

EXHIBIT D

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Attorneys for Plaintiff and
Counterclaim-Defendant APPLE INC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., a California corporation,

Plaintiff,

v.

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

Defendants.

Case No. 11-cv-01846-LHK

**APPLE INC.'S AMENDED OBJECTIONS
AND RESPONSES TO SAMSUNG'S
INTERROGATORY NO. 7 TO APPLE
RELATING TO APPLE INC.'S MOTION
FOR A PRELIMINARY INJUNCTION**

1 Under Rules 26 and 33 of the Federal Rules of Civil Procedure and Local Rule 33, Apple
2 Inc. (“Apple”) hereby amends its objections and response to Samsung’s Interrogatory No. 7
3 Relating to Apple Inc.’s Motion for a Preliminary Injunction. Apple reserves the right to further
4 supplement or amend these objections and response based on its ongoing investigation of the
5 facts, witnesses, and documents relating to this case.

6 **GENERAL OBJECTIONS**

7 Apple makes the following general responses and objections (“General Objections”) to
8 each definition, instruction, and interrogatory propounded in Samsung’s Interrogatories Relating
9 to Apple Inc.’s Motion for a Preliminary Injunction. These General Objections are hereby
10 incorporated into each specific response. The assertion of the same, similar or additional
11 objections or partial responses to individual interrogatories does not waive any of Apple’s
12 General Objections.

13 1. Apple objects to Samsung’s definitions of “APPLE,” “PLAINTIFF,” “YOU,” and
14 “YOUR” to the extent they purport to include persons or entities that are separate and distinct
15 from Apple and are not under Apple’s control. “Apple” refers only to Apple Inc.

16 2. Apple objects to these requests to the extent they incorporate Samsung’s definition
17 of “RELATING.” Samsung’s definition of this term renders each request incorporating the term
18 overly broad, vague, ambiguous, and unduly burdensome.

19 3. Apple objects to Samsung’s definition of “PRIOR ART” as inaccurate, overly
20 broad, vague, ambiguous, and unduly burdensome. Samsung’s definition is particularly vague
21 and ambiguous in its use of the phrase “relevant to the validity,” and overly broad in attempting
22 to include information other than that cited to the Patent Office during the prosecutions of the
23 patents that are the subject of Apple’s Motion for a Preliminary Injunction.

24 4. Apple objects to Samsung’s definitions of “DESIGN PATENTS” and the “381
25 PATENT” because they are inaccurate, overly broad, vague, ambiguous, and unduly burdensome.
26 The phrase “design patents” means U.S. Design Patent Nos. D618,677, D593,087, and D504,889.
27 The “381 patent” means U.S. Patent No. 7,469,381.

1 5. Apple objects to Samsung's definition of "IDENTIFY" because it is overly broad
2 and unduly burdensome, especially because it purports to impose requirements and obligations on
3 Apple other than as set forth in the Federal Rules of Civil Procedure. Samsung's definition is
4 overbroad and unduly burdensome because it would require Apple to include in its responses, for
5 example, the addresses, employer names, and job titles of every individual identified, regardless
6 of their employment at Apple; documents and testimony supporting every fact in Apple's
7 responses; model names/numbers, manufacturers, announcement/release/sales dates, sellers, and
8 descriptions for any product identified in Apple's responses, regardless of whether the product is
9 an Apple product; production numbers, document type, a description of the general nature and
10 subject matter, date of creation, and all authors, addressees, and recipients for every document;
11 and country, patent or application number, filing/publication/grant dates, patentees, and
12 applicants for every patent document. "Identify" has its plain and ordinary meaning.

13 6. Apple objects to Samsung's Instruction No. 1 because it is vague, ambiguous,
14 overly broad, and unduly burdensome, especially in its purported requirement that Apple furnish
15 information from entities that are not Apple, and from persons with "the best knowledge." Apple
16 further objects to this instruction because it calls for the disclosure of information that is
17 privileged and protected by the work product doctrine.

18 7. Apple objects to Samsung's Instruction No. 2 because it purports to impose
19 requirements and obligations on Apple other than as set forth in the Federal Rules of Civil
20 Procedure.

21 8. Apple provides these objections and responses to the best of its current knowledge.
22 Discovery or further investigation may reveal additional or different information warranting
23 amendment of these objections and responses. Apple reserves the right to produce at trial and
24 make reference to any evidence, facts, documents, or information not discovered at this time,
25 omitted through good-faith error, mistake, or oversight, or the relevance of which Apple has not
26 presently identified.

27 9. By responding to these interrogatories, Apple does not concede the relevance or
28 materiality of any of the interrogatories or of the subjects to which it refers. Apple's responses

1 are made subject to, and without waiving any objections as to the competency, relevancy,
2 materiality, privilege, or admissibility of any of the responses, or of the subject matter to which
3 they concern, in any proceeding in this action or in any other proceeding.

4 10. Apple objects to these interrogatories as premature to the extent they are not
5 reasonably calculated to lead to the discovery of admissible evidence relating to the claims or
6 defenses related to Apple's pending preliminary injunction motion. Apple objects to Samsung's
7 use of expedited discovery where the targeted subject matter does not relate to Apple's
8 preliminary injunction motion.

9 11. Apple objects to Samsung's attempt to serve a "corrected" version of Interrogatory
10 No. 4 that substantially expands its scope and to serve a second set of interrogatories after the
11 Court's July 8, 2011 cut-off for such interrogatories as untimely. Apple also objects to
12 Samsung's attempt to serve a second set of interrogatories after the Court's July 8, 2011 cut-off as
13 untimely.

14 **AMENDED OBJECTIONS AND RESPONSE TO INTERROGATORY NO. 7**

15 Subject to the foregoing qualifications and General Objections and the specific objections
16 made below, Apple amends its objections and response to Samsung's Interrogatory No. 7
17 Relating to Apple Inc.'s Motion for a Preliminary Injunction as follows:

18 **INTERROGATORY NO. 7:**

19 For each of the DESIGN PATENTS and the '381 PATENT, IDENTIFY (by product
20 name, product manufacturer, telecommunications carrier (if applicable), date of product
21 announcement, date of product release, and appearance of product – including front, back, and
22 side images) every Apple product that embodies any patented design or invention of the DESIGN
23 PATENTS or the '381 PATENT and provide a chart identifying specifically where each
24 limitation of each asserted claim is found within each Apple product.

25 **AMENDED OBJECTIONS AND RESPONSE TO INTERROGATORY NO. 7:**

26 Apple objects to this interrogatory as overly broad, unduly burdensome, and not
27 reasonably calculated to lead to the discovery of admissible evidence, especially because it
28 requests information pertaining to "every Apple product" and information about the "appearance

1 of product – including front, back, and side images.” Apple objects that this interrogatory calls
2 for information that is not relevant to the claims or defenses at issue in Apple’s Motion for a
3 Preliminary Injunction. Apple objects to this interrogatory to the extent it seeks information that:
4 (i) is protected from discovery by the attorney-client privilege or the work product doctrine; (ii)
5 would require Apple to draw a legal conclusion to respond; or (iii) can be obtained as easily by
6 Samsung, is already in Samsung’s possession, or is publicly available.

7 Subject to and incorporating its General Objections and its specific objections, Apple
8 responds as follows: The patented design of the ’D677 patent is embodied in at least the original
9 iPhone, iPhone 3GS, and iPhone 4. The patented design of the ’D087 patent is embodied in at
10 least the original iPhone and iPhone 3GS. The patented design of the ’D889 patent is embodied
11 in at least the iPad 2. Apple refers to its preliminary injunction motion moving papers and public
12 sources for images of the aforementioned Apple products. The patented invention of the ’381
13 patent is embodied in at least the iPhone 3GS, iPhone 4, iPad, and iPad 2.

14 Dated: September 28, 2011

MORRISON & FOERSTER LLP

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17 By: /s/ Richard S.J. Hung
RICHARD S.J. HUNG

18 Attorneys for Plaintiff
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