s Order governing  
14 discovery relating to Apple’s motion for a preliminary injunction since July 18, 2011.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 194:**

18 All Documents to or from Lee Don-Joo relating to his consideration or review of any  
19 Apple Product, its hardware design, or its features.

20 **OBJECTIONS AND RESPONSE TO REQUEST NO. 194:**

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

1 is not limited to any reasonable time period and seeks documents and things from time periods  
2 not at issue in this litigation. Samsung further objects to the Request as overbroad in that it seeks  
3 documents and things that pertain to products not at issue in this litigation. Samsung further  
4 objects to the Request as duplicative. For instance, the Request is duplicative of Apple's  
5 Requests Nos. 166 and 192. Samsung further objects to the Request to the extent it seeks  
6 documents that are not relevant to the claims or defenses of any party and not reasonably  
7 calculated to lead to the discovery of admissible evidence. Samsung further objects to the  
8 Request to the extent it seeks documents equally available to Apple as to Samsung. Samsung  
9 further objects to the Request to the extent the requested documents are publicly available.

10 Subject to and without waiving the foregoing objections, Samsung is willing to meet and  
11 confer with Apple about the relevance and scope of the information sought by this Request.

12 **SECOND SET OF REQUESTS FOR PRODUCTION (PI), REQUEST NO. 200:**

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

14 **OBJECTIONS TO REQUEST FOR PRODUCTION NO. 200:**

15 In addition to its Objections and Responses Common to All Requests for Production,  
16 which it hereby incorporates by reference, Samsung objects to the Request to the extent it seeks  
17 documents containing confidential information, including information subject to the protective  
18 order. Samsung further objects to this request because Apple has delayed serving this document  
19 request, despite Apple's earlier knowledge of the issues raised in the request and despite the fact  
20 that Apple has known about the Court's Order governing discovery relating to Apple's motion for  
21 a preliminary injunction since July 18, 2011.

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 **SECOND SET OF REQUESTS FOR PRODUCTION (PI), REQUEST NO. 201:**

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

1 **OBJECTIONS TO REQUEST FOR PRODUCTION NO. 201:**

2 In addition to its Objections and Responses Common to All Requests for Production,  
3 which it hereby incorporates by reference, Samsung objects to the Request to the extent it seeks  
4 documents containing confidential information, including information subject to the protective  
5 order. Samsung further objects to this request because Apple has delayed serving this document  
6 request, despite Apple's earlier knowledge of the issues raised in the request and despite the fact  
7 that Apple has known about the Court's Order governing discovery relating to Apple's motion for  
8 a preliminary injunction since July 18, 2011.

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 **SECOND SET OF REQUESTS FOR PRODUCTION (PI), REQUEST NO. 202:**

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

14 **OBJECTIONS TO REQUEST FOR PRODUCTION NO. 202:**

15 In addition to its Objections and Responses Common to All Requests for Production,  
16 which it hereby incorporates by reference, Samsung objects to the Request to the extent it seeks  
17 documents containing confidential information, including information subject to the protective  
18 order. Samsung further objects to this request because Apple has delayed serving this document  
19 request, despite Apple's earlier knowledge of the issues raised in the request and despite the fact  
20 that Apple has known about the Court's Order governing discovery relating to Apple's motion for  
21 a preliminary injunction since July 18, 2011.

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 **SECOND SET OF REQUESTS FOR PRODUCTION (PI), REQUEST NO. 203:**

25 Documents sufficient to show the operation and functionality of the AMOLED screens of  
26 the Products at Issue.

1 **OBJECTIONS TO REQUEST FOR PRODUCTION NO. 203:**

2 In addition to its Objections and Responses Common to All Requests for Production,  
3 which it hereby incorporates by reference, Samsung objects to the Request to the extent it seeks  
4 documents containing confidential information, including information subject to the protective  
5 order. Samsung further objects to this request because Apple has delayed serving this document  
6 request, despite Apple’s earlier knowledge of the issues raised in the request and despite the fact  
7 that Apple has known about the Court’s Order governing discovery relating to Apple’s motion for  
8 a preliminary injunction since July 18, 2011.

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 **SECOND SET OF REQUESTS FOR PRODUCTION (PI), REQUEST NO. 204:**

12 All Documents relating to your analysis, review, consideration, or copying of, or  
13 comparison against, any Apple product or product feature, including (1) their Hardware Design;  
14 (2) the functionality that allows for a list to be scrolled beyond its terminus or a document to be  
15 translated beyond its edge until the list or document is partially displayed; and (3) functionality  
16 that allows for a list that is scrolled beyond its terminus to scroll back or bounce back into place  
17 or for a document that is translated beyond its edge to translate back or bounce back so that the  
18 list or document returns to fill the screen.

19 **OBJECTIONS TO REQUEST FOR PRODUCTION NO. 204:**

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 the request  
26 as vague and ambiguous and overbroad. For example, the terms “analysis, review, consideration  
27 or copying” are vague and ambiguous and overbroad. Samsung further objects to the Request to  
28 the extent it seeks documents that are not relevant to the claims or defenses of any party and/or

1 not reasonably calculated to lead to the discovery of admissible evidence. Samsung further  
2 objects to this request as oppressive and harassing inasmuch as it implies Samsung engaged in  
3 copying and other such activity. Documents produced in response to this request, if any, do not  
4 constitute an admission that Samsung “copied” any Apple product or feature. Samsung further  
5 objects to this request because Apple has delayed serving this document request, despite Apple’s  
6 earlier knowledge of the issues raised in the request and despite the fact that Apple has known  
7 about the Court’s Order governing discovery relating to Apple’s motion for a preliminary  
8 injunction since July 18, 2011.

9 Subject to these objections, Samsung will produce relevant, non-privileged documents  
10 within its possession, custody, or control, if any, after conducting a reasonable search during the  
11 preliminary injunction discovery phase.

12 **SECOND SET OF REQUESTS FOR PRODUCTION (PI), REQUEST NO. 205**

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

15 **OBJECTIONS TO REQUEST FOR PRODUCTION NO. 205:**

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 to this  
22 Request as overbroad in that it seeks “all” documents and is not reasonably limited as to the scope  
23 of documents and things it seeks. Samsung further objects the request as vague and ambiguous  
24 and overbroad in asking for “any statements.” Samsung further objects to the Request as  
25 overbroad in that it is not limited to any reasonable time period and seeks documents and things  
26 from time periods not at issue in this litigation. Samsung further objects to the Request to the  
27 extent it seeks documents that are not relevant to the claims or defenses of any party and/or not  
28 reasonably calculated to lead to the discovery of admissible evidence. Samsung further objects to

1 this request because Apple has delayed serving this document request, despite Apple's earlier  
2 knowledge of the issues raised in the request and despite the fact that Apple has known about the  
3 Court's Order governing discovery relating to Apple's motion for a preliminary injunction since  
4 July 18, 2011.

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

7 **SECOND SET OF REQUESTS FOR PRODUCTION (PI) REQUEST NO. 206:**

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

10 **OBJECTIONS AND RESPONSE TO REQUEST NO. 206: NEED RESPONSE**

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 this Request as overbroad in that it  
16 seeks "all" documents and is not reasonably limited as to the scope of documents and things it  
17 seeks. Samsung further objects to the Request as overbroad in that it is not limited to any  
18 reasonable time period and seeks documents and things from time periods not at issue in this  
19 litigation. Samsung further objects to the Request to the extent it seeks documents that are not  
20 relevant to the claims or defenses of any party and/or not reasonably calculated to lead to the  
21 discovery of admissible evidence. Samsung further objects to this request because Apple has  
22 delayed serving this document request, despite Apple's earlier knowledge of the issues raised in  
23 the request and despite the fact that Apple has known about the Court's Order governing  
24 discovery relating to Apple's motion for a preliminary injunction since July 18, 2011.

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.

1 **SECOND SET OF REQUESTS FOR PRODUCTION (PI), REQUEST NO. 207:**

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

4 **OBJECTIONS TO REQUEST FOR PRODUCTION NO. 207:**

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 this Request as overbroad in that it  
10 seeks “all” documents and is not reasonably limited as to the scope of documents and things it  
11 seeks. 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. Samsung further objects to this request because Apple has  
16 delayed serving this document request, despite Apple’s earlier knowledge of the issues raised in  
17 the request and despite the fact that Apple has known about the Court’s Order governing  
18 discovery relating to Apple’s motion for a preliminary injunction since July 18, 2011.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 192:**

22 All Documents relating to your analysis, review, consideration or assessment of any  
23 Apple Product or product feature in designing, developing, or implementing any feature of the  
24 Products at Issue, including: (1) the Hardware Design; and (2) the Accused Feature.

25 **OBJECTIONS AND RESPONSE TO REQUEST NO. 192:**

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 to the  
4 Request on the basis that it is vague and ambiguous. For example, the terms “analysis, review,  
5 consideration or assessment,” “product feature,” and “designing, developing or implementing”  
6 are vague and ambiguous. Samsung further objects to the Request as overbroad in that it seeks  
7 documents and things that pertain to features or applications not at issue in this litigation.  
8 Samsung further objects to the Request as overbroad and irrelevant to the extent it seeks  
9 documents pertaining to the hardware design of products not accused of infringing Apple’s  
10 alleged trade dress or design patents. Samsung further objects to the Request as seeking “all”  
11 documents on a topic. Samsung further objects to the Request as duplicative. For instance, the  
12 Request is duplicative of Apple’s Requests Nos. 13 and 204. Samsung further objects to the  
13 Request to the extent it seeks documents equally available to Apple as to Samsung. Samsung  
14 further objects to the Request to the extent the requested documents are publicly available.

15 Subject to and without waiving the foregoing objections and subject to the parties’  
16 ongoing meet and confer on such issues, and without representing that any responsive documents  
17 exist, Samsung will produce responsive, non-privileged documents and things in its possession,  
18 custody and control discovered as a result of a reasonable and diligent search. Samsung will not  
19 produce documents pertaining to the hardware design of products not accused of infringing  
20 alleged Apple’s trade dress or design patents.

21 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 193:**

22 All Documents comparing the operating system installed in the Products at Issue  
23 (including but not limited to the Android operating system and/or platform) to the operating  
24 system used on the Apple Products, or any part, feature or portion thereof.

25 **OBJECTIONS AND RESPONSE TO REQUEST NO. 193:**

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 to the  
4 Request on the basis that it is vague and ambiguous. For example, the terms “comparing” and  
5 “part, feature or portion” are vague and ambiguous. Samsung further objects to the Request as  
6 seeking “all” documents on a topic. Samsung further objects to the Request as overbroad in that it  
7 seeks documents and things that pertain to features or applications not at issue in this litigation.  
8 Samsung further objects to the Request as duplicative. For instance, the Request is duplicative of  
9 Apple’s Request No. 13.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 195:**

13 All Documents relating to the work conducted by any group within Defendants that  
14 analyzed, considered, or compared any Apple Product or product feature in developing one or  
15 more of the Products at Issue.

16 **OBJECTIONS AND RESPONSE TO REQUEST NO. 195:**

17 In addition to its Objections and Responses Common to All Requests for Production,  
18 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it  
19 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney  
20 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other  
21 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly  
22 burdensome, and/or would require undue expense to answer. Samsung further objects to the  
23 Request on the basis that it is vague and ambiguous. For example, the terms “analyzed,  
24 considered, or compared” and “any Group within Defendants” are vague and ambiguous.

25 Samsung further objects to the Request as seeking “all” documents on a topic. Samsung  
26 further objects to the Request as duplicative. For instance, the Request is duplicative of Apple’s  
27 Requests Nos. 2 and 192.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 196:**

4 All Documents relating to any competitor studies, market analysis, review, consideration,  
5 or assessment of the Apple Trademarks and Trade Dress.

6 **OBJECTIONS AND RESPONSE TO REQUEST NO. 196:**

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 on the basis that it is vague and ambiguous. For example, the term “competitor studies,  
14 market analysis, review, consideration, or assessment” is vague and ambiguous. Samsung further  
15 objects to the Request as seeking “all” documents on a topic. Samsung further objects to the  
16 Request as overbroad in that it seeks documents and things that pertain to intellectual property not  
17 at issue in this litigation. Samsung further objects to the Request as overbroad in that it seeks  
18 documents and things that bear on occurrences in other countries that are not at issue in this  
19 litigation. Samsung further objects to the Request to the extent it seeks documents that are not  
20 relevant to the claims or defenses of any party and not reasonably calculated to lead to the  
21 discovery of admissible evidence. Samsung further objects to the Request to the extent it calls for  
22 a legal conclusion.

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

25 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 197:**

26 All Documents sufficient to identify and show in detail each design around, allegedly  
27 noninfringing alternative manufacturing process, and/or alternative technology or method that can  
28 be used as an alternative to the patented technology of each of the Utility Patents at Issue.

1 **OBJECTIONS AND RESPONSE TO REQUEST NO. 197:**

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 on the basis that it is vague and ambiguous. For example, the term “non-infringing  
9 alternative manufacturing process, and/or alternative technology or method” is vague and  
10 ambiguous. Samsung further objects to the Request as seeking “all” documents on a topic.  
11 Samsung further objects to the Request as overbroad in that it is not reasonably limited as to the  
12 scope of documents and things it seeks. For example, the Request is not limited to economically  
13 viable alternatives, or to alternatives Samsung has identified. Samsung further objects to the  
14 Request as premature to the extent it seeks documents and things in a manner inconsistent with  
15 the timeframes pertaining to expert discovery set forth by any applicable law, including the  
16 Northern District of California Patent Local Rules.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 198:**

20 Documents concerning each design around, and/or allegedly non-infringing alternative  
21 design that can be used as an alternative to the Design Patents at Issue.

22 **OBJECTIONS AND RESPONSE TO REQUEST NO. 198:**

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 on the basis that it is vague and ambiguous. For example, the term “design around,  
2 and/or allegedly non-infringing alternative design” is vague and ambiguous. Samsung further  
3 objects to the Request as overbroad in that it is not reasonably limited as to the scope of  
4 documents and things it seeks. For example, the Request is not limited to economically viable  
5 alternatives, or to alternatives Samsung has identified. Samsung further objects to the Request to  
6 the extent it calls for a legal conclusion. Samsung further objects to the Request as premature to  
7 the extent it seeks documents and things in a manner inconsistent with the timeframes pertaining  
8 to expert discovery set forth by any applicable law, including the Northern District of California  
9 Patent Local Rules.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 199:**

13 All Documents relating to each change Samsung made, is now making, or will make to  
14 the Products at Issue in response to Apple’s allegations in this lawsuit.

15 **OBJECTIONS AND RESPONSE TO REQUEST NO. 199:**

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 to the  
22 Request as vague and ambiguous. For example, the term “in response to” is vague and  
23 ambiguous. Samsung further objects to the Request as overbroad in that it is not limited to any  
24 reasonable time period and seeks documents and things from time periods not at issue in this  
25 litigation. The Request is also overbroad in that it asks Samsung to know the future. Samsung  
26 further objects to the Request as seeking “all” documents on a topic. Samsung further objects to  
27 the Request as duplicative. For instance, the Request is duplicative of Apple’s Requests Nos. 197  
28 and 198. Samsung further objects to the Request to the extent it seeks documents equally

1 available to Apple as to Samsung. Samsung further objects to the Request to the extent the  
2 requested documents are publicly available.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 203:**

6 All Documents discussing, analyzing, or evaluating any of the intellectual property rights  
7 that Apple has asserted in this lawsuit, including the Patents at Issue and the Apple Trademarks  
8 and Trade Dress.

9 **OBJECTIONS AND RESPONSE TO REQUEST NO. 203:**

10 In addition to its Objections and Responses Common to All Requests for Production,  
11 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it  
12 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney  
13 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other  
14 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly  
15 burdensome, and/or would require undue expense to answer. Samsung further objects to the  
16 Request as vague and ambiguous. For example, the term “discussing, analyzing or evaluating” is  
17 vague and ambiguous. Samsung further objects to the Request as seeking “all” documents on a  
18 topic. Samsung further objects to the Request to the extent it calls for a legal conclusion.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 207:**

22 All Documents relating to the design, development, production, manufacture, or  
23 implementation of the Products at Issue, including but not limited to: (1) their Hardware Design;  
24 (2) the operating system used in the Product at Issue; (3) any Samsung application installed in the  
25 Product at Issue; (4) the development, production and implementation of any Accused Feature;  
26 (5) the design and development of the icons accused of infringement in the Products at Issue.

27 This request covers white papers, designs, plans, specifications, pamphlets, memorandums,  
28

1 schematics, engineering drawings, guides, guidelines, technical overviews, design reports,  
2 technical sheets, and any documents identifying the persons involved with these activities.

3 **OBJECTIONS AND RESPONSE TO REQUEST NO. 207:**

4 In addition to its Objections and Responses Common to All Requests for Production, which it  
5 hereby incorporates by reference, Samsung objects to this Request to the extent that it seeks to  
6 elicit information subject to and protected by the attorney-client privilege, the attorney work-  
7 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 as vague and  
9 ambiguous. For example, term “implementation” is vague and ambiguous. Samsung further  
10 objects to the Request to the extent it is unduly burdensome, and/or would require undue expense  
11 to answer. Samsung further objects to the Request as overbroad in that it seeks documents and  
12 things that pertain to features or applications not at issue in this litigation. Samsung further  
13 objects to the Request as overbroad and irrelevant to the extent it seeks documents pertaining to  
14 the hardware design of products not accused of infringing Apple’s alleged trade dress or design  
15 patents. Samsung further objects to the Request as duplicative. For instance, the Request is  
16 duplicative of Apple’s Requests Nos. 1, 11, 12, 208, and 209. Samsung further objects to the  
17 Request to the extent it seeks documents that are not relevant to the claims or defenses of any  
18 party and not reasonably calculated to lead to the discovery of admissible evidence.

19 Subject to and without waiving the foregoing objections and subject to the parties’  
20 ongoing meet and confer on such issues, and without representing that any responsive documents  
21 exist, Samsung will produce responsive, non-privileged documents and things in its possession,  
22 custody and control discovered as a result of a reasonable and diligent search. Samsung will not  
23 produce documents pertaining to the hardware design of products not accused of infringing  
24 alleged Apple’s trade dress or design patents.

25 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 208:**

26 All Documents identifying the individuals who contributed to the design, development,  
27 production, manufacture, or implementation of the Products at Issue, including: (1) their  
28 Hardware Design; (2) the development of the operating system used in the Product at Issue; (3)

1 the development of any Samsung application installed in the Product at Issue; and (4) the  
2 development of any Accused Feature.

3 **OBJECTIONS AND RESPONSE TO REQUEST NO. 208:**

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 on the basis that it is vague and ambiguous. For example, the term “contributed” is vague  
11 and ambiguous. Samsung further objects to the Request as overbroad and irrelevant to the extent  
12 it seeks documents pertaining to the hardware design of products not accused of infringing  
13 Apple’s alleged trade dress or design patents. Samsung further objects to the Request as seeking  
14 “all” documents on a topic. Samsung further objects to the Request as overbroad in that it seeks  
15 documents and things that pertain to features or applications not at issue in this litigation.  
16 Samsung further objects to the Request as overbroad in that it seeks documents and things that  
17 pertain to products not at issue in this litigation. Samsung further objects to the Request as  
18 duplicative. For instance, the Request is duplicative of Apple’s Requests Nos. 1, 11, 12, 159, 207,  
19 and 209. Samsung further objects to the Request to the extent it seeks documents that are not  
20 relevant to the claims or defenses of any party and not reasonably calculated to lead to the  
21 discovery of admissible evidence.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 210:**

25 All Documents and things relating to the Hardware Design of the Products at Issue,  
26 including but not limited to, CAD images or files, prototype 3D models (mockups), design  
27 history files, emails, notebooks, photographs, sketches, design specifications, models, mock-ups,  
28 and other design documents.

1 **OBJECTIONS AND RESPONSE TO REQUEST NO. 210:**

2 In addition to its Objections and Responses Common to All Requests for Production, which it  
3 hereby incorporates by reference, Samsung objects to this Request to the extent that it seeks to  
4 elicit information subject to and protected by the attorney-client privilege, the attorney work-  
5 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 and irrelevant to the extent it seeks documents pertaining to the hardware  
9 design of products not accused of infringing Apple’s alleged trade dress or design patents.  
10 Samsung further objects to the Request as seeking “all” documents on a topic. Samsung further  
11 objects to the Request as duplicative. For instance, the Request is duplicative of Apple’s Request  
12 No. 161.

13 Subject to and without waiving the foregoing objections and subject to the parties’  
14 ongoing meet and confer on such issues, and without representing that any responsive documents  
15 exist, Samsung will produce responsive, non-privileged documents and things in its possession,  
16 custody and control discovered as a result of a reasonable and diligent search. Samsung will not  
17 produce documents pertaining to the hardware design of products not accused of infringing  
18 alleged Apple’s trade dress or design patents.

19 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 211:**

20 All Documents and things relating to any prior design project that led to the Products at  
21 Issue, including but not limited to, CAD images or files, prototype 3D models (mockups), design  
22 history files, emails, notebooks, photographs, sketches, design specifications, models, mock-ups,  
23 and other design documents.

24 **OBJECTIONS AND RESPONSE TO REQUEST NO. 211:**

25 In addition to its Objections and Responses Common to All Requests for Production, which it  
26 hereby incorporates by reference, Samsung objects to this Request to the extent that it seeks to  
27 elicit information subject to and protected by the attorney-client privilege, the attorney work-  
28 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 to the  
3 Request as vague and ambiguous. For example, the terms “led to” and “prior design project” are  
4 vague and ambiguous. Samsung further objects to the Request as overbroad and irrelevant to the  
5 extent it seeks documents pertaining to the hardware design of products not accused of infringing  
6 Apple’s alleged trade dress or design patents. Samsung further objects to the Request as seeking  
7 “all” documents on a topic. Samsung further objects to the Request as overbroad in that it is not  
8 limited to any reasonable time period and seeks documents and things from time periods not at  
9 issue in this litigation. Samsung further objects to the Request as overbroad in that it seeks  
10 documents and things that pertain to products not at issue in this litigation.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 212 :**

14 All Documents concerning alternative Hardware Designs considered by Samsung during  
15 the development of the Products at Issue.

16 **OBJECTIONS AND RESPONSE TO REQUEST NO. 212:**

17 In addition to its Objections and Responses Common to All Requests for Production,  
18 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it  
19 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney  
20 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other  
21 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly  
22 burdensome, and/or would require undue expense to answer. Samsung further objects to the  
23 Request as vague and ambiguous. For example, the term “alternative” is vague and ambiguous.  
24 Samsung further objects to the Request as overbroad and irrelevant to the extent it seeks  
25 documents pertaining to the hardware design of products not accused of infringing Apple’s  
26 alleged trade dress or design patents. Samsung further objects to the Request as seeking “all”  
27 documents on a topic. Samsung further objects to the Request as duplicative. For instance, the  
28 Request is duplicative of Apple’s Requests Nos. 162 and 210.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 213 :**

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

6 **OBJECTIONS AND RESPONSE TO REQUEST NO. 213:**

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 on the basis that it is vague and ambiguous. For example, the term “functional and cost  
14 considerations that constrained or altered” is vague and ambiguous. Samsung further objects to  
15 the Request as overbroad and irrelevant to the extent it seeks documents pertaining to the  
16 hardware design of products not accused of infringing Apple’s alleged trade dress or design  
17 patents. Samsung further objects to the Request as duplicative of Apple’s Requests For  
18 Production Nos. 163 and 210.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 214**

22 All Documents relating to aesthetic considerations relating to the Hardware Design of the  
23 Products at Issue.

24 **OBJECTIONS AND RESPONSE TO REQUEST NO. 214:**

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  
2 unduly burdensome, and/or would require undue expense to answer. Samsung further objects to  
3 the Request on the basis that it is vague and ambiguous. For example, the term “aesthetic  
4 considerations” is vague and ambiguous. Samsung further objects to the Request as overbroad  
5 and irrelevant to the extent it seeks documents pertaining to the hardware design of products not  
6 accused of infringing Apple’s alleged trade dress or design patents. Samsung further objects to  
7 the Request as seeking “all” documents on a topic. Samsung further objects to the Request as  
8 duplicative. For instance, the Request is duplicative of Apple’s Request No. 164. Samsung  
9 further objects to the Request to the extent it seeks documents that are not within the possession,  
10 custody, or control of Samsung. Samsung further objects to the Request to the extent it seeks  
11 documents equally available to Apple as to Samsung. Samsung further objects to the Request to  
12 the extent the requested documents are publicly available.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 215**

16 All Documents sufficient to identify the date of the first design of the following features  
17 of the Products at Issue: (1) their Hardware Design; and (2) the Accused Feature.

18 **OBJECTIONS AND RESPONSE TO REQUEST NO. 215:**

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  
24 unduly burdensome, and/or would require undue expense to answer. Samsung further objects to  
25 the Request as vague and ambiguous. For example, the term “first design” is vague and  
26 ambiguous. Samsung further objects to the Request as overbroad and irrelevant to the extent it  
27 seeks documents pertaining to the hardware design of products not accused of infringing Apple’s  
28 alleged trade dress or design patents. Samsung further objects to the Request as seeking “all”

1 documents on a topic. Samsung further objects to the Request as duplicative. For instance, the  
2 Request is duplicative of Apple’s Requests Nos. 1, 11, 12, 46, 160, 207, 208, and 209 Subject to  
3 these objections, Samsung is willing to meet and confer with Apple about the relevance and scope  
4 of the information sought by this Request.

5 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 218:**

6 All Documents concerning strategy for commercializing each Product at Issue or any  
7 feature thereof.

8 **OBJECTIONS AND RESPONSE TO REQUEST NO. 218:**

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 to the  
15 Request as vague and ambiguous. For example, the term “strategy for commercializing” is vague  
16 and ambiguous. Samsung further objects to the Request as seeking “all” documents on a topic.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 220:**

20 All Documents relating to any testing, surveys, focus groups, studies, or other means of  
21 obtaining consumer opinions that Samsung conducted or had conducted on their behalf in  
22 connection with each consumer design preference for mobile electronic devices, including  
23 smartphones, tablet computers, and digital media players.

24 **OBJECTIONS AND RESPONSE TO REQUEST NO. 220:**

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 to the  
3 Request on the basis that it is vague and ambiguous. For example, the terms “testing, survey,  
4 focus groups, studies or other means,” “consumer opinions,” “consumer design preference,” are  
5 vague and ambiguous. Samsung further objects to the Request as seeking “all” documents on a  
6 topic. Samsung further objects to the Request as overbroad in that it seeks documents and things  
7 that pertain to products not at issue in this litigation. Samsung further objects to the Request as  
8 overbroad in that it seeks documents and things that bear on occurrences in other countries that  
9 are not at issue in this litigation. Samsung further objects to the Request as overbroad in that it is  
10 not limited to any reasonable time period and seeks documents and things from time periods not  
11 at issue in this litigation. Samsung further objects to the Request as duplicative. For instance, the  
12 Request is duplicative of Apple’s Request No. 206. Samsung further objects to the Request to the  
13 extent it seeks documents that are not relevant to the claims or defenses of any party and not  
14 reasonably calculated to lead to the discovery of admissible evidence.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 223:**

18 All Source Code, specifications, schematics, flow charts, artwork, formulas, or other  
19 documentation showing the operation of elements of the Products at Issue that are alleged to  
20 infringe any of the Patents at Issue.

21 **OBJECTIONS AND RESPONSE TO REQUEST NO. 223:**

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 to the  
28 Request as vague and ambiguous. For example, the terms “showing” and “elements” are vague

1 and ambiguous. Samsung further objects to the Request as seeking “all” documents on a topic.  
2 Samsung further objects to the Request to the extent it seeks documents that are not relevant to  
3 the claims or defenses of any party and not reasonably calculated to lead to the discovery of  
4 admissible evidence. Samsung further objects to the Request to the extent it seeks documents that  
5 are not within the possession, custody, or control of Samsung. Samsung further objects to the  
6 Request to the extent it seeks documents equally available to Apple as to Samsung. Samsung  
7 further objects to the Request to the extent the requested documents are publicly available.

8 Subject to and without waiving the foregoing objections and subject to the parties’  
9 ongoing meet and confer on such issues, and without representing that any responsive documents  
10 exist, Samsung will produce responsive, non-privileged documents and things in its possession,  
11 custody and control discovered as a result of a reasonable and diligent search.

12 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 224:**

13 All Source Code and executables for each version of the operating system (including but  
14 not limited to the source code for the Android operating system and/or platform) used in each  
15 Product at Issue, including, but not limited to, any kernel, library, or application framework.

16 **OBJECTIONS AND RESPONSE TO REQUEST NO. 224:**

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

1 to the extent it seeks documents that are not within the possession, custody, or control of  
2 Samsung. Samsung further objects to the Request to the extent it seeks documents equally  
3 available to Apple as to Samsung. Samsung further objects to the Request to the extent the  
4 requested documents are publicly available.

5 Subject to these objections, Samsung is willing to meet and confer with Apple about the  
6 relevance and scope of the information sought by this Request.

7 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 225:**

8 All Documents showing , for each Product at Issue, the evolution and version history of  
9 the operating system (including but not limited to the Android operating system and/or platform)  
10 used in that Product at Issue, including, but not limited to, the dates during which each version of  
11 operating system was used.

12 **OBJECTIONS AND RESPONSE TO REQUEST NO. 225:**

13 In addition to its Objections and Responses Common to All Requests for Production,  
14 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it  
15 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney  
16 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other  
17 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly  
18 burdensome, and/or would require undue expense to answer. Samsung further objects to the  
19 Request as vague and ambiguous. For example, the term “evolution and version history” is vague  
20 and ambiguous. Samsung further objects to the Request as seeking “all” documents on a topic.  
21 Samsung further objects to the Request as overbroad in that it seeks documents and things that  
22 pertain to features or applications not at issue in this litigation. Samsung further objects to the  
23 Request to the extent it seeks documents that are not relevant to the claims or defenses of any  
24 party and not reasonably calculated to lead to the discovery of admissible evidence. Samsung  
25 further objects to the Request to the extent it seeks documents that are not within the possession,  
26 custody, or control of Samsung. Samsung further objects to the Request to the extent it seeks  
27 documents equally available to Apple as to Samsung. Samsung further objects to the Request to  
28 the extent the requested documents are publicly 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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 226:**

4 All Documents identifying, for each Product at Issue, any updates to the operating system  
5 (including, but not limited to, the Android operating system and/or platform) used in the Product  
6 at Issue, including, but not limited to, the date(s) when such updates were made available.

7 **OBJECTIONS AND RESPONSE TO REQUEST NO. 226:**

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 vague and ambiguous. For example, the term “updates” is vague and ambiguous.  
15 Samsung further objects to the Request as seeking “all” documents on a topic. Samsung further  
16 objects to the Request as overbroad in that it seeks documents and things that pertain to features  
17 or applications not at issue in this litigation. Samsung further objects to the Request to the extent  
18 it seeks documents that are not relevant to the claims or defenses of any party and not reasonably  
19 calculated to lead to the discovery of admissible evidence. Samsung further objects to the Request  
20 to the extent it seeks documents that are not within the possession, custody, or control of  
21 Samsung. Samsung further objects to the Request to the extent it seeks documents equally  
22 available to Apple as to Samsung. Samsung further objects to the Request to the extent the  
23 requested 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.

26 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 227:**

27 All Documents referring or relating to the features, operations, characteristics of, or  
28 changes made to each version of the operating system (including, but not limited to, the Android

1 operating system and/or platform) used in each Product at Issue, including technical  
2 specifications as well as instructions relating to deployment, installation, maintenance, and  
3 upgrade procedures.

4 **OBJECTIONS AND RESPONSE TO REQUEST NO. 227:**

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 to the  
11 Request as vague and ambiguous. For example, the term “version” is vague and ambiguous.  
12 Samsung further objects to the Request as seeking “all” documents on a topic. Samsung further  
13 objects to the Request as overbroad in that it seeks documents and things that pertain to features  
14 or applications not at issue in this litigation. Samsung further objects to the Request to the extent  
15 it seeks documents that are not relevant to the claims or defenses of any party and not reasonably  
16 calculated to lead to the discovery of admissible evidence. Samsung further objects to the Request  
17 to the extent it seeks documents that are not within the possession, custody, or control of  
18 Samsung. Samsung further objects to the Request to the extent it seeks documents equally  
19 available to Apple as to Samsung. Samsung further objects to the Request to the extent the  
20 requested documents are publicly available.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 228:**

24 All Documents showing the operation and functionality of the touch screens (including  
25 the display and touch sensor panels) of the Products at Issue, including the Source Code for each  
26 version of any software, firmware, program(s), library(ies) or other system used to control the  
27 touch screens.

1 **OBJECTIONS AND RESPONSE TO REQUEST NO. 228:**

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 vague and ambiguous. For example, the term “operation and functionality” is vague  
9 and ambiguous. Samsung further objects to the Request as seeking “all” documents on a topic.  
10 Samsung further objects to the Request as overbroad in that it seeks documents and things that  
11 pertain to products not at issue in this litigation. Samsung further objects to the Request as  
12 overbroad in that it seeks documents and things that pertain to features or applications not at issue  
13 in this litigation. Samsung further objects to the Request to the extent it seeks documents that are  
14 not relevant to the claims or defenses of any party and not reasonably calculated to lead to the  
15 discovery of admissible evidence. Samsung further objects to the Request to the extent it seeks  
16 documents that are not within the possession, custody, or control of Samsung. Samsung further  
17 objects to the Request to the extent it seeks documents equally available to Apple as to Samsung.  
18 Samsung further objects to the Request to the extent the requested documents are publicly  
19 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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 229:**

23 All Documents showing, for each Product at Issue, the evolution and version history of  
24 any software, firmware, program(s), library(ies) or other system used to control the touch screens  
25 (including the display and touch sensor panels) of the Products at Issue, including but not limited  
26 to the dates during which each version was in use.

1 **OBJECTIONS AND RESPONSE TO REQUEST NO. 229:**

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 vague and ambiguous. For example, the term “evolution and version history” is vague  
9 and ambiguous. Samsung further objects to the Request as seeking “all” documents on a topic.  
10 Samsung further objects to the Request as overbroad in that it seeks documents and things that  
11 pertain to features or applications not at issue in this litigation. Samsung further objects to the  
12 Request to the extent it seeks documents that are not relevant to the claims or defenses of any  
13 party and not reasonably calculated to lead to the discovery of admissible evidence. Samsung  
14 further objects to the Request to the extent it seeks documents that are not within the possession,  
15 custody, or control of Samsung. Samsung further objects to the Request to the extent it seeks  
16 documents equally available to Apple as to Samsung. Samsung further objects to the Request to  
17 the extent the requested 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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 230:**

21 All Documents identifying, for each Product at Issue, any update to any software,  
22 firmware, program(s), library(ies) or other system used to control the touch screens (including the  
23 display and touch sensor panels) of the Products at Issue, including, but not limited to, the date(s)  
24 when such updates were made available.

25 **OBJECTIONS AND RESPONSE TO REQUEST NO. 230:**

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 to the  
4 Request as vague and ambiguous. For example, the term “update” is vague and ambiguous.  
5 Samsung further objects to the Request as seeking “all” documents on a topic. Samsung further  
6 objects to the Request as overbroad in that it seeks documents and things that pertain to features  
7 or applications not at issue in this litigation. Samsung further objects to the Request to the extent  
8 it seeks documents that are not relevant to the claims or defenses of any party and not reasonably  
9 calculated to lead to the discovery of admissible evidence. Samsung further objects to the Request  
10 to the extent it seeks documents that are not within the possession, custody, or control of  
11 Samsung. Samsung further objects to the Request to the extent it seeks documents equally  
12 available to Apple as to Samsung. Samsung further objects to the Request to the extent the  
13 requested documents are publicly available.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 231:**

17 All Documents referring or relating to the features, operations, characteristics of, or  
18 changes made to each version of the any software, firmware, program(s), library(ies) or other  
19 system used to control the touch screens (including the display and touch sensor panels) of the  
20 Products at Issue, including technical specifications as well as instructions relating to deployment,  
21 installation, maintenance, and upgrade procedures.

22 **OBJECTIONS AND RESPONSE TO REQUEST NO. 231:**

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 seeking “all” documents on a topic. Samsung further objects to the Request as vague  
2 and ambiguous. For example, the term “version” is vague and ambiguous. Samsung further  
3 objects to the Request as overbroad in that it seeks documents and things that pertain to features  
4 or applications not at issue in this litigation. Samsung further objects to the Request to the extent  
5 it seeks documents that are not relevant to the claims or defenses of any party and not reasonably  
6 calculated to lead to the discovery of admissible evidence. Samsung further objects to the Request  
7 to the extent it seeks documents that are not within the possession, custody, or control of  
8 Samsung. Samsung further objects to the Request to the extent it seeks documents equally  
9 available to Apple as to Samsung. Samsung further objects to the Request to the extent the  
10 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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 232:**

14 All Source Code and executables for each version of each Samsung application installed  
15 in the Products at Issue, including for each of the following applications: Contacts, Browser  
16 (Internet), Calendar, Email, Music Player, Feeds & Updates, Camera, Gallery, Alarms and Clock  
17 (Clock), Daily Briefing, Voice Recorder, Video Player, TouchWiz Launcher, My Files,  
18 Mediahub, and Memo.

19 **OBJECTIONS AND RESPONSE TO REQUEST NO. 232:**

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 vague and ambiguous. For example, the term “version” is vague and ambiguous.  
27 Samsung further objects to the Request as seeking “all” documents on a topic. Samsung further  
28 objects to the Request as overbroad in that it seeks documents and things that pertain to features

1 or applications not at issue in this litigation. Samsung further objects to the Request to the extent  
2 it seeks documents that are not within the possession, custody, or control of Samsung. Samsung  
3 further objects to the Request to the extent it seeks documents equally available to Apple as to  
4 Samsung. Samsung further objects to the Request to the extent the requested documents are  
5 publicly available. Samsung further objects to the Request to the extent it seeks documents that  
6 are not relevant to the claims or defenses of any party and not reasonably calculated to lead to the  
7 discovery of admissible evidence.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 233:**

11 All Documents showing, for each Product at Issue, the evolution and version history of  
12 each Samsung application installed in the Products at Issue, including but not limited to the dates  
13 during which each version of each application was installed, and the identity of each product in  
14 which the application was installed.

15 **OBJECTIONS AND RESPONSE TO REQUEST NO. 233:**

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 to the  
22 Request as vague and ambiguous. For example, the term “evolution and version history” is vague  
23 and ambiguous. Samsung further objects to the Request as seeking “all” documents on a topic.  
24 Samsung further objects to the Request as overbroad in that it seeks documents and things that  
25 pertain to features or applications not at issue in this litigation. Samsung further objects to the  
26 Request to the extent it seeks documents that are not within the possession, custody, or control of  
27 Samsung. Samsung further objects to the Request to the extent it seeks documents equally  
28

1 available to Apple as to Samsung. Samsung further objects to the Request to the extent the  
2 requested documents are publicly available.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 234:**

6 All Documents identifying, for each Product at Issue, any updates to each Samsung  
7 application installed in the Products at Issue, including, but not limited to, the date(s) when such  
8 updates were made available.

9 **OBJECTIONS AND RESPONSE TO REQUEST NO. 234:**

10 In addition to its Objections and Responses Common to All Requests for Production,  
11 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it  
12 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney  
13 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other  
14 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly  
15 burdensome, and/or would require undue expense to answer. Samsung further objects to the  
16 Request as vague and ambiguous. For example, the term “updates” is vague and ambiguous.  
17 Samsung further objects to the Request as seeking “all” documents on a topic. Samsung further  
18 objects to the Request as overbroad in that it seeks documents and things that pertain to features  
19 or applications not at issue in this litigation. Samsung further objects to the Request to the extent  
20 it seeks documents that are not within the possession, custody, or control of Samsung. Samsung  
21 further objects to the Request to the extent it seeks documents equally available to Apple as to  
22 Samsung. Samsung further objects to the Request to the extent the requested documents are  
23 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.

26 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 235:**

27 All Documents referring or relating to the features, operations, characteristics of, or  
28 changes made to each version of any Samsung application installed in the Products at Issue,

1 including, but not limited to, those relating to deployment, installation, maintenance, and upgrade  
2 procedures.

3 **OBJECTIONS AND RESPONSE TO REQUEST NO. 235:**

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 vague and ambiguous. For example, the term “version” is vague and ambiguous.  
11 Samsung further objects to the Request as seeking “all” documents on a topic. Samsung further  
12 objects to the Request as overbroad in that it seeks documents and things that pertain to features  
13 or applications not at issue in this litigation. Samsung further objects to the Request to the extent  
14 it seeks documents that are not within the possession, custody, or control of Samsung. Samsung  
15 further objects to the Request to the extent it seeks documents equally available to Apple as to  
16 Samsung. Samsung further objects to the Request to the extent the requested documents are  
17 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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 240:**

21 All Documents concerning the design, manufacture, specifications and operation of the  
22 touch screens (including the display and touch sensor panels) on the Products at Issue.

23 **OBJECTIONS AND RESPONSE TO REQUEST NO. 240:**

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 seeking “all” documents on a topic. Samsung further objects to the Request as  
3 overbroad in that it seeks documents and things that pertain to features or applications not at issue  
4 in this litigation. Samsung further objects to the Request to the extent it seeks documents that are  
5 not relevant to the claims or defenses of any party and not reasonably calculated to lead to the  
6 discovery of admissible evidence. Samsung further objects to the Request to the extent it seeks  
7 documents that are not within the possession, custody, or control of Samsung. Samsung further  
8 objects to the Request to the extent it seeks documents equally available to Apple as to Samsung.  
9 Samsung further objects to the Request to the extent the requested documents are publicly  
10 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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 241:**

14 All Source Code and executables for any software, firmware, program(s), library(ies) or  
15 other system used to control the touch screens (including the display and touch sensor panels) on  
16 the Products at Issue.

17 **OBJECTIONS AND RESPONSE TO REQUEST NO. 241:**

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 to the  
24 Request as seeking “all” documents on a topic. Samsung further objects to the Request as  
25 overbroad in that it seeks documents and things that pertain to features or applications not at issue  
26 in this litigation. Samsung further objects to the Request to the extent it seeks documents that are  
27 not relevant to the claims or defenses of any party and not reasonably calculated to lead to the  
28 discovery of admissible evidence. Samsung further objects to the Request to the extent it seeks

1 documents that are not within the possession, custody, or control of Samsung. Samsung further  
2 objects to the Request to the extent it seeks documents equally available to Apple as to Samsung.  
3 Samsung further objects to the Request to the extent the requested documents are publicly  
4 available.

5 Subject to these objections, Samsung is willing to meet and confer with Apple about the  
6 relevance and scope of the information sought by this Request.

7 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 242:**

8 All Source Code and executables for any software, firmware, program(s), library(ies) or  
9 other system running on any monitoring circuitry, integrated circuit, chip, controller or module  
10 used to operate the touch screens (including the display and touch sensor panels) on the Products  
11 at Issue.

12 **OBJECTIONS AND RESPONSE TO REQUEST NO. 242:**

13 In addition to its Objections and Responses Common to All Requests for Production,  
14 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it  
15 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney  
16 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other  
17 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly  
18 burdensome, and/or would require undue expense to answer. Samsung further objects to the  
19 Request as seeking “all” documents on a topic. Samsung further objects to the Request as  
20 overbroad in that it seeks documents and things that pertain to features or applications not at issue  
21 in this litigation. Samsung further objects to the Request to the extent it seeks documents that are  
22 not relevant to the claims or defenses of any party and not reasonably calculated to lead to the  
23 discovery of admissible evidence. Samsung further objects to the Request to the extent it seeks  
24 documents that are not within the possession, custody, or control of Samsung. Samsung further  
25 objects to the Request to the extent it seeks documents equally available to Apple as to Samsung.  
26 Samsung further objects to the Request to the extent the requested documents are publicly  
27 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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 243:**

4           All Documents showing the arrangement and specification of traces, conductive lines,  
5 conductive layers, glass, dielectrics, substrates, adhesives, and other elements used to construct  
6 the touch screens (including the display and touch sensor panels) of the Products at Issue.

7 **OBJECTIONS AND RESPONSE TO REQUEST NO. 243:**

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 vague and ambiguous. For example, the term “elements” is vague and ambiguous.  
15 Samsung further objects to the Request as seeking “all” documents on a topic. Samsung further  
16 objects to the Request as overbroad in that it seeks documents and things that pertain to features  
17 or applications not at issue in this litigation. Samsung further objects to the Request to the extent  
18 it seeks documents that are not relevant to the claims or defenses of any party and not reasonably  
19 calculated to lead to the discovery of admissible evidence. Samsung further objects to the Request  
20 to the extent it seeks documents that are not within the possession, custody, or control of  
21 Samsung. Samsung further objects to the Request to the extent it seeks documents equally  
22 available to Apple as to Samsung. Samsung further objects to the Request to the extent the  
23 requested 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.

1 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 244:**

2 All Documents concerning the design, manufacture, specification and operation of any  
3 monitoring circuitry, integrated circuit, chip, controller or module used to operate the touch  
4 screens (including the display and touch sensor panels) of the Products at Issue.

5 **OBJECTIONS AND RESPONSE TO REQUEST NO. 244:**

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 to the  
12 Request as seeking “all” documents on a topic. Samsung further objects to the Request as  
13 overbroad in that it seeks documents and things that pertain to features or applications not at issue  
14 in this litigation. Samsung further objects to the Request to the extent it seeks documents that are  
15 not relevant to the claims or defenses of any party and not reasonably calculated to lead to the  
16 discovery of admissible evidence. Samsung further objects to the Request to the extent it seeks  
17 documents that are not within the possession, custody, or control of Samsung. Samsung further  
18 objects to the Request to the extent it seeks documents equally available to Apple as to Samsung.  
19 Samsung further objects to the Request to the extent the requested documents are publicly  
20 available.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 245:**

24 All data sheets concerning the touch screens (including the display and touch sensor  
25 panels) on the Products at Issue or any monitoring circuitry, integrated circuit, chip, controller or  
26 module used to operate said touch screens.

1 **OBJECTIONS AND RESPONSE TO REQUEST NO. 245:**

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 seeking “all” documents on a topic. Samsung further objects to the Request as  
9 overbroad in that it seeks documents and things that pertain to features or applications not at issue  
10 in this litigation. Samsung further objects to the Request to the extent it seeks documents that are  
11 not relevant to the claims or defenses of any party and not reasonably calculated to lead to the  
12 discovery of admissible evidence. Samsung further objects to the Request to the extent it seeks  
13 documents that are not within the possession, custody, or control of Samsung. Samsung further  
14 objects to the Request to the extent it seeks documents equally available to Apple as to Samsung.  
15 Samsung further objects to the Request to the extent the requested documents are publicly  
16 available.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 246:**

20 All user documents, guides and operating manuals provided to the buyers of the Product at  
21 Issue.

22 **OBJECTIONS AND RESPONSE TO REQUEST NO. 246:**

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 seeking “all” documents on a topic. Samsung further objects to the Request to the  
2 extent it seeks documents equally available to Apple as to Samsung. Samsung further objects to  
3 the Request to the extent the requested documents are publicly available.

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

6 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 252:**

7 All competitive and market analysis documents concerning the Products at Issue.

8 **OBJECTIONS AND RESPONSE TO REQUEST NO. 252:**

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 to the  
15 Request as vague and ambiguous. For example, the term “competitive and market analysis” is  
16 vague and ambiguous. Samsung further objects to the Request as seeking “all” documents on a  
17 topic. Samsung further objects to the Request as overbroad in that it seeks documents and things  
18 that bear on occurrences in other countries that are not at issue in this litigation. Samsung further  
19 objects to the Request as duplicative. For instance, the Request is duplicative of Apple’s Requests  
20 Nos. 207, 208, and 209. Samsung further objects to the Request to the extent it seeks documents  
21 that are not relevant to the claims or defenses of any party and not reasonably calculated to lead to  
22 the discovery of admissible evidence.

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

25 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 253:**

26 All competitive and market analysis documents concerning Apple or any of the Apple  
27 Products.

1 **OBJECTIONS AND RESPONSE TO REQUEST NO. 253:**

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 vague and ambiguous. For example, the term “competitive and market analysis” is  
9 vague and ambiguous. Samsung further objects to the Request as seeking “all” documents on a  
10 topic. Samsung further objects to the Request as overbroad in that it seeks documents and things  
11 that bear on occurrences in other countries that are not at issue in this litigation. Samsung further  
12 objects to the Request as overbroad in that it is not limited to any reasonable time period and  
13 seeks documents and things from time periods not at issue in this litigation. Samsung further  
14 objects to the Request as duplicative. For instance, the Request is duplicative of Apple’s Requests  
15 Nos. 207, 208, and 209. Samsung further objects to the Request to the extent it seeks documents  
16 that are not relevant to the claims or defenses of any party and not reasonably calculated to lead to  
17 the discovery of admissible evidence.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 254:**

21 All documents referring to or reflecting why customers purchase the Products at Issue.

22 **OBJECTIONS AND RESPONSE TO REQUEST NO. 254:**

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 vague and ambiguous. For example, the term “why customers purchase” is vague and  
2 ambiguous. Samsung further objects to the Request as seeking “all” documents on a topic.  
3 Samsung further objects to the Request as overbroad in that it seeks documents and things that  
4 bear on occurrences in other countries that are not at issue in this litigation. Samsung further  
5 objects to the Request to the extent it seeks documents equally available to Apple as to Samsung.  
6 Samsung further objects to the Request to the extent the requested documents are publicly  
7 available. Samsung further objects to the Request to the extent it seeks documents that are not  
8 relevant to the claims or defenses of any party and not reasonably calculated to lead to the  
9 discovery of admissible evidence.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 256:**

13 All Documents relating to the marketing plan and/or advertising plan for the Products at  
14 Issue.

15 **OBJECTIONS AND RESPONSE TO REQUEST NO. 256:**

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 to the  
22 Request as vague and ambiguous. For example, the term “marketing plan and/or advertising plan”  
23 is vague and ambiguous. Samsung further objects to the Request as seeking “all” documents on a  
24 topic. Samsung further objects to the Request as overbroad in that it seeks documents and things  
25 that bear on occurrences in other countries that are not at issue in this litigation. Samsung further  
26 objects to the Request as duplicative. For instance, the Request is duplicative of Apple’s Request  
27 No. 218.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 257:**

4           All Documents relating to actual or possible confusion, mistake or deception, or the  
5 likelihood of confusion, as to source, affiliation, or sponsorship between Apple and Samsung or  
6 between any of the Apple Products and any of the Products at Issue.

7 **OBJECTIONS AND RESPONSE TO REQUEST NO. 257:**

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 vague and ambiguous. For example, the term “actual or possible confusion, mistake or  
15 deception, or the likelihood of confusion” is vague and ambiguous. Samsung further objects to  
16 the Request as seeking “all” documents on a topic. Samsung further objects to the Request as  
17 overbroad in that it seeks documents and things that bear on occurrences in other countries that  
18 are not at issue in this litigation. Samsung further objects to the Request as duplicative. For  
19 instance, the Request is duplicative of Apple’s Requests Nos. 39 and 215. Samsung further  
20 objects to the Request to the extent it seeks documents that are not relevant to the claims or  
21 defenses of any party and not reasonably calculated to lead to the discovery of admissible  
22 evidence. 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 to the Request to  
24 the extent it seeks documents equally available to Apple as to Samsung. Samsung further objects  
25 to the Request to the extent the requested documents are publicly available. Samsung further  
26 objects to the Request to the extent it calls for a legal conclusion.

27           Subject to these objections, Samsung is willing to meet and confer with Apple about the  
28 relevance and scope of the information sought by this Request.

1 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 260:**

2 For each Product at Issue, documents sufficient to show (a) the style, model number, trade  
3 name, or any other product identifier of each product; (b) the dates of manufacture of each  
4 product; (c) the name of the entity or entities responsible for the design and manufacture of each  
5 product; (d) the starting and ending dates of sale of each product; (e) the total sales (by unit and  
6 dollar amount) of each product; (f) the unit cost during each year it was sold; (g) the unit sales  
7 price during each year it was sold; (h) the incremental gross profit attributable to the sale or other  
8 conveyance; (i) the operating profit attributable to the sale or other conveyance; and (k) the names  
9 of the persons who approved the selection, design, sale, use, and/or adoption of the product.

10 **OBJECTIONS AND RESPONSE TO REQUEST NO. 260:**

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 vague and ambiguous. For example, the term “selection, design, sale, use and/or  
18 adoption” is vague and ambiguous. Samsung further objects to the Request as duplicative. For  
19 instance, the Request is duplicative of Apple’s Requests Nos. 34, 41, 264, 265, and 283. Samsung  
20 further objects to the Request in that it seeks data broken out by a particular time period. Samsung  
21 further objects to the Request to the extent it seeks highly confidential documents containing  
22 sensitive proprietary business information, the disclosure of which would cause Samsung  
23 substantial competitive harm.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 261:**

27 For each Product at Issue, documents that tie to the general ledger and show, by each  
28 product style or product identifier and each quarter: (1) gross revenues; (2) net revenues;

1 (3) quantity sold; (4) average selling price; (5) cost of goods sold; and (6) any marketing expenses  
2 specifically attributed to the Product at issue.

3 **OBJECTIONS AND RESPONSE TO REQUEST NO. 261:**

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 to the extent it seeks “all” documents on a topic. Samsung further objects to the Request  
11 as duplicative. For instance, the Request is duplicative of Apple’s Requests Nos. 34 and 41.  
12 Samsung further objects to the Request in that it seeks data broken out by a particular time period.  
13 Samsung further objects to the Request to the extent it seeks highly confidential documents  
14 containing sensitive proprietary business information, the disclosure of which would cause  
15 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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 262:**

19 All Documents relating to how Samsung accounts for revenue and expenses of the  
20 Products at Issue, including any accounting policies, internal controls, internal manuals or other  
21 accounting documents that describe how revenue, cost of goods sold, and sales, general or  
22 administrative expenses related to any Product at Issue should be recorded and reported.

23 **OBJECTIONS AND RESPONSE TO REQUEST NO. 262:**

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 vague and ambiguous. For example, the term “how Samsung accounts” is vague and  
3 ambiguous. Samsung further objects to the Request as seeking “all” documents on a topic.  
4 Samsung further objects to the Request in that it seeks data broken out by a particular time period.  
5 Samsung further objects to the Request to the extent it seeks highly confidential documents  
6 containing sensitive proprietary business information, the disclosure of which would cause  
7 Samsung substantial competitive harm.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 263:**

11 All Documents that reflect or refer to any projections of sales, cost of goods sold, pricing,  
12 and quantity to be shipped for any of the Products at Issue.

13 **OBJECTIONS AND RESPONSE TO REQUEST NO. 263:**

14 In addition to its Objections and Responses Common to All Requests for Production,  
15 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it  
16 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney  
17 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other  
18 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly  
19 burdensome, and/or would require undue expense to answer. Samsung further objects to the  
20 Request as seeking “all” documents on a topic. Samsung further objects to the Request as  
21 overbroad in that it seeks documents and things that pertain to products not at issue in this  
22 litigation. Samsung further objects to the Request to the extent it seeks highly confidential  
23 documents containing sensitive proprietary business information, the disclosure of which would  
24 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.

1 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 264:**

2 All Documents reflecting or referring to the incremental profit or economic value from the  
3 sale or marketing of the Products at Issue, including any effort to calculate contribution margin,  
4 operating margin, incremental margin or margin profit from the sale of the Products at Issue or  
5 the line of Products at Issue.

6 **OBJECTIONS AND RESPONSE TO REQUEST NO. 264:**

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 as vague and ambiguous. For example, the terms “incremental profit” and “economic  
14 value” are vague and ambiguous. Samsung further objects to the Request as duplicative. Samsung  
15 further objects to the Request as seeking “all” documents on a topic. For instance, the Request is  
16 duplicative of Apple’s Requests Nos. 260, 265, and 283. Samsung further objects to the Request  
17 to the extent it seeks documents that are not within the possession, custody, or control of  
18 Samsung. Samsung further objects to the Request as premature to the extent it seeks documents  
19 and things in a manner inconsistent with the timeframes pertaining to expert discovery set forth  
20 by any applicable law, including the Northern District of California Patent Local Rules. Samsung  
21 further objects to the Request to the extent it seeks highly confidential documents containing  
22 sensitive proprietary business information, the disclosure of which would cause Samsung  
23 substantial competitive harm.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 265:**

27 All Documents reflecting or relating to any actual or projected Samsung revenue and  
28 profits in connection with any sales, licenses or any other activity relating to the Products at Issue,

1 including profit and loss statements, income statements, any other financial statements or  
2 projections, and documents that describe, analyze or comment on such actual or projected  
3 revenues and profits.

4 **OBJECTIONS AND RESPONSE TO REQUEST NO. 265:**

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 to the  
11 Request as vague and ambiguous. For example, the term “sales, licenses or any other activity” is  
12 vague and ambiguous. Samsung further objects to the Request as seeking “all” documents on a  
13 topic. Samsung further objects to the Request as duplicative. For instance, the Request is  
14 duplicative of Apple’s Requests Nos. 260, 264, 265, and 283. Samsung further objects to the  
15 Request to the extent it seeks highly confidential documents containing sensitive proprietary  
16 business information, the disclosure of which would cause Samsung substantial competitive  
17 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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 266:**

21 All Documents showing the actual costs and projected costs associated with each Product  
22 at Issue, including the research, development, design, engineering, manufacturing, importation,  
23 and marketing costs.

24 **OBJECTIONS AND RESPONSE TO REQUEST NO. 266:**

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 to the  
3 Request as seeking “all” documents on a topic. Samsung further objects to the Request to the  
4 extent it seeks highly confidential documents containing sensitive proprietary business  
5 information, the disclosure of which would cause Samsung substantial competitive harm.

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

8 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 267:**

9 All Documents showing the prices at which Samsung sells any Product at Issue between  
10 any of its subsidiaries.

11 **OBJECTIONS AND RESPONSE TO REQUEST NO. 267:**

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 to the  
18 Request as seeking “all” documents on a topic. Samsung further objects to the Request to the  
19 extent is seeks documents containing confidential third party information, including information  
20 subject to a non-disclosure or other agreement between Samsung and a third party. Samsung  
21 further objects to the Request to the extent it seeks highly confidential documents containing  
22 sensitive proprietary business information, the disclosure of which would cause Samsung  
23 substantial competitive harm.

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.

1 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 293:**

2 All weekly, monthly, quarterly, or other periodic reports concerning the development,  
3 testing, sale, distribution, marketing, manufacturing, licensing, use or commercialization of any  
4 Product at Issue.

5 **OBJECTIONS AND RESPONSE TO REQUEST NO. 293:**

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 to the  
12 Request as seeking “all” documents on a topic. Samsung further objects to the Request as  
13 overbroad in that it seeks documents and things that pertain to features or applications not at issue  
14 in this litigation. Samsung further objects to the Request as overbroad in that it seeks documents  
15 and things that bear on occurrences in other countries that are not at issue in this litigation.  
16 Samsung further objects to the Request to the extent it seeks documents that are not relevant to  
17 the claims or defenses of any party and not reasonably calculated to lead to the discovery of  
18 admissible evidence.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 294:**

22 All websites or other materials posted by Samsung, or on behalf of Samsung, on any web  
23 site concerning any Product at Issue.

24 **OBJECTIONS AND RESPONSE TO REQUEST NO. 294:**

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 to the  
3 Request as vague and ambiguous. For example, the term “materials posted” is vague and  
4 ambiguous. Samsung further objects to the Request as seeking “all” documents on a topic.  
5 Samsung further objects to the Request as overbroad in that it seeks documents and things that  
6 pertain to features or applications not at issue in this litigation. Samsung further objects to the  
7 Request as overbroad in that it seeks documents and things that bear on occurrences in other  
8 countries that are not at issue in this litigation. Samsung further objects to the Request to the  
9 extent it seeks documents that are not relevant to the claims or defenses of any party and 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 equally available to Apple as to Samsung. Samsung  
12 further objects to the Request to the extent the requested documents are publicly available.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 337:**

16 All Documents relating to Defendants’ assertion in their Fifth Affirmative Defense (set  
17 forth at ¶ 280 of the Answer) that “[t]he claims made in the Complaint and the relief sought  
18 therein are barred, in whole or in part, on the basis that the alleged marks at issue, the alleged  
19 trade dress at issue, the Apple Design Patents, and the use of said marks, said trade dress and said  
20 Apple Design Patents are functional.”

21 **OBJECTIONS AND RESPONSE TO REQUEST NO. 337:**

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 to the  
28 Request as seeking “all” documents on a topic. Samsung further objects to the Request as

1 duplicative. For instance, the Request is duplicative of Apple’s Requests Nos. 62 and 332.  
2 Samsung further objects to the Request to the extent it calls for a legal conclusion. Samsung  
3 further objects to the Request as premature to the extent it seeks documents and things in a  
4 manner inconsistent with the timeframes pertaining to expert discovery set forth by any  
5 applicable law, including the Northern District of California Patent Local Rules.

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

8 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 338:**

9 All Documents relating to Defendants’ assertion in their Sixth Affirmative Defense (set  
10 forth at ¶ 281 of the Answer) that “[t]he claims made in the Complaint and the relief sought  
11 therein are barred, in whole or in part, on the basis that the marks and alleged trade dress at issue  
12 lack distinctiveness, including, without limitation, secondary meaning.”

13 **OBJECTIONS AND RESPONSE TO REQUEST NO. 338:**

14 In addition to its Objections and Responses Common to All Requests for Production,  
15 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it  
16 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney  
17 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other  
18 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly  
19 burdensome, and/or would require undue expense to answer. Samsung further objects to the  
20 Request as seeking “all” documents on a topic. Samsung further objects to the Request as  
21 duplicative. For instance, the Request is duplicative of Apple’s Requests Nos. 62 and 332.  
22 Samsung further objects to the Request to the extent it calls for a legal conclusion. Samsung  
23 further objects to the Request as premature to the extent it seeks documents and things in a  
24 manner inconsistent with the timeframes pertaining to expert discovery set forth by any  
25 applicable law, including the Northern District of California Patent Local Rules.

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

1 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 339:**

2 All Documents relating to Defendants’ assertion in their Seventh Affirmative Defense (set  
3 forth at ¶ 282 of the Answer) that “[t]he claims made in the Complaint and the relief sought  
4 therein are barred, in whole or in part, on the basis that the marks and alleged trade dress at issue  
5 are generic.”

6 **OBJECTIONS AND RESPONSE TO REQUEST NO. 339:**

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 as seeking “all” documents on a topic. Samsung further objects to the Request as  
14 duplicative. For instance, the Request is duplicative of Apple’s Requests Nos. 62 and 332.  
15 Samsung further objects to the Request to the extent it calls for a legal conclusion. Samsung  
16 further objects to the Request as premature to the extent it seeks documents and things in a  
17 manner inconsistent with the timeframes pertaining to expert discovery set forth by any  
18 applicable law, including the Northern District of California Patent Local Rules.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 360**

22 All Documents relating to Defendants’ assertion in their Fifteenth Claim for Relief (set  
23 forth at ¶ 126 of Defendants’ Counterclaims) that “[t]he appearance of the Samsung  
24 Counterclaimants’ line of Galaxy phones and tablet computers and their packaging also are not  
25 likely to cause confusion, cause mistake, or deceive consumers as to the affiliation, connection, or  
26 association of the Samsung Counterclaimants’ line of Galaxy phones and tablet computers, or as  
27 to the origin, sponsorship, or approval by Apple of the Samsung Counterclaimants’ goods,  
28 services, or commercial activities.”

1 **OBJECTIONS AND RESPONSE TO REQUEST NO. 360:**

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  
7 unduly burdensome, and/or would require undue expense to answer. Samsung further objects to  
8 the Request as seeking “all” documents on a topic. Samsung further objects to the Request as  
9 duplicative. For instance, the Request is duplicative of Apple’s Requests Nos. 62 and 332.  
10 Samsung further objects to the Request to the extent it calls for a legal conclusion. Samsung  
11 further objects to the Request as premature to the extent it seeks documents and things in a  
12 manner inconsistent with the timeframes pertaining to expert discovery set forth by any  
13 applicable law, including the Northern District of California Patent Local Rules.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 361**

17 All Documents relating to Defendants’ assertion in their Sixteenth Claim for Relief (set  
18 forth at ¶ 133 of Defendants’ Counterclaims) that “[t]he appearance of the Samsung  
19 Counterclaimants’ line of Galaxy phones and tablet computers and their packaging also are not  
20 likely to cause confusion, cause mistake, or deceive consumers as to the affiliation, connection, or  
21 association of the Samsung Counterclaimants’ line of Galaxy phones and tablet computers, or as  
22 to the origin, sponsorship, or approval by Apple of the Samsung Counterclaimants’ goods,  
23 services, or commercial activities.”

24 **OBJECTIONS AND RESPONSE TO REQUEST NO. 361:**

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  
2 unduly burdensome, and/or would require undue expense to answer. Samsung further objects to  
3 the Request as seeking “all” documents on a topic. Samsung further objects to the Request as  
4 duplicative. For instance, the Request is duplicative of Apple’s Requests Nos. 62 and 332.  
5 Samsung further objects to the Request to the extent it calls for a legal conclusion. Samsung  
6 further objects to the Request as premature to the extent it seeks documents and things in a  
7 manner inconsistent with the timeframes pertaining to expert discovery set forth by any  
8 applicable law, including the Northern District of California Patent Local Rules.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 362:**

12 All Documents relating to Defendants’ assertion in their Seventeenth Claim for Relief (set  
13 forth at ¶ 138 of Defendants’ Counterclaims) that “[n]one of Apple’s alleged trade dresses is, or  
14 ever has been, ’distinctive’ or ’famous’ within the meaning of 15 U.S.C. § 1125(c).”

15 **OBJECTIONS AND RESPONSE TO REQUEST NO. 362:**

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 to the  
22 Request as seeking “all” documents on a topic. Samsung further objects to the Request as  
23 duplicative. For instance, the Request is duplicative of Apple’s Requests Nos. 62 and 332.  
24 Samsung further objects to the Request to the extent it calls for a legal conclusion. Samsung  
25 further objects to the Request as premature to the extent it seeks documents and things in a  
26 manner inconsistent with the timeframes pertaining to expert discovery set forth by any  
27 applicable law, including the Northern District of California Patent Local Rules.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 363:**

4 All Documents relating to Defendants’ assertion in their Seventeenth Claim for Relief (set  
5 forth at ¶ 139 of Defendants’ Counterclaims) that “[e]ach of Apple’s claimed trade dresses is  
6 functional, common to consumer electronic products, generic and otherwise not distinctive or  
7 protectable.”

8 **OBJECTIONS AND RESPONSE TO REQUEST NO. 363:**

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 to the  
15 Request as seeking “all” documents on a topic. Samsung further objects to the Request as  
16 duplicative. For instance, the Request is duplicative of Apple’s Requests Nos. 62 and 332.  
17 Samsung further objects to the Request to the extent it calls for a legal conclusion. Samsung  
18 further objects to the Request as premature to the extent it seeks documents and things in a  
19 manner inconsistent with the timeframes pertaining to expert discovery set forth by any  
20 applicable law, including the Northern District of California Patent Local Rules.

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 **SIXTH SET OF REQUEST FOR PRODUCTION, REQUEST NO. 364:**

24 All Documents relating to Defendants’ assertion in their Seventeenth Claim for Relief (set  
25 forth at ¶ 140 of Defendants’ Counterclaims) that “[t]he Samsung Counterclaimants’ activities are  
26 not likely to cause dilution of Apple’s claimed trade dresses.”

1 **OBJECTIONS AND RESPONSE TO REQUEST NO. 364:**

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 seeking “all” documents on a topic. Samsung further objects to the Request as  
9 duplicative. For instance, the Request is duplicative of Apple’s Requests Nos. 62 and 332.  
10 Samsung further objects to the Request to the extent it calls for a legal conclusion. Samsung  
11 further objects to the Request as premature to the extent it seeks documents and things in a  
12 manner inconsistent with the timeframes pertaining to expert discovery set forth by any  
13 applicable law, including the Northern District of California Patent Local Rules.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 365:**

17 All Documents relating to Defendants’ assertion in their Eighteenth Claim for Relief (set  
18 forth at ¶ 145 of Defendants’ Counterclaims) that “[e]ach of the alleged marks and trade dress  
19 that is the subject of the ’983, ’218, ’327, ’196, ’642, ’200, ’685, ’169, ’197, and ’038  
20 Registrations and the ’463, ’83 8, ’829, ’869, and ’118 Applications is functional, is common to  
21 consumer electronic products, is generic and otherwise is not distinctive or protectable.”

22 **OBJECTIONS AND RESPONSE TO REQUEST NO. 365:**

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 seeking “all” documents on a topic. Samsung further objects to the Request as  
2 duplicative. For instance, the Request is duplicative of Apple’s Requests Nos. 62 and 332.  
3 Samsung further objects to the Request to the extent it calls for a legal conclusion. Samsung  
4 further objects to the Request as premature to the extent it seeks documents and things in a  
5 manner inconsistent with the timeframes pertaining to expert discovery set forth by any  
6 applicable law, including the Northern District of California Patent Local Rules.

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 **SIXTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 366:**

10 All Documents relating to Defendants’ assertion in their Nineteenth Claim for Relief (set  
11 forth at ¶ 149 of Defendants’ Counterclaims) that “[e]ach of the alleged marks and trade dress  
12 that is the subject of the ’983, ’218, ’327, ’196, ’642, ’200, ’685, ’169, ’197, and ’038  
13 Registrations is functional, is common to consumer electronic products, is generic and otherwise  
14 is not distinctive or protectable.”

15 **OBJECTIONS AND RESPONSE TO REQUEST NO. 366:**

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 to the  
22 Request as seeking “all” documents on a topic. Samsung further objects to the Request as  
23 duplicative. For instance, the Request is duplicative of Apple’s Requests Nos. 62 and 332.  
24 Samsung further objects to the Request to the extent it calls for a legal conclusion. Samsung  
25 further objects to the Request as premature to the extent it seeks documents and things in a  
26 manner inconsistent with the timeframes pertaining to expert discovery set forth by any  
27 applicable law, including the Northern District of California Patent Local Rules.  
28

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 **SIXTH SET OF REQUEST FOR PRODUCTION, REQUEST NO. 367**

4 All Documents relating to Defendants’ assertion in their Twentieth Claim for Relief (set  
5 forth at ¶ 154 of Defendants’ Counterclaims) that “[n]one of the Accused Products infringes any  
6 of the Patents In Suit, the Registrations In Suit, or Apple’s claimed unregistered trade dress. Nor  
7 do any of the Accused Products dilute any of Apple’s claimed trade dress. Nor do any of the  
8 Accused Products employ a false designation of origin or amount to unfair competition on the  
9 part of the Samsung Counterclaimants. Nor are any of the Accused Products likely to cause  
10 confusion, or to cause mistake, or to deceive consumers as to the affiliation, connection, or  
11 association of the Samsung Counterclaimants’ line of Galaxy phones and tablet computers, or as  
12 to the origin, sponsorship, or approval by Apple of the Samsung Counterclaimants’ goods,  
13 services, or commercial activities.”

14 **OBJECTIONS AND RESPONSE TO REQUEST NO. 367:**

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 seeking “all” documents on a topic. Samsung further objects to the Request as  
22 duplicative. For instance, the Request is duplicative of Apple’s Requests Nos. 62 and 332.  
23 Samsung further objects to the Request to the extent it calls for a legal conclusion. Samsung  
24 further objects to the Request as premature to the extent it seeks documents and things in a  
25 manner inconsistent with the timeframes pertaining to expert discovery set forth by any  
26 applicable law, including the Northern District of California Patent Local Rules.

27 Subject to these objections, Samsung is willing to meet and confer with Apple about the  
28 relevance and scope of the information sought by this Request.

1 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 392:**

2 All documents and things, including but not limited to, CAD files (whether final, draft,  
3 intermediate, interim, or otherwise not final), models, prototypes, mockups, notebooks,  
4 sketchbooks, e-mails, designer notes, sketches, drawings, manufacturing specifications, technical  
5 specifications, presentations, Director files, Illustrator files, Photoshop files, and/or any other  
6 computer files, relating to the Hardware Design and/or Graphical User Interface Design of any of  
7 the Products at Issue.

8 **OBJECTIONS AND RESPONSE TO REQUEST FOR PRODUCTION NO. 392:**

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 “Hardware Design and Graphical User Interface  
16 Design” and “any aspect of the design” is vague and ambiguous. Samsung further objects to the  
17 request as overbroad in that it seeks documents and things that pertain to features or applications  
18 not at issue in this litigation. Samsung further objects to the request as seeking “all” documents on  
19 a topic. Samsung further objects to the Request as duplicative of Apple's Request For Production  
20 Nos. 11, 12, 207, 208, 210, and 393 to 421.

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 and to confirm that production in  
23 response to this Request would be reciprocal.

24 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 422:**

25 All documents and things, including but not limited to, CAD files (whether final or  
26 interim), models, prototypes, mockups, notebooks, sketchbooks, e-mails, designer notes,  
27 sketches, drawings, manufacturing specifications, technical specifications, presentations, Director  
28

1 files, Illustrator files, Photoshop files, and/or other computer application files, relating to any  
2 aspect of the design of the Samsung Q1 (including all versions thereof).

3 **OBJECTIONS AND RESPONSE TO REQUEST NO. 422:**

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 the request  
10 as vague and ambiguous. For example, the term “any aspect of the design” is vague and  
11 ambiguous. Samsung further objects to the Request to the extent it seeks documents that are not  
12 relevant to the claims or defenses of any party and not reasonably calculated to lead to the  
13 discovery of admissible evidence. Samsung further objects to the request as overbroad in that it  
14 seeks documents and things that pertain to features or applications not at issue in this litigation.  
15 Samsung further objects to the request as overbroad in that it seeks documents and things that  
16 bear on occurrences in other countries that are not at issue in this litigation. Samsung further  
17 objects to the request as seeking “all” documents on a topic.

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 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 423:**

21 All documents and communications relating to design guidelines, directions, instructions,  
22 or recommendations from any member of senior management at Samsung relating to the design  
23 of any of the Products at Issue.

24 **OBJECTIONS AND RESPONSE TO REQUEST FOR PRODUCTION NO. 423:**

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 “design guidelines, directions, instructions, or  
4 recommendations” and “senior management” are vague and ambiguous. Samsung further objects  
5 to the request as seeking “all” documents on a topic.

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

8 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 426:**

9 Documents sufficient to show the contour(s) of the front surface of all mobile phones or  
10 tablet computers designed by Samsung as of November 2011, regardless of whether the design  
11 was ultimately used in a product that was offered for sale.

12 **OBJECTIONS AND RESPONSE TO REQUEST FOR PRODUCTION NO. 426:**

13 In addition to its Objections and Responses Common to All Requests for Production,  
14 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it  
15 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney  
16 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other  
17 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly  
18 burdensome, and/or would require undue expense to answer. Samsung further objects the request  
19 as vague and ambiguous. For example, the term “contours of the front surface” is vague and  
20 ambiguous. Samsung further objects to the request as overbroad in that it is not reasonably  
21 limited as to the scope of documents and things it seeks. Samsung further objects to the request as  
22 overbroad in that it seeks documents and things that pertain to products not at issue in this  
23 litigation. Samsung further objects to the request as overbroad in that it seeks documents and  
24 things that pertain to features or applications not at issue in this litigation. Samsung further  
25 objects to the request as overbroad in that it is not limited to any reasonable time period and seeks  
26 documents and things from time periods not at issue in this litigation. Samsung further objects to  
27 the request as overbroad in that it is not limited to any reasonable time period and seeks  
28 documents and things from time periods not at issue in this litigation. Samsung further objects to

1 the Request to the extent it seeks highly confidential documents containing sensitive proprietary  
2 business information concerning unreleased products not at issue in this litigation. Samsung  
3 further objects to the Request to the extent it seeks documents that are not relevant to the claims  
4 or defenses of any party and not reasonably calculated to lead to the discovery of admissible  
5 evidence.

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

8 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 430:**

9 Documents sufficient to show the corner shape of all mobile phones or tablet computers  
10 designed by Samsung as of November 2011, regardless of whether the design was ultimately used  
11 in a product that was offered for sale.

12 **OBJECTIONS AND RESPONSE TO REQUEST FOR PRODUCTION NO. 430:**

13 In addition to its Objections and Responses Common to All Requests for Production,  
14 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it  
15 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney  
16 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other  
17 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly  
18 burdensome, and/or would require undue expense to answer. Samsung further objects the request  
19 as vague and ambiguous. For example, the term “corner shape” is vague and ambiguous.

20 Samsung further objects to the request as overbroad in that it is not reasonably limited as to the  
21 scope of documents and things it seeks. Samsung further objects to the request as overbroad in  
22 that it seeks documents and things that pertain to products not at issue in this litigation. Samsung  
23 further objects to the request as overbroad in that it seeks documents and things that pertain to  
24 features or applications not at issue in this litigation. Samsung further objects to the request as  
25 overbroad in that it is not limited to any reasonable time period and seeks documents and things  
26 from time periods not at issue in this litigation. Samsung further objects to the request as  
27 overbroad in that it is not limited to any reasonable time period and seeks documents and things  
28 from time periods not at issue in this litigation. Samsung further objects to the Request to the

1 extent it seeks highly confidential documents containing sensitive proprietary business  
2 information concerning unreleased products not at issue in this litigation. Samsung further objects  
3 to the Request to the extent it seeks documents that are not relevant to the claims or defenses of  
4 any party and not reasonably calculated to lead to the discovery of admissible evidence.

5 Subject to these objections, Samsung is willing to meet and confer with Apple about the  
6 relevance and scope of the information sought by this Request.

7 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 434:**

8 Documents sufficient to show the size and contour(s) of each display screen size of all  
9 electronic devices designed by Samsung as of November 2011, regardless of whether the design  
10 was ultimately used in a product that was offered for sale.

11 **OBJECTIONS AND RESPONSE TO REQUEST FOR PRODUCTION NO. 434:**

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 “size and contours of each display screen size” is  
19 vague and ambiguous. Samsung further objects to the request as overbroad in that it is not  
20 reasonably limited as to the scope of documents and things it seeks. Samsung further objects to  
21 the request as overbroad in that it seeks documents and things that pertain to products not at issue  
22 in this litigation. Samsung further objects to the request as overbroad in that it seeks documents  
23 and things that pertain to features or applications not at issue in this litigation. Samsung further  
24 objects to the request as overbroad in that it seeks documents and things that bear on occurrences  
25 in other countries that are not at issue in this litigation. Samsung further objects to the request as  
26 overbroad in that it is not limited to any reasonable time period and seeks documents and things  
27 from time periods not at issue in this litigation. Samsung further objects to the Request to the  
28 extent it seeks highly confidential documents containing sensitive proprietary business

1 information concerning unreleased products not at issue in this litigation. Samsung further objects  
2 to the Request to the extent it seeks documents that are not relevant to the claims or defenses of  
3 any party and not reasonably calculated to lead to the discovery of admissible evidence.

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

6 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 438:**

7 Documents sufficient to show the contour(s) of the front surface of all mobile phones  
8 designed by Samsung prior to 2006, regardless of whether the design was ultimately used in a  
9 product that was offered for sale.

10 **OBJECTIONS AND RESPONSE TO REQUEST FOR PRODUCTION NO. 438:**

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 the request  
17 as vague and ambiguous. For example, the term “contours of the front surface” is vague and  
18 ambiguous. Samsung further objects to the request as overbroad in that it is not reasonably  
19 limited as to the scope of documents and things it seeks. Samsung further objects to the request as  
20 overbroad in that it seeks documents and things that pertain to products not at issue in this  
21 litigation. Samsung further objects to the request as overbroad in that it seeks documents and  
22 things that pertain to features or applications not at issue in this litigation. Samsung further  
23 objects to the request as overbroad in that it seeks documents and things that bear on occurrences  
24 in other countries that are not at issue in this litigation. Samsung further objects to the request as  
25 overbroad in that it is not limited to any reasonable time period and seeks documents and things  
26 from time periods not at issue in this litigation. Samsung further objects to the Request to the  
27 extent it seeks highly confidential documents containing sensitive proprietary business  
28 information concerning unreleased products not at issue in this litigation. Samsung further objects

1 to the Request to the extent it seeks documents that are not relevant to the claims or defenses of  
2 any party and not reasonably calculated to lead to the 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 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 442:**

6 Documents sufficient to show the surface color of all mobile phones and tablet computers  
7 designed by Samsung as of 2006, regardless of whether the design was ultimately used in a  
8 product that was offered for sale.

9 **OBJECTIONS AND RESPONSE TO REQUEST FOR PRODUCTION NO. 442:**

10 In addition to its Objections and Responses Common to All Requests for Production,  
11 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it  
12 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney  
13 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other  
14 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly  
15 burdensome, and/or would require undue expense to answer. Samsung further objects the request  
16 as vague and ambiguous. For example, the term “show the surface color” is vague and  
17 ambiguous. Samsung further objects to the request as overbroad in that it is not reasonably  
18 limited as to the scope of documents and things it seeks. Samsung further objects to the request as  
19 overbroad in that it seeks documents and things that pertain to products not at issue in this  
20 litigation. Samsung further objects to the request as overbroad in that it seeks documents and  
21 things that pertain to features or applications not at issue in this litigation. Samsung further  
22 objects to the request as overbroad in that it seeks documents and things that bear on occurrences  
23 in other countries that are not at issue in this litigation. Samsung further objects to the request as  
24 overbroad in that it is not limited to any reasonable time period and seeks documents and things  
25 from time periods not at issue in this litigation. Samsung further objects to the Request to the  
26 extent it seeks highly confidential documents containing sensitive proprietary business  
27 information concerning unreleased products not at issue in this litigation. Samsung further objects  
28

1 to the Request to the extent it seeks documents that are not relevant to the claims or defenses of  
2 any party and not reasonably calculated to lead to the 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 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 444:**

6 Documents sufficient to identify the dimensions of all mobile phones and tablet computers  
7 designed by Samsung as of November 2011, regardless of whether the design was ultimately used  
8 in a product that was offered for sale.

9 **OBJECTIONS AND RESPONSE TO REQUEST FOR PRODUCTION NO. 444:**

10 In addition to its Objections and Responses Common to All Requests for Production,  
11 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it  
12 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney  
13 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other  
14 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly  
15 burdensome, and/or would require undue expense to answer. Samsung further objects the request  
16 as vague and ambiguous. For example, the term “contours of the front surface” is vague and  
17 ambiguous. Samsung further objects to the request as overbroad in that it is not reasonably  
18 limited as to the scope of documents and things it seeks. Samsung further objects to the request as  
19 overbroad in that it seeks documents and things that pertain to products not at issue in this  
20 litigation. Samsung further objects to the request as overbroad in that it seeks documents and  
21 things that pertain to features or applications not at issue in this litigation. Samsung further  
22 objects to the request as overbroad in that it seeks documents and things that bear on occurrences  
23 in other countries that are not at issue in this litigation. Samsung further objects to the request as  
24 overbroad in that it is not limited to any reasonable time period and seeks documents and things  
25 from time periods not at issue in this litigation. Samsung further objects to the Request to the  
26 extent it seeks highly confidential documents containing sensitive proprietary business  
27 information concerning unreleased products not at issue in this litigation. Samsung further objects  
28

1 to the Request to the extent it seeks documents that are not relevant to the claims or defenses of  
2 any party and not reasonably calculated to lead to the 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 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 447:**

6 Documents sufficient to show the size and location of the display screen of all mobile  
7 phones and tablet computers designed by Samsung as of November 2011, regardless of whether  
8 the design was ultimately used in a product that was offered for sale.

9 **OBJECTIONS AND RESPONSE TO REQUEST FOR PRODUCTION NO. 447:**

10 In addition to its Objections and Responses Common to All Requests for Production,  
11 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it  
12 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney  
13 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other  
14 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly  
15 burdensome, and/or would require undue expense to answer. Samsung further objects the request  
16 as vague and ambiguous. For example, the term “contours of the front surface” is vague and  
17 ambiguous. Samsung further objects to the request as overbroad in that it is not reasonably  
18 limited as to the scope of documents and things it seeks. Samsung further objects to the request as  
19 overbroad in that it seeks documents and things that pertain to products not at issue in this  
20 litigation. Samsung further objects to the request as overbroad in that it seeks documents and  
21 things that pertain to features or applications not at issue in this litigation. Samsung further  
22 objects to the request as overbroad in that it seeks documents and things that bear on occurrences  
23 in other countries that are not at issue in this litigation. Samsung further objects to the request as  
24 overbroad in that it is not limited to any reasonable time period and seeks documents and things  
25 from time periods not at issue in this litigation. Samsung further objects to the Request to the  
26 extent it seeks highly confidential documents containing sensitive proprietary business  
27 information concerning unreleased products not at issue in this litigation. Samsung further objects  
28

1 to the Request to the extent it seeks documents that are not relevant to the claims or defenses of  
2 any party and not reasonably calculated to lead to the 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 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 449:**

6 All documents and things supporting or opposing Mr. Sherman’s testimony in his  
7 deposition that there are not “many sort of rounded kind of earpieces.” (See Sherman deposition  
8 transcript at 125:9-10.)

9 **OBJECTIONS AND RESPONSE TO REQUEST NO. 449:**

10 In addition to its Objections and Responses Common to All Requests for Production,  
11 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it  
12 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney  
13 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other  
14 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly  
15 burdensome, and/or would require undue expense to answer. Samsung further objects the request  
16 as vague and ambiguous. For example, the term “supporting or opposing” is vague and  
17 ambiguous. Samsung further objects to the request as seeking “all” documents on a topic.  
18 Samsung further objects to the Request to the extent it seeks documents equally available to  
19 Apple as to Samsung. Samsung further objects to the Request to the extent the requested  
20 documents are publicly available. Samsung further objects to the Request as premature to the  
21 extent it seeks documents and things in a manner inconsistent with the timeframes pertaining to  
22 expert discovery set forth by any applicable law, including the Northern District of California  
23 Patent Local Rules. Subject to these objections, Samsung is willing to meet and confer with  
24 Apple about the relevance and scope of the information sought by this Request.

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.

1 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 450:**

2 All documents and things supporting or opposing Mr. Sherman’s testimony in his  
3 deposition that the shape of the slot or opening for the speaker, receiver, or earpiece should  
4 “mimic” the shape of the speaker, receiver, or earpiece underneath the slot or opening. (See  
5 Sherman deposition transcript at 125:15-17.)

6 **OBJECTIONS AND RESPONSE TO REQUEST NO. 450:**

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 “supporting or opposing” is vague and  
14 ambiguous. Samsung further objects to the request as seeking “all” documents on a topic.  
15 Samsung further objects to the Request to the extent it seeks documents equally available to  
16 Apple as to Samsung. Samsung further objects to the Request to the extent the requested  
17 documents are publicly available. Samsung further objects to the Request as premature to the  
18 extent it seeks documents and things in a manner inconsistent with the timeframes pertaining to  
19 expert discovery set forth by any applicable law, including the Northern District of California  
20 Patent Local Rules

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 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 451:**

24 Documents sufficient to show the shape of each speaker, receiver or earpiece component  
25 and the shape of the slot or opening for each speaker, receiver or earpiece component included in  
26 all mobile phones and tablet computers designed by Samsung as of November 2011, regardless of  
27 whether the design was ultimately used in a product that was offered for sale.

1 **OBJECTIONS AND RESPONSE TO REQUEST FOR PRODUCTION NO. 451:**

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 the request  
8 as vague and ambiguous. For example, the term “contours of the front surface” is vague and  
9 ambiguous. Samsung further objects to the request as overbroad in that it is not reasonably  
10 limited as to the scope of documents and things it seeks. Samsung further objects to the request as  
11 overbroad in that it seeks documents and things that pertain to products not at issue in this  
12 litigation. Samsung further objects to the request as overbroad in that it seeks documents and  
13 things that pertain to features or applications not at issue in this litigation. Samsung further  
14 objects to the request as overbroad in that it seeks documents and things that bear on occurrences  
15 in other countries that are not at issue in this litigation. Samsung further objects to the request as  
16 overbroad in that it is not limited to any reasonable time period and seeks documents and things  
17 from time periods not at issue in this litigation. Samsung further objects to the Request to the  
18 extent it seeks documents that are not relevant to the claims or defenses of any party and not  
19 reasonably calculated to lead to the discovery of admissible evidence. Samsung further objects to  
20 the Request to the extent it seeks highly confidential documents containing sensitive proprietary  
21 business information concerning unreleased products not at issue in this litigation.

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 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 452:**

25 Communications with Google or any other third party regarding design rounds for the  
26 Patents at Issue.

1 **OBJECTIONS AND RESPONSE TO REQUEST NO. 452:**

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 the request  
8 as vague and ambiguous. For example, the term “design arounds” is vague and ambiguous.  
9 Samsung further objects to the request as seeking “all” documents on a topic. Samsung further  
10 objects to the Request as duplicative of Apple's Request For Production Nos. 35 and 301.  
11 Samsung further objects to the Request to the extent it seeks documents that are not within the  
12 possession, custody, or control of Samsung. Samsung further objects to the Request to the extent  
13 it seeks documents equally available to Apple as to Samsung. Samsung further objects to the  
14 Request to the extent the requested documents are publicly available. Samsung further objects to  
15 the Request to the extent it seeks documents containing confidential third party information,  
16 including information subject to a non-disclosure or other agreement between Samsung and a  
17 third party.

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 and to confirm that production in  
20 response to this Request would be reciprocal.

21 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 453:**

22 All documents relating to the design, development, production, or implementation of the  
23 Graphical User Interface Design of the Products at Issue, including but not limited to all  
24 documents relating to the design of the icons for applications for calls, messaging, photographs,  
25 settings, notes, contacts, music players, or music stores that are or have been installed on, or are  
26 or have been available on, the Products at Issue. This request covers white papers, designs, plans,  
27 specifications, pamphlets, memorandums, schematics, engineering drawings, guides, guidelines,  
28

1 technical overviews, design reports, technical sheets, and any documents identifying the persons  
2 involved with these activities.

3 **OBJECTIONS AND RESPONSE TO REQUEST FOR PRODUCTION NO. 453:**

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 the request  
10 as vague and ambiguous. For example, the term “Graphical User Interface” is vague and  
11 ambiguous. Samsung further objects to the request as overbroad in that it seeks documents and  
12 things that pertain to features or applications not at issue in this litigation. Samsung further  
13 objects to the request as seeking “all” documents on a topic. Samsung further objects to the  
14 Request as duplicative of Apple's Request For Production Nos. 11, 12, 207, 208, and 392 to 421.  
15 Samsung further objects to the Request to the extent it seeks documents that are not within the  
16 possession, custody, or control of Samsung. Samsung further objects to the Request to the extent  
17 it seeks documents equally available to Apple as to Samsung. Samsung further objects to the  
18 Request to the extent the requested documents are publicly available.

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 and to confirm that production in  
21 response to this Request would be reciprocal.

22 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 456:**

23 Documents sufficient to identify the list of publications, websites, and other outlets that  
24 have displayed advertisements for any of the Products at Issue.

25 **OBJECTIONS AND RESPONSE TO REQUEST FOR PRODUCTION NO. 456:**

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 term “other outlets; have displayed advertisements” is  
5 vague and ambiguous. Samsung further objects to the Request as duplicative of Apple's Request  
6 For Production Nos. 17 and 256. Samsung further objects to the Request to the extent it seeks  
7 documents that are not relevant to the claims or defenses of any party and not reasonably  
8 calculated to lead to the discovery of admissible evidence. Samsung further objects to the Request  
9 to the extent it seeks documents that are not within the possession, custody, or control of  
10 Samsung. Samsung further objects to the Request to the extent it seeks documents equally  
11 available to Apple as to Samsung. Samsung further objects to the Request to the extent the  
12 requested documents are publicly available.

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 and to confirm that production in  
15 response to this Request would be reciprocal.

16 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 457:**

17 Documents sufficient to identify all publications, websites, and other outlets from which  
18 Samsung seeks or facilitates product reviews for any of the Products at Issue, including but not  
19 limited to all publications, websites and other outlets who received pre-release versions of any of  
20 the Products at Issue. For purposes of this request, an item is a pre-release version of a product if  
21 a final product has not been released in the local market where the receiving entity is located.

22 **OBJECTIONS AND RESPONSE TO REQUEST NO. 457:**

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 the request

1 as vague and ambiguous. For example, the term “other outlets; seeks or facilitates product  
2 reviews; pre-release” is vague and ambiguous. Samsung further objects to the Request to the  
3 extent it seeks documents that are not relevant to the claims or defenses of any party and not  
4 reasonably calculated to lead to the discovery of admissible evidence. Samsung further objects to  
5 the Request to the extent it seeks documents that are not within the possession, custody, or control  
6 of Samsung. Samsung further objects to the Request to the extent it seeks documents equally  
7 available to Apple as to Samsung. Samsung further objects to the Request to the extent the  
8 requested documents are publicly available.

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 and to confirm that production in  
11 response to this Request would be reciprocal.

12 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 460:**

13 All documents comprising or relating to any customer inquiries or complaints regarding  
14 the inability to access iTunes, iOS, or the AppStore offered by Apple on any of the Products at  
15 Issue.

16 **OBJECTIONS AND RESPONSE TO REQUEST NO. 460:**

17 In addition to its Objections and Responses Common to All Requests for Production,  
18 which it hereby incorporates by reference, Samsung objects to this Request to the extent that it  
19 seeks to elicit information subject to and protected by the attorney-client privilege, the attorney  
20 work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other  
21 applicable privilege or immunity. Samsung further objects to the Request to the extent it is unduly  
22 burdensome, and/or would require undue expense to answer. Samsung further objects the request  
23 as vague and ambiguous. For example, the term “customer inquiries or complaints; inability to  
24 access” is vague and ambiguous. Samsung further objects to the request as seeking “all”  
25 documents on a topic. Samsung further objects to the Request as duplicative of Apple's  
26 REQUEST NO. 222. Samsung further objects to the Request to the extent it seeks documents that  
27 are not relevant to the claims or defenses of any party and not reasonably calculated to lead to the  
28 discovery of admissible evidence. Samsung further objects to the Request to the extent it seeks

1 documents that are not within the possession, custody, or control of Samsung. Samsung further  
2 objects to the Request to the extent it seeks documents equally available to Apple as to Samsung.  
3 Samsung further objects to the Request to the extent the requested documents are publicly  
4 available.

5 Subject to these objections, Samsung is willing to meet and confer with Apple about the  
6 relevance and scope of the information sought by this Request.

7 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 461:**

8 Documents sufficient to show the current and past retail prices for each of the Products at  
9 Issue, including reflecting the price of each of the Products at Issue separate from the wireless  
10 carrier contract price.

11 **OBJECTIONS AND RESPONSE TO REQUEST NO. 461:**

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  
17 unduly burdensome, and/or would require undue expense to answer. Samsung further objects the  
18 request as vague and ambiguous. For example, the terms “current and past retail prices” and  
19 “reflecting the price of each of the Products at Issue separate from the wireless carrier contract  
20 price” are vague and ambiguous. Samsung further objects to the Request as duplicative of  
21 Apple's Request For Production Nos. 42, 260, 261, 263, and 267. Samsung further objects to the  
22 Request to the extent it seeks documents that are not relevant to the claims or defenses of any  
23 party and not reasonably calculated to lead to the discovery of admissible evidence. Samsung  
24 further objects to the Request to the extent it seeks documents that are not within the possession,  
25 custody, or control of Samsung. Samsung further objects to the Request to the extent it seeks  
26 documents equally available to Apple as to Samsung. Samsung further objects to the Request to  
27 the extent the requested documents are publicly 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 and to confirm that production in  
3 response to this Request would be reciprocal.

4 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 462:**

5 Documents sufficient to show the current and past retail prices for each of the Products at  
6 Issue, including reflecting the price of each of the Products at Issue including the wireless carrier  
7 contract price.

8 **OBJECTIONS AND RESPONSE TO REQUEST NO. 462:**

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  
14 unduly burdensome, and/or would require undue expense to answer. Samsung further objects the  
15 request as vague and ambiguous. For example, the terms “current and past retail prices” and  
16 “reflecting the price of each of the Products at Issue including the wireless carrier contract price”  
17 is vague and ambiguous. Samsung further objects to the Request as duplicative of Apple's  
18 Request For Production Nos. 42, 260, 261, 263, 267, and 461. Samsung further objects to the  
19 Request to the extent it seeks documents that are not relevant to the claims or defenses of any  
20 party and not reasonably calculated to lead to the discovery of admissible evidence. Samsung  
21 further objects to the Request to the extent it seeks documents that are not within the possession,  
22 custody, or control of Samsung. Samsung further objects to the Request to the extent it seeks  
23 documents equally available to Apple as to Samsung. Samsung further objects to the Request to  
24 the extent the requested documents are publicly available.

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.

1 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 463:**

2 All documents comprising or relating to any testing, surveys, focus groups, studies,  
3 analyses, or other means of obtaining consumer opinions that Samsung conducted or had  
4 conducted on its behalf relating to any of the Apple Products.

5 **OBJECTIONS AND RESPONSE TO REQUEST FOR PRODUCTION NO. 463:**

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 “testing, surveys, focus groups, studies, analyses,  
13 or other means of obtaining consumer opinions” is vague and ambiguous. Samsung further  
14 objects to the request as overbroad in that it seeks documents and things that bear on occurrences  
15 in other countries that are not at issue in this litigation. Samsung further objects to the request as  
16 overbroad in that it is not limited to any reasonable time period and seeks documents and things  
17 from time periods not at issue in this litigation. Samsung further objects to the request as seeking  
18 “all” documents on a topic. Samsung further objects to the Request to the extent it seeks  
19 documents that are not relevant to the claims or defenses of any party and not reasonably  
20 calculated to lead to the discovery of admissible 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 and to confirm that production in  
23 response to this Request would be reciprocal.

24 **OBJECTIONS AND RESPONSE TO REQUEST FOR PRODUCTION NO. 464:**

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 “testing, surveys, focus groups, studies, analyses,  
4 or other means of obtaining consumer opinions” is vague and ambiguous. Samsung further  
5 objects to the request as overbroad in that it seeks documents and things that bear on occurrences  
6 in other countries that are not at issue in this litigation. Samsung further objects to the request as  
7 overbroad in that it is not limited to any reasonable time period and seeks documents and things  
8 from time periods not at issue in this litigation. Samsung further objects to the request as seeking  
9 “all” documents on a topic. Samsung further objects to the Request to the extent it seeks  
10 documents that are not relevant to the claims or defenses of any party and not reasonably  
11 calculated to lead to the discovery of admissible evidence, especially with respect to  
12 “demographic information.” Samsung further objects to the Request as duplicative of Apple's  
13 Request For Production Nos. 29, 206, and 220.

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 and to confirm that production in  
16 response to this Request would be reciprocal.

17 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 465:**

18 All documents comprising or relating to any testing, surveys, focus groups, studies,  
19 analyses, or other means of obtaining consumer opinions that Samsung conducted or had  
20 conducted on its behalf relating to the purchasing behavior of consumers of mobile phones,  
21 smartphones, tablet computers, and media players, including but not limited to studies observing  
22 consumers in retail stores and studies relating to the consideration of contract price.

23 **OBJECTIONS AND RESPONSE TO REQUEST FOR PRODUCTION NO. 465:**

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 “testing, surveys, focus groups, studies, analyses,  
3 or other means of obtaining consumer opinions” is vague and ambiguous. Samsung further  
4 objects to the request as overbroad in that it seeks documents and things that pertain to products  
5 not at issue in this litigation. Samsung further objects to the request as overbroad in that it seeks  
6 documents and things that pertain to features or applications not at issue in this litigation.

7 Samsung further objects to the request as overbroad in that it seeks documents and things  
8 that bear on occurrences in other countries that are not at issue in this litigation. Samsung further  
9 objects to the request as overbroad in that it is not limited to any reasonable time period and seeks  
10 documents and things from time periods not at issue in this litigation. Samsung further objects to  
11 the request as seeking “all” documents on a topic. Samsung further objects to the Request to the  
12 extent it seeks documents that are not relevant to the claims or defenses of any party and not  
13 reasonably calculated to lead to the discovery of admissible evidence. Samsung further objects to  
14 the Request as duplicative of Apple's Request For Production Nos. 29, 206, and 220.

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 and to confirm that production in  
17 response to this Request would be reciprocal.

18 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 466:**

19 All documents comprising or relating to any testing, surveys, focus groups, studies,  
20 analyses, or other means of obtaining consumer opinions that Samsung conducted or had  
21 conducted on its behalf relating to the purchasing behavior of consumers of mobile phones,  
22 smartphones, tablet computers, and media players, including but not limited to studies observing  
23 consumers in retail stores and studies relating to the consideration of contract price.

24 **OBJECTIONS AND RESPONSE TO REQUEST FOR PRODUCTION NO. 466:**

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 “testing, surveys, focus groups, studies, analyses,  
4 or other means of obtaining consumer opinions” is vague and ambiguous. Samsung further  
5 objects to the request as overbroad in that it seeks documents and things that bear on occurrences  
6 in other countries that are not at issue in this litigation. Samsung further objects to the request as  
7 overbroad in that it is not limited to any reasonable time period and seeks documents and things  
8 from time periods not at issue in this litigation. Samsung further objects to the request as seeking  
9 “all” documents on a topic. Samsung further objects to the Request to the extent it seeks  
10 documents that are not relevant to the claims or defenses of any party and not reasonably  
11 calculated to lead to the discovery of admissible evidence. Samsung further objects to the Request  
12 as duplicative of Apple's Request For Production No. 465.

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 **SEVENTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 467:**

16 Documents sufficient to identify the model numbers and internal code names for the  
17 Products at Issue.

18 **OBJECTIONS AND RESPONSE TO REQUEST FOR PRODUCTION NO. 467:**

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 “internal code names” is vague and ambiguous.

26 Subject to these objections, Samsung is willing to meet and confer with Apple about the  
27 relevance and scope of the information sought by this Request and to confirm that production in  
28 response to this Request would be reciprocal.

1 **EIGHTH SET OF REQUESTS FOR PRODUCTION, REQUEST NO. 468:**

2 All documents relating to the training or instruction of employees, including sales  
3 personnel, of wireless carrier stores or retail stores that relate to Apple or Apple Products.

4 **OBJECTIONS AND RESPONSE TO REQUEST FOR PRODUCTION NO. 468:**

5 No response received.

6 **APPLE'S CERTIFICATION PURSUANT TO FED. R. CIV. P. 37(A)(1)**

7 Apple hereby certifies that it has in good faith conferred with Samsung in an effort to  
8 obtain the discovery described immediately above without Court action. Apple's efforts to  
9 resolve this discovery dispute without court intervention are described in the Mazza Declaration  
10 and exhibits attached thereto, submitted concurrently herewith.

11 Dated: January 11, 2012

MORRISON & FOERSTER LLP

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14

By:  /s/ Michael A. Jacobs  
Michael A. Jacobs

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Attorneys for Plaintiff  
APPLE INC.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Apple filed this action, which includes utility patent, design patent, trade dress, trademark,  
4 and unfair competition claims, in April 2011. Since that time, the disparity between the parties’  
5 compliance with their discovery obligations as to Apple’s claims has been striking—and growing.

6 Apple has produced no fewer than 870,000 pages of documents to Samsung in support of  
7 Apple’s affirmative case. It also has made 48 individuals available for deposition, and Samsung  
8 has taken these depositions. By contrast, until Apple moved to compel several weeks ago,  
9 Samsung produced essentially *no* documents after the preliminary injunction phase responsive to  
10 Apple’s document requests relating to Apple’s claims. The production Samsung *failed* to make  
11 included documents falling within such basic categories as technical, marketing, and financial  
12 documents, all of which Apple indisputably needs, and is entitled to, to support its claims. When  
13 this Court issued an Order on December 22, 2011, compelling Samsung to produce certain  
14 categories of documents by December 31, Samsung proceeded to miss that deadline by several  
15 days. And in contrast to the 48 depositions that Samsung has taken relating to Apple’s  
16 affirmative case, Samsung has resisted scheduling 26 of the 38 depositions that Apple has  
17 noticed, and will not even tell Apple which of these it will not schedule. (Declaration of Mia  
18 Mazza in Support of Apple’s Motion to Compel (“Mazza Decl.”) ¶¶ 2-8.)

19 Rather than devote its attention to producing documents or scheduling depositions (or  
20 meeting this Court’s deadlines), Samsung instead has engaged in a letter writing campaign—both  
21 to demand items from Apple, and to resist production of items it deems “not ripe” for discussion.  
22 For example, despite claiming it was unable to comply with this Court’s December 22, 2011  
23 Order because it was resource-constrained over the holidays, between December 22, 2011 (the  
24 date of the Court’s Order) and December 31, 2011 (the Court’s first deadline under that Order),  
25 four different Samsung attorneys sent 13 letters demanding Apple’s immediate production of  
26 various items. Since January 1, 2012, Samsung has sent numerous communications to Apple in  
27 which Samsung claimed not to understand Apple’s requests, claimed they are “not ripe,” asserted  
28 that they are overbroad without identifying a specific, narrowed scope of production Samsung

1 would agree to, or offered to produce documents but with additional conditions and soft or far-off  
2 deadlines. (Mazza Decl. ¶¶ 9-10.)

3 Samsung's pattern of tardiness and delay has only escalated in the six days that have  
4 passed since the parties' lead counsel meeting on January 5. The letter that Samsung promised it  
5 would send on January 6, setting forth Samsung's best positions regarding the documents Apple  
6 seeks, did not come until 7:45 p.m. on January 10, the date the parties had stipulated to file their  
7 motions. Samsung's January 10 letter contained empty promises of partial productions weeks  
8 after Apple needs them. This very morning, Samsung produced 476 Korean-language documents  
9 from the files of a witness whose deposition had already begun. And this evening, Samsung  
10 produced 5,287 Korean-language documents (totaling 32,469 pages) from the files of a witness  
11 being deposed 62 hours later. (Mazza Decl. ¶¶ 11-12.)

12 Samsung's gamesmanship causes Apple grave concern. With the fact discovery cut-off  
13 less than two months away, Samsung must produce more than empty promises and letters. The  
14 information Apple seeks via this motion represents a voluntary narrowing of numerous document  
15 requests that Apple propounded over the past four months. These are critical documents required  
16 by Apple to prove the various components of its case—from patent infringement and validity, to  
17 trademark and trade dress infringement, to damages and irreparable harm. Samsung has never  
18 asserted that the documents sought by this motion are irrelevant or otherwise objectionable,  
19 except at the margins. Samsung should be ordered to produce these documents immediately.

## 20 **II. BACKGROUND**

21 **Apple's First Motion to Compel, and Samsung's Limited Production.** To date,  
22 Samsung's production in Apple's affirmative case has focused exclusively on the narrow  
23 categories of documents it has been specifically ordered by the Court to produce. Samsung's  
24 production during the preliminary injunction phase was paltry, necessitating that Apple move to  
25 compel documents relating to its preliminary injunction motion. On September 28, 2011, the  
26 Court ordered Samsung to produce (among other things) relevant survey documents by  
27 October 7, 2011. (Dkt. No. 267.) Samsung missed that deadline entirely, producing responsive  
28

1 documents as late as October 12, 2011 (one day before the preliminary injunction hearing).  
2 (Mazza Decl. ¶ 3.)

3 Samsung then stopped producing documents for Apple’s offensive case. Although  
4 attorneys for each party met and conferred weekly and exchanged numerous letters on discovery  
5 subjects between each meeting, nearly two months passed during which Samsung did not produce  
6 a *single* additional document (other than some missing attachments) responsive to Apple’s  
7 document requests relating to its claims against Samsung. Meanwhile, Samsung took the  
8 depositions of 48 patent prosecutors and Apple inventors, and Apple produced thousands of  
9 documents in daily batches in conjunction with those depositions. (Mazza Decl. ¶¶ 4-5.)

10 **Apple’s Second Motion to Compel, and Samsung’s Continued Delays with Its**  
11 **Production.** Samsung’s next production began on December 7, 2011, the day before Apple filed  
12 (as it had told Samsung a week earlier it would do) a motion to compel production of various  
13 categories that Samsung should have already produced. (*Id.* ¶ 4.) The Court’s resulting Order,  
14 filed December 22, 2011, required Samsung to produce, within 9 days, any remaining documents  
15 required under the September 28 Order but not produced before the Preliminary Injunction  
16 hearing. (Dkt. No. 537.)

17 Samsung could not meet this production deadline. When it sought an extension, Samsung  
18 exposed the true extent of its non-production and efforts to delay. Samsung’s extension request  
19 revealed that the volume of documents withheld from Samsung’s Preliminary Injunction  
20 production in October was so enormous that it was “physically impossible” to produce it all by  
21 December 31. (Dkt. No. 554.) In fact, per Samsung’s motion, Samsung required an *additional* 9  
22 days to complete the production. (*Id.*) Samsung’s supporting declaration revealed that it had not  
23 begun making a concerted effort to collect and produce the documents required under the Court’s  
24 September 28, 2011 Order until December 22. (Dkt. No. 554-1 at 2:18–3:5 (admitting that  
25 Samsung waited until after December 22 Order to commit resources necessary for completing  
26 production, including engaging new discovery vendor and hiring additional attorneys).) Samsung  
27 plainly had been sitting on these documents, but did not produce them until *again* ordered to do  
28 so.

1           Despite claiming that the extension was necessary because its attorneys were working  
2 “straight through the holidays . . . in Samsung’s attempt to meet the Court’s deadlines” (Dkt. No.  
3 554-1 at 2-3), the conduct of Samsung’s attorneys proved otherwise. Between December 22 and  
4 December 31, counsel for Samsung sent a barrage of letters and emails that, for example,  
5 expressed Samsung’s dissatisfaction with the parties’ weekly meet-and-confer calls, demanded  
6 various items of alleged prior art from Apple, and insisted that Apple withdraw the confidentiality  
7 designation of certain produced photographs. (Mazza Decl. ¶ 9.) Samsung plainly was electing  
8 to advance its own document demands ahead of Apple’s—and instead of complying with the  
9 Court’s Orders.

10           **The Parties’ Lead Trial Counsel Meet and Confer, and Samsung’s Failed Promises.**

11           With the close of discovery rapidly approaching, Apple has noticed the depositions of 38  
12 Samsung witnesses. At least two of these witnesses are software programmers who helped  
13 develop and write the source code for the allegedly infringing “rubber banding” feature claimed  
14 by U.S. Patent No. 7,469,381. (Mazza Decl. ¶ 6.) Twenty of these individuals are industrial or  
15 graphical user interface designers, identified by Samsung (or within its documents) as being  
16 involved in the design of the Samsung products at issue. (*Id.*) Other noticed deponents were  
17 involved in the hardware redesign of the Galaxy Tab 10.1. (*Id.*) Still others were identified on  
18 documents showing Samsung’s analysis of Apple’s products. (*Id.*) To date, Samsung has  
19 provided dates for only 12 of these witnesses. (*Id.* ¶ 8.)

20           This list of deponents is just the initial list of individuals whom Apple would like to  
21 depose. Apple plans to depose additional Samsung witnesses with knowledge relevant to Apple’s  
22 trademark and trade dress claims, damages issues, and other claims. (*Id.* ¶ 7.)

23           Because of the sparsity of Samsung’s document production, however, Apple has had  
24 difficulty both preparing for these depositions and identifying additional relevant deponents. (*Id.*)  
25 To take effective depositions and to make its case generally, Apple requires technical, marketing,  
26 and financial documents. As with its production of survey documents, however, Samsung’s  
27 production of these documents has been grossly inadequate.

1           Lead trial counsel for both parties met in person on January 5, 2012 to try to crystallize  
2 each party's positions on numerous outstanding discovery issues and resolve at least some of  
3 those issues. As explained in the Declaration of Harold J. McElhinny filed herewith, the parties  
4 agreed at the end of the meeting to exchange letters memorializing their final positions on the  
5 issues by January 6, 2012. But January 6, 7, 8, and 9 passed without Samsung's promised letter  
6 clarifying its positions. (Mazza Decl. ¶ 11.) And when Samsung finally provided the agreed  
7 letter on January 10 at 7:45 p.m., Samsung merely made noncommittal promises to "substantially  
8 complete" portions of its production in the relevant categories by far-off dates. (*Id.* Ex. A.)  
9 Apple thus had no choice but to file this third motion to compel.

### 10   **III.   LEGAL STANDARDS**

11           A party is entitled to seek discovery of "any nonprivileged matter that is relevant to any  
12 party's claim or defense." Fed. R. Civ. P. 26(b)(1). "A party seeking discovery may move for an  
13 order compelling . . . production, or inspection. This motion may be made if: . . . a party fails to  
14 respond that inspection [of such documents or tangible things] will be permitted—or fails to  
15 permit inspection—as requested under Rule 34." Fed. R. Civ. P. 37(a)(3)(B)(iv).

16           Patent Local Rule 3-4(a) provides for the automatic production of source code and  
17 technical documents concurrently with the defendants' invalidity contentions. It states: "With  
18 the Invalidity Contentions, the party opposing a claim of patent infringement shall produce or  
19 make available for inspection and copying: (a) Source code, specifications, schematics, flow  
20 charts, artwork, formulas, or other documentation sufficient to show the operation of any aspects  
21 or elements of an Accused Instrumentality identified by the patent claimant in its Patent  
22 L.R. 3-1(c) chart."

1 **IV. ARGUMENT**

2 **A. Samsung Should Be Ordered to Produce Technical Documents Relevant to**  
3 **Apple's Utility Patent Infringement Case.<sup>1</sup>**

4 The Court's December 22 Order required Samsung to produce all technical documents  
5 sought by Apple's previous motion to compel. (Dkt. No. 537 at 2.) The exception was  
6 documents responsive to 14 document requests for which "there [wa]s no indication that the  
7 parties met and conferred." (*Id.* at 2 & n.2.) As to these categories, the Court noted that Apple  
8 could re-raise them with the Court "after an appropriate meet and confer." (*Id.* at 2-3.) The  
9 documents sought by those 14 requests, broadly speaking, relate to the evolution, features, and  
10 updates of software for certain Samsung products and the design and manufacturing of hardware  
11 for those products. (McElhinny Decl. Ex. C.)

12 As directed by the Court, Apple (through its lead trial counsel) met and conferred with  
13 Samsung regarding the 14 remaining categories of technical documents. (*Id.* ¶ 5.) In the spirit of  
14 compromise, Apple had voluntarily proposed substantial limitations to those categories.  
15 (McElhinny Decl. Ex. C.) (A complete list of the specific, narrowed categories of technical  
16 documents Apple seeks from Samsung at this time is set forth in Section I of Apple's Proposed  
17 Order submitted herewith.) Samsung rejected Apple's proposed compromise. (*See* Mazza Decl.  
18 Ex. A.)

19 The Court should order Samsung to complete, by no later than January 23, 2012, its  
20 production of all technical documents in all the narrowed categories identified in Apple's  
21 Proposed Order filed herewith. As explained in Apple's previous motion, Samsung was obligated  
22 under Patent Local Rule 3-4 to provide these documents by October 7, 2011, the date it served its  
23 invalidity contentions. (Dkt. No. 467-1 at 6-9.) Yet, over three months after that deadline,  
24 Samsung still refuses to produce them. Samsung's delay has already prejudiced Apple's ability to

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25  
26 <sup>1</sup> The documents discussed in this section are responsive to Requests for Production Nos.  
27 193, 225-227, 229-231, 233-235, 240, and 243-245, served on October 26, 2011.

1 prepare for depositions of Samsung's technical witnesses, which commence January 11, 2012  
2 (the day of this submission). (Mazza Decl. ¶ 12.) Even after these documents are produced,  
3 Apple's counsel will need time to review and analyze them before being able to use them  
4 effectively at the depositions. It would be grossly unfair to permit Samsung to continue  
5 withholding the requested technical documents from Apple.

6 Samsung has disputed the relevance of some, but not all, of the document categories  
7 identified above and in its Proposed Order. (Mazza Decl. Ex. B.) All those categories, however,  
8 seek documents that are highly relevant and narrowly tailored to Apple's allegations. For  
9 example, Apple is entitled to know which versions of the operating systems, touchscreen control  
10 systems, and software applications on the accused devices include the accused functionalities,  
11 because this information goes to the heart of Apple's patent infringement claims. As another  
12 example, Apple is entitled to technical specifications for the screens (including LED and LCD  
13 screens) and touch screen controllers (including those produced by Atmel Corporation) in the  
14 accused Samsung products, as that information is directly relevant to Samsung's infringement of  
15 Apple's touchscreen hardware patents.

16 All of this information is undoubtedly well-documented internally at Samsung. In  
17 contrast, it would be unduly burdensome, if not impossible, for Apple to glean this information  
18 based solely on teardowns of publicly-available versions of the accused products or on inspection  
19 of Samsung's piecemeal source code production (which does not and cannot show the evolution  
20 of the accused functionalities in Samsung's products over time). (Mazza Decl. ¶ 13.) Indeed,  
21 Samsung's production of source code to date underscores the impossibility of reconstructing the  
22 requested technical information without a complete production from Samsung. Its limited  
23 production to date appears to include, at most, just a single version of software for each accused  
24 device. (*Id.*)

25 Similarly, Apple is entitled to documents sufficient to show how updates to the operating  
26 systems, applications, and touchscreen control systems on the accused devices affected the  
27 accused functionalities. Samsung has pushed out to consumer devices a number of software  
28 updates that have affected accused functionalities on Samsung's products. (Mazza Decl. ¶ 13.)

1 Samsung's internal documentation of such software updates is therefore not only critical to  
2 demonstrating infringement, but will also be important for calculating damages based on the  
3 duration of infringement.

4 Moreover, this update information is practically impossible for Apple to obtain on its own,  
5 as Apple cannot "undo" software updates that are applied to Samsung's products. (*Id.*) Thus,  
6 Apple would lose its ability to analyze an earlier version of Samsung's software on a device each  
7 time it wished to assess the impact of an update. (*Id.*) Equally problematic is the fact that the  
8 various iterations of software updates, rendered obsolete by newer updates and versions of the  
9 software, are not readily publicly available. (*Id.*) This is particularly true for the earlier-released  
10 accused devices that are no longer actively supported or maintained. (*Id.*) Samsung's relevance  
11 objection is therefore meritless.<sup>2</sup>

12 For these reasons, the Court should order Samsung to produce, by January 23, 2012, all  
13 technical documents within the specific, narrowed categories identified in Section I of the  
14 accompanying Proposed Order.

15 **B. Samsung Should Be Ordered to Produce Documents Regarding its Efforts to**  
16 **Design Around Apple's Patents**

17 Following the initiation of this lawsuit, Samsung attempted to design around Apple's '381  
18 patent by incorporating a "blue glow" functionality into its products as a substitute for the '381  
19 patent's "rubber-banding" feature. On November 29, 2011, Apple informed Samsung that there  
20 were no documents produced by Samsung regarding such "blue glow" functionality, and  
21 requested that Samsung provide a date certain for completing its production of such documents,  
22 as well as all other design around documents responsive to Apple's document requests. (Mazza

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23  
24 <sup>2</sup> During the meet and confer process, Samsung also pointed to Apple's obligation to  
25 produce technical documents in response to Samsung's document requests. (Mazza Decl. Ex. B.)  
26 Samsung cannot excuse itself from complying with Apple's requests by pointing to alleged  
27 deficiencies in Apple's document production. The Court expressly rejected this tactic in its  
28 December 22, 2012 Order, observing that "If Samsung believes that Apple is not complying with  
its own discovery obligations ... Samsung is free to raise such failures before the court in an  
appropriately noticed motion." (Dkt. No. 537 at 2 n.1.)

1 Decl. Ex. K.) Samsung replied over a month later, stating that it had located no “blue glow”  
2 documents, although its investigation was “ongoing.” (*Id.* Ex. L.) Apple followed-up again,  
3 reiterating that it had requested *all* design around documents, not just documents regarding “blue  
4 glow.” (*Id.* Ex. M.) Samsung ignored Apple’s request for design around documents other than  
5 “blue glow.”

6 Despite later claiming that every document relating to this issue was privileged, Samsung  
7 eventually relented, recognizing that it must produce documents related to its “blue glow” design  
8 around effort, and agreed to produce “non-privileged” documents. (*Id.* Ex. N.) Nevertheless,  
9 Samsung’s attempt to limit its production to a single design around effort is improper. Samsung’s  
10 documents regarding any other attempts to design around Apple’s patents are responsive to  
11 multiple document requests propounded by Apple and must be produced.

12 Samsung’s knowledge of Apple’s patents in suit, its efforts to avoid infringement of those  
13 patents, and its attempts to design around those patents are relevant to, among other issues, the  
14 willfulness of Samsung’s infringement and the determination of a reasonable royalty rate for a  
15 license to Apple’s patents. *See, e.g., Saint-Gobain Autover USA, Inc. v. Xinyi Glass North*  
16 *America, Inc.*, 707 F. Supp. 2d 737, 751 (N.D. Ohio 2010) (considering evidence of a design  
17 around in assessing willfulness); *Paice LLC v. Toyota Motor Corp.*, 609 F. Supp. 2d 620, 627  
18 (E.D. Tex. 2009) (“the costs of switching to an alternative design is a factor that the parties would  
19 consider in arriving at an appropriate ongoing royalty rate”). Such documents may also impact  
20 the scope of infringement in this case, as the implementation of design arounds could affect the  
21 universe of accused products and functionalities. Relevant documents in this category would  
22 include not only internal documents at Samsung showing implementation of design arounds like  
23 the “blue glow” functionality, but also communications with third parties such as Google, which  
24 produces portions of the Android code base.

25 The Court should order Samsung to produce all documents relating to Samsung’s design  
26 around efforts by no later than January 23, 2012. (*See* Proposed Order § II.) Samsung does not  
27 and cannot dispute that it has, indeed, incorporated features into its products in response to this  
28 lawsuit, and that such functionalities reflect an attempt to design around Apple’s patents. Nor

1 does Samsung dispute that any documents relating to such design around efforts are responsive to  
2 Apple’s document requests. Samsung’s position that no such documents have been located  
3 demonstrates its continuing failure to search in good faith, because Samsung could not have  
4 conceived, designed, and implemented its design around functionalities without creating any  
5 documentary record of such efforts. Given the shortened time frame for discovery in this action,  
6 Apple should not be forced to wait patiently for responsive documents that Samsung should be  
7 able to identify and collect in short order.

8 **C. Samsung Should Be Ordered to Produce Documents Relevant to Apple's**  
9 **Design Patent, Trademark, and Trade Dress Infringement Case.**

10 The Court should order Samsung to produce the specific, narrowed categories of  
11 documents described in Sections III and IV of the accompanying Proposed Order relating to  
12 Apple’s design patents, trademarks, and trade dress. As discussed below, those documents  
13 (including marketing and advertising documents) are relevant because they demonstrate  
14 alternative designs of Samsung’s products and/or may support elements of Apple’s trademark and  
15 trade dress claims.

16 **1. Documents Demonstrating Alternative Designs<sup>3</sup>**

17 To prevail on its trademark and trade dress claims, Apple is required to prove that its  
18 unregistered trade dress has acquired distinctiveness and is not functional and that its unregistered  
19 trademark is distinctive. 15 U.S.C. § 1125(a)(3) (“In a civil action for trade dress infringement  
20 under this chapter for trade dress not registered on the principal register, the person who asserts  
21 trade dress protection has the burden of proving that the matter sought to be protected is not  
22 functional”); *TrafFix Devices, Inc. v. Mktg. Displays, Inc.*, 532 U.S. 23, 29 (2001) (“This burden  
23 of proof gives force to the well-established rule that trade dress protection may not be claimed for  
24

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25 <sup>3</sup> The documents discussed in this section are responsive to one or more of the following  
26 Requests for Production, the earliest of which was served on July 12, 2011: Nos. 1, 11-12, 18,  
27 21, 26-27, 30, 36, 43, 157-58, 160-164, 167, 192, 194-96, 198, 203, 204, 210-214, 260, 360-67,  
28 392, 422-23, 449-51, 453, and 467.

1 product features that are functional”); *Wal-Mart Stores, Inc. v. Samara Bros., Inc.*, 529 U.S. 205,  
2 216 (2000) (“[I]n an action for infringement of unregistered trade dress under § 43(a) of the  
3 Lanham Act, a product’s design is distinctive, and therefore protectible, only upon a showing of  
4 secondary meaning”); *Sand Hill Advisors, LLC v. Sand Hill Advisors, LLC*, No. C 08-5016 SBA,  
5 2010 U.S. Dist. LEXIS 97011, at \*7-8 (N.D. Cal. Sept. 16, 2010) (“Where the mark is not  
6 registered ... a plaintiff must establish that its mark either is inherently distinctive, or has acquired  
7 distinctiveness through secondary meaning”).

8 In addition, to the extent that Samsung is challenging the validity of Apple’s design  
9 patents and registered trade dress on the basis that they are functional (and, for the trade dress,  
10 lack distinctiveness), Apple will need to come forward with evidence that the trade dress and  
11 designs are not functional and have acquired distinctiveness. *Bonito Boats, Inc. v. Thunder Craft*  
12 *Boats, Inc.*, 489 U.S. 141, 148 (1989) (“To qualify for protection, a design must present an  
13 aesthetically pleasing appearance that is not dictated by function alone”); *TrafFix Devices*, 532  
14 U.S. at 29; *Wal-Mart Stores*, 529 U.S. at 216. Relevant evidence on these issues includes the  
15 availability of alternative designs, the ease and cost of manufacture, whether the design yields a  
16 utilitarian advantage, and whether utilitarian advantages of the designs are touted in advertising.  
17 *Disc Golf Ass’n v. Champion Discs, Inc.*, 158 F.3d 1002, 1006 (9th Cir. 1998) (listing factors  
18 relevant to determination of functionality in trade dress cases); *Best Lock Corp. v. ILCO Unican*  
19 *Corp.*, 94 F.3d 1563, 1566 (Fed. Cir. 1996) (“[a] design is not dictated solely by its function when  
20 alternate designs for the article of manufacture are available”).

21 Samsung has taken the position that Apple’s designs are merely functional or lack  
22 distinctiveness, and that they are obvious and/or anticipated in light of the prior art. (Dkt. No. 80  
23 §§ 122, 126, 133, 138, 139-40, 145, 149, 154, 278-80, 282; Samsung’s Opposition to Apple’s  
24 Motion for a Preliminary Injunction, filed under seal Aug. 22, 2011, at 9-10, 14-16.) Apple  
25 propounded categories of documents relevant to these issues, including documents that fall within  
26 the broad categories below:

- 1 • trademark, trade dress, and design patent search reports relating to any element of  
2 Apple's asserted trade dress or asserted trademarks [relevant to  
obviousness/anticipation and distinctiveness];
- 3 • documents discussing the distinctiveness of Apple's designs for the Apple Products at  
4 Issue [relevant to distinctiveness];
- 5 • documents relating to the design and development of GUI designs and the external  
6 hardware design for Samsung's smartphone and tablet products [relevant to  
distinctiveness, functionality, and Samsung's intent];
- 7 • documents relating to the design and development of the earphone or speaker slot  
8 design for all mobile phone products offered for sale by Samsung [relevant to  
functionality];
- 9 • sketchbooks, CAD drawings (or other schematics used by Samsung in designing its  
10 products), and physical models depicting designs created on or after January 1, 2000,  
11 that depict designs for any Samsung mobile phone product, tablet product, or  
touchscreen digital media player [relevant to functionality];
- 12 • minutes, notes, specifications, or requirements communicated to the designers, project  
13 management reports, and reports to executives relating to the external hardware design  
14 or the GUI for all Samsung smartphones or tablet computers; and
- 15 • documents sufficient to show all model numbers, code names, or other internal  
designations used to refer to each of Samsung's Products at Issue.

16 A complete list of the specific, narrowed categories of design, trademark, and trade dress  
17 documents Apple seeks from Samsung at this time is set forth in Section III of Apple's Proposed  
18 Order submitted herewith.

19 Apple followed up on its requests in a letter dated January 3, 2012, and lead trial counsel  
20 for the parties met and conferred on the requests on January 5, 2012. (McElhinny Decl. ¶¶ 6, 7.)  
21 Samsung rejected Apple's request that Samsung complete production of the requested materials  
22 by January 23, 2012, and refused to provide a date certain for such production. (*Id.*)

23 Samsung continues to make baseless objections to the requests. For example, Samsung  
24 objects that it should not be required to produce documents in the requested categories to the  
25 extent they relate to non-accused products because such documents are irrelevant, or the  
26 production would be unduly burdensome. (Mazza Decl. Ex. C.) As explained above, however,  
27 Samsung has argued that the designs that Apple has accused of infringement are dictated by  
28

1 function—which means that the same functions cannot be performed through any other design.  
2 To the extent that Samsung has used alternative designs to perform the same function—whether  
3 the alternative was used in an accused product or a non-accused product—those designs are  
4 directly relevant to an issue that Samsung raised.<sup>4</sup> Moreover, designer discussions of alternative  
5 designs will likely include references to issues related to the functionality determination,  
6 including ease and cost of manufacture, or utilitarian advantages or disadvantages of the design.  
7 Samsung’s own smartphone and tablet design files will provide admissions that, in fact, many  
8 different designs can be used for smartphones and tablet computers because Samsung has sold  
9 products with significantly different designs.

10 Samsung has also argued that Apple’s evidence of alternative third-party designs cannot  
11 be considered true alternative designs because those third-party designs “would adversely affect  
12 the utility of the specified article.” (*See* Dkt. No. 452 at 13.) Evidence that Samsung has  
13 included or considered those same third-party designs for its own mobile phones and tablet  
14 computers is required for Apple to respond to Samsung’s argument that the third-party designs  
15 affect the utility of the articles. There is no better place to obtain evidence on this point than  
16 Samsung’s own design files, which may show that a design that Samsung claims is not feasible  
17 was actually produced by Samsung itself.

18 Samsung cannot be permitted to raise the issue of functionality and then shield its files  
19 from discovery on the grounds of relevancy or burden. Indeed, when it suits Samsung’s  
20 purposes, Samsung has produced documents and things that relate to non-accused devices (such  
21 as models of the F700 mobile phone (Mazza Decl. ¶ 17)), while simultaneously, and  
22 inconsistently, arguing that Apple should not be permitted to take discovery of other non-accused  
23 products.

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24  
25 <sup>4</sup> Separately, Samsung has a practice of designing a core product, such as the Galaxy S  
26 phone, and then offering that product under a variety of names with only slight design  
27 modifications. (Mazza Decl. ¶ 16 & Ex. D.) Given this practice, documents from the design  
28 history of non-accused products may be directly relevant to the design of accused products if their  
design originated with the same core product.

1 For these reasons, the Court should order Samsung to produce, by January 23, 2012, the  
2 documents relevant to alternative designs specified in Section III of Apple’s Proposed Order.  
3 There is no dispute that this material is directly relevant to Apple’s trademark, trade dress, and  
4 design patent claims. Samsung should not be left to its own devices to decide if and when it will  
5 produce this relevant material. By attempting to excuse itself from the Court’s December 31,  
6 2011 deadline—and waiting to raise that request with Apple just 2 days before that deadline—  
7 Samsung has proven itself unwilling to abide even by timetables established by the Court. In  
8 light of this conduct, neither the Court nor Apple can reasonably have any confidence that  
9 Samsung, if given discretion to set its own timetable, will produce the requested material in a  
10 timely manner.

11 **2. Documents Demonstrating Satisfaction of the *Sleek-Craft* Factors.<sup>5</sup>**

12 To prove trademark and trade dress infringement, Apple needs to establish elements  
13 related to the eight-factor *Sleekcraft* test that the Ninth Circuit applies when considering  
14 likelihood of confusion. Those factors are: (1) the similarity of the parties’ marks; (2) the  
15 relatedness of the parties’ goods or services; (3) the marketing channels used; (4) the strength of  
16 the plaintiff’s mark; (5) evidence of actual confusion; (6) the defendant’s intent in selecting its  
17 mark; (7) the degree of care likely to be exercised by purchasers; and (8) the likelihood of  
18 expansion into other markets. *AMF, Inc. v. Sleekcraft Boats*, 599 F.2d 341, 348-49 (9th Cir.  
19 1979).

20 Samsung has argued that Apple’s trademarks and trade dress are weak, that the products  
21 are not competitive because Samsung products do not use the iOS operating system and therefore  
22 do not compete with Apple products, that the products appeal to distinct, sophisticated customers,  
23 that the products do not look similar, and that Samsung did not act willfully. (Dkt. No. 80

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24  
25 <sup>5</sup> The documents discussed in this section are responsive to one or more of the following  
26 Requests for Production, the earliest of which was served on July 12, 2011: Nos. 1, 11-12, 18,  
27 21, 26-27, 30, 36, 43, 157-58, 160-164, 167, 192, 194-96, 198, 203, 204, 210-214, 360-67, 392,  
28 422-23, 449-51, and 453.

1 §§ 122, 126, 133, 138, 139-40, 145, 149, 154, 278-80, 282; Samsung's Opposition to Apple's  
2 Motion for a Preliminary Injunction, filed under seal Aug. 22, 2011, at 31-32.) Apple  
3 propounded document requests relevant to each of the *Sleekcraft* factors, including the specific  
4 factors Samsung is contesting. The documents fall within the broad categories below:

- 5 • trademark, trade dress, and design patent search reports relating to any element of  
6 Apple's asserted trade dress or asserted trademarks [relevant to strength];
- 7 • surveys [relevant to strength, actual confusion, and Samsung's intent];
- 8 • documents relating to the design and development of GUI designs and the external  
9 hardware design for Samsung's Products at Issue (*i.e.*, all Galaxy phone and tablet  
10 products and all products identified in Apple's Amended Complaint) [relevant to  
11 Samsung's intent];
- 12 • documents discussing actual or potential consumer confusion between the parties'  
13 Products at Issue [relevant to confusion];
- 14 • marketing, market analysis, and advertising strategy documents relating to the Apple  
15 or Samsung Products at Issue [relevant to channels of trade, consumer sophistication,  
16 and Samsung's intent];
- 17 • documents evidencing or referencing U.S. and global media plans for any of  
18 Samsung's Products at Issue [relevant to channels of trade, consumer sophistication,  
19 and Samsung's intent];
- 20 • copies of U.S. advertisements for Samsung Products at Issue, and drafts of such  
21 advertisements [relevant to Samsung's intent, channels of trade, similarity of trade  
22 dress and/or trademarks, similarity of products];
- 23 • copies of all advertisements for all Samsung products that mention, target or evoke  
24 Apple or its products [relevant to Samsung's intent]; and
- 25 • documents reflecting retail outlets and scripts or sales points for Samsung's Products  
26 at Issue, and any incentives that Samsung offers in connection with the sale of  
27 Samsung's Products at Issue [relevant to channels of trade and Samsung's intent].

28 A complete list of the specific, narrowed categories of design, trademark, and trade dress  
documents (including marketing and advertising documents) Apple seeks from Samsung at this  
time is set forth in Sections III and IV of Apple's Proposed Order submitted herewith.

As with the design documents, Samsung objects on relevance and burden grounds to the  
production of documents in the categories set forth above that go beyond the accused products.

1 For example, Samsung objects to the production of advertising that is not limited to products  
2 specifically accused of infringing Apple’s trade dress or trademarks. However, Samsung is  
3 currently running, or has recently run, advertisements that refer to Apple, that mock Apple, or that  
4 copy Apple’s ads or use actresses who have appeared in Apple’s advertisements, all to trade on  
5 Apple’s goodwill. (Mazza Decl. Ex. E.) These advertisements are relevant to Samsung’s  
6 intent—they support Apple’s claim that Samsung is a copier and not an innovator, and that  
7 Samsung is specifically targeting Apple with its copying.<sup>6</sup> All such advertisements should be  
8 produced, regardless of the product being advertised.

9 Moreover, Apple’s request for the production of all U.S. ads for Samsung’s Galaxy  
10 products and all accused products is specifically tailored to seek documents relevant to the case.  
11 As mentioned above, Samsung develops a core product (such as the Galaxy S or the Galaxy SII)  
12 and then builds multiple models with minor variations from the core product. (Mazza Decl. ¶ 16  
13 & Ex. D.) Because of the close association between the products, and because of Samsung’s  
14 practice of creating different model names for such products, Samsung should produce all U.S.  
15 advertisements for all Galaxy products, including non-accused products.

16 As for advertisements for all accused products, the essence of Apple’s complaint is that  
17 Samsung is copying everything that Apple does—with its touchscreen technology, its GUI, its  
18 hardware designs, and its ads. Accordingly, Samsung should produce all U.S. advertisements for  
19 all accused products so that Apple can see how the products are being presented to the public and  
20 which features are being touted. Not only is this relevant to Samsung’s intent, it is also relevant  
21 to irreparable harm because Samsung has argued Apple needs to tie the specific patented features  
22 to consumer demand (Samsung’s Opposition to Apple’s Motion for a Preliminary Injunction,  
23

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24  
25 <sup>6</sup> Samsung made the same overbreadth objection to Apple’s request for product placement  
26 requests. (Mazza Decl. ¶ 19 & Ex. F.) Apple is moving to compel such requests only for the  
27 Samsung Products at Issue, which obviates any burden objection that Samsung may have. (*See*  
28 Proposed Order, § IV.) Samsung has not objected to the production of those documents, but also  
has not provided a date certain by which it will produce those documents.

1 filed under seal Aug. 22, 2011, at 31-33), and advertisements are used to create that consumer  
2 demand.

3 With respect to surveys, it has become manifestly clear that Samsung's production  
4 remains incomplete, despite this Court's Orders to produce them. (Dkt. No. 267 at 4 (ordering  
5 Samsung to produce "all survey documents that reference the Apple products currently alleged by  
6 Apple to embody one or more [of] the ornamental or utility features claimed in the patents".))  
7 For example, Apple has learned of one survey, sent by Samsung to purchasers of Samsung  
8 products, that concerns customer usage of and preferences for various Apple products, including  
9 the Apple products at issue. (Mazza Decl. ¶ 20.) Apple brought this survey to Samsung's  
10 attention on November 29, 2011, and again on January 8, 2012. (*Id.* Exs. G & H.) Samsung's  
11 belated January 10 letter asserts that this survey "plainly has nothing to do with this lawsuit,"  
12 because it was sent to customers of Samsung products that are not accused in this case of  
13 infringement. (*Id.* Ex. A.) The Court's Order to produce surveys, however, was not limited to  
14 surveys sent to purchasers of the accused products. It included "all survey documents that  
15 reference the Apple products currently alleged by Apple to embody one or more the ornamental  
16 or utility features claimed in the patents." (Dkt. No. 267 at 4.) The fact that Samsung views this  
17 survey as wholly irrelevant raises a grave concern that Samsung *still* has not produced all of the  
18 survey documents it was required to produce on October 7 (and then December 31.) This is  
19 especially true where Samsung represented to the Court that it was "physically impossible" to  
20 complete its production of surveys by December 31 (Dkt. No. 554), but now states that its  
21 production of surveys is in fact complete.

22 The Court has already admonished Samsung that failure to produce the survey documents  
23 identified in the September 28 Order would subject Samsung to sanctions. At a minimum,  
24 Samsung should be ordered to produce immediately all documents relating to the survey  
25 described above, and to any other similar surveys withheld by Samsung, as well as all of the other  
26 specific, narrowed categories of documents (including marketing and advertising documents)  
27 relating to Apple's design patent, trademark, and trade dress claims identified in Sections III and  
28 IV of the accompanying Proposed Order.



1 Samsung has not objected to the production of these categories of documents except to the  
2 extent that Samsung claims that it is not clear which documents Apple is targeting with its request  
3 for advertisements for Samsung products that “target” or “evoke” Apple or its products. (Mazza  
4 Decl. Ex. F.) The type of documents Apples seeks in this category, such as ads depicting what  
5 are obviously Apple customers standing in long lines, and their relevance has already been  
6 addressed above. (Mazza Decl ¶ 18 & Ex. E.) The parties, through their lead trial counsel, met  
7 and conferred regarding these requests on January 5, 2012. (McElhinny Decl. ¶ 6.) Samsung did  
8 not agree to produce documents relating to these issues. (*Id.*) The Court should order Samsung  
9 to produce, by January 23, 2012, the specific, narrowed marketing, market research, and  
10 advertising documents specified in Section IV of Apple’s Proposed Order. There is no dispute  
11 that this material is directly relevant to Apple’s claims and to showing irreparable harm.

12 **E. Samsung Should Be Ordered to Produce Financial Information Relevant to**  
13 **Apple's Showing of Damages.<sup>8</sup>**

14 The Court should order Samsung to produce the specific, narrowed categories of sales and  
15 financial information identified in Section V of the accompanying Proposed Order because data  
16 regarding Samsung’s sales and profitability is indisputably relevant. For example, Samsung’s  
17 sales of the accused products are an act of infringement. Under 35 U.S.C. § 289 and 15 U.S.C.  
18 § 1117, Apple is entitled to recover Samsung’s “total profit” for Samsung’s design patent  
19 infringement and its profits due to infringement of Apple’s trade dress. *See* 35 U.S.C. § 289;  
20 *Catalina Lighting, Inc. v. Lamps Plus, Inc.*, 295 F.3d 1277, 1290 (Fed. Cir. 2002). Further, under  
21 35 U.S.C. § 284, Samsung’s profitability information is relevant to determining a reasonable  
22 royalty. *See, e.g., Medtronic Sofamore Danek USA, Inc. v. Globus Medical, Inc.*, 637 F. Supp. 2d  
23 290, 311 (E.D. Pa. 2009) (considering “the established profitability of the product made under the  
24 patent; its commercial success; and its current popularity” under the *Georgia Pacific* factors).

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25 <sup>8</sup> The documents and information discussed in this section are responsive to at least the  
26 following Requests for Production propounded by Apple as early as August 3, 2011: Nos. 34, 41,  
27 42, 44, 47, 260-267, 276, 278, 283, 461, and 462.

1 Thus, the discovery Apple seeks—information on sales, gross margin, various expenses and  
2 operating profit—reflects highly relevant, discoverable data.

3 Unable to dispute this, Samsung nonetheless withholds this information based on a series  
4 of misguided excuses. First, Samsung claims it has already produced numerous financial reports.  
5 (Mazza Decl. Ex I.) Samsung has produced some, but its piecemeal production consists of  
6 random, unconnected, and often inconsistent information. For example, the produced reports  
7 reflect partial information limited by carrier or vendor or limited to a single division or containing  
8 some but not all divisions. (Declaration of Erik J. Olson in Support of Apple’s Motion to Compel  
9 Production of Documents and Things (“Olson Decl.”) ¶ 5). The reports are occasionally  
10 inconsistent, are not drawn consistently from Samsung’s system of records, and no single type of  
11 report exists in sufficient numbers to cover the relevant period. (*Id.*) This scattered, fragmented  
12 material is no substitute for the systematic production of data tied to Samsung’s general ledger  
13 from which Samsung prepared its financial statements and on which management relies to run the  
14 business. (*Id.* ¶ 6.)

15 Second, Samsung improperly seeks to limit its production solely to information that  
16 Samsung has specifically tied to an individual accused product. While that information must be  
17 produced, the vast majority of line items included in Samsung’s income statement are not tracked  
18 on an individual product basis. (Olson Decl. ¶ 7.) To understand how such expenses should (or  
19 should not) be allocated to calculate Samsung’s profits requires a production of Samsung’s  
20 financial data on a broader basis. (*Id.*)

21 Samsung also objects to Apple’s requests for worldwide sales and profit data, arguing that  
22 such requests are overbroad because sales outside the United States do not infringe. At least one  
23 Court in this District has held that this type of data is relevant and has ordered production of  
24 worldwide data on sales and profits despite essentially the same objection. *3Com Corp. v. D-Link*  
25 *Sys. Inc.*, No. C 03-2177 VRW, 2007 WL 949596, at \*3-4 (N.D. Cal. Mar. 7, 2007) (holding that  
26 “worldwide profits and sales are relevant to a reasonable royalty calculation”). Of course, Apple  
27 does not contend that foreign sales infringe. If Samsung already allocated each relevant U.S.  
28 expense or deduction to a specific smartphone, worldwide data would be unnecessary. Samsung

1 does not. Thus, experts will need to evaluate how any unallocated expenses should be treated.  
2 (Olson Decl. ¶ 8.) To do so, Apple’s financial expert will need broader consolidated data on all  
3 of Samsung’s sales and expenses in the United States and worldwide. (*Id.*) Moreover, the  
4 broader data is needed to untangle the highly complex financial structure created by transfer  
5 pricing, internal reallocations, and other intercompany transfers that artificially increase or  
6 diminish the revenues and profits of individual subsidiaries. (*Id.*)

7 Samsung also objects to Apple’s requests on the grounds that Samsung must only produce  
8 documents maintained “in the ordinary course of business.” (Mazza Decl. Ex. I.) By this,  
9 Samsung apparently means that it need not produce comprehensive financial information  
10 contained in its accounting and operational databases unless it was previously printed out by an  
11 employee. But discovery is not limited to information captured in hard copy. Samsung tracks,  
12 retains and uses financial data on a daily basis even if it is not circulated in printed form. (Olson  
13 Decl. ¶ 4.) Samsung has the ability to generate reports reflecting financial data simply by  
14 pressing a few buttons. (*Id.*) [REDACTED]

15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]

19 [REDACTED] Samsung cannot avoid highly relevant discovery simply because it  
20 uses an electronic interface to access the data rather than distributing a printed page. If this were  
21 an appropriate basis for resisting discovery, 90 percent of e-mail would be immune from  
22 discovery.

23 Samsung further objects that production may require Samsung to produce information  
24 about entities that are not named as defendants in this case. (Mazza Decl. Ex. I.) However,

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26 <sup>9</sup> [REDACTED]  
27 [REDACTED]

1 discovery is not limited in this way. Samsung must produce any consolidated information that is  
2 in its control. *In re ATM Fee Antitrust Litig.*, 233 F.R.D. 542, 544 (N.D. Cal. 2005) (“[A]  
3 corporation must produce documents possessed by a subsidiary that the parent corporation owns  
4 or controls”) (quoting *United States v. Int’l Union of Petroleum & Indus. Workers, AFL-CIO*, 870  
5 F.2d 1450, 1452 (9th Cir. 1989)). [REDACTED]

6 [REDACTED]  
7 For all these reasons, Apple requests that the Court order Samsung to produce, from its  
8 general ledger or system of record, the specific, narrowed categories of sales and financial  
9 information and documents identified in Section V of the accompanying Proposed Order. This  
10 material includes, among other things:

11 1. Samsung’s U.S. and worldwide revenues, unit sales, and average selling price for  
12 the accused products (1) per smartphone or tablet, (2) per carrier, and (3) per month;

13 2. Documents and information from Samsung’s system of record that reflect  
14 Samsung’s gross and operating profits, costs of goods sold, research and development costs, sales  
15 and marketing expenses, general and administrative expenses, other operating costs, and business  
16 plans for every Samsung division that sells smartphones, mobile phones and tablets in the United  
17 States and the same data prepared worldwide (so that Apple can tie them to Samsung’s  
18 consolidated financials); and

19 3. Samsung’s audited or unaudited financial reports for Samsung entities that sell any  
20 of the accused products.

21 Apple requests that the Court’s Order require that Samsung produce this information by  
22 no later than January 23, 2012. Given that the initial exchange of expert reports is set for  
23 March 22, 2012, it is imperative that Apple timely receive documents containing such  
24 information.

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**V. CONCLUSION**

For the reasons discussed above, the Court should grant Apple’s motion, and order Samsung to produce all of the specific, narrowed categories identified in the accompanying Proposed Order, by January 23, 2011.

Dated: January 11, 2012

MORRISON & FOERSTER LLP

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