

Exhibit 15

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20 INC. and SAMSUNG

21 TELECOMMUNICATIONS AMERICA, LLC

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23 UNITED STATES DISTRICT COURT

24 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

25

26 APPLE INC., a California corporation,

27 Plaintiff,

28 vs.

29 SAMSUNG ELECTRONICS CO., LTD., a

30 Korean business entity; SAMSUNG

31 ELECTRONICS AMERICA, INC., a New

32 York corporation; SAMSUNG

33 TELECOMMUNICATIONS AMERICA,

34 LLC, a Delaware limited liability company,

35 Defendant.

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CASE NO. 11-cv-01846-LHK

**SAMSUNG'S SUPPLEMENTAL
OBJECTIONS AND RESPONSES TO
APPLE INC.'S SECOND SET OF
INTERROGATORIES (Nos. 2, 5-6)**

1 Pursuant to Federal Rules of Civil Procedure 26 and 33, Defendants Samsung Electronics
2 Co. Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC
3 (collectively, “Samsung”) respond to Plaintiff Apple Inc.’s (“Apple”) Second Set of Interrogatories
4 as follows:

5 **GENERAL STATEMENT**

6 The following responses are based on discovery available as of the date hereof. Discovery
7 is just beginning and is continuing, and these responses are subject to change accordingly. It is
8 anticipated that further discovery, independent investigation and analysis may lead to the
9 discovery of additional information or documents, supply additional facts and add meaning to
10 known facts, as well as establish entirely new factual conclusions and legal contentions, all of
11 which may lead to additions to, changes to or variations from the responses set forth herein.

12 In addition, the following responses are given without prejudice to Samsung’s right to
13 produce or rely on subsequently discovered information, facts or documents. Samsung
14 accordingly reserves the right to change the responses herein and/or produce or rely on
15 subsequently discovered documents as additional facts are ascertained, analysis is made, legal
16 research is completed and contentions are made. The responses herein are made in a good faith
17 effort to comply with the provisions of Rules 26 and 33 of the Federal Rules of Civil Procedure,
18 and to supply such responsive information as exists and is presently within Samsung’s possession,
19 custody or control, but are in no way to be deemed to be to the prejudice of Samsung in relation to
20 further discovery, research and analysis.

21 An answer to an interrogatory shall not be deemed a waiver of any applicable general or
22 specific objection to an interrogatory. In responding to the interrogatories, Samsung does not
23 waive any objections that may be applicable to the use, for any purpose, of any information or
24 documents provided in response, or the admissibility, relevance, or materiality of any such
25 information or documents to any issue in this case.

26 Samsung’s responses to these interrogatories do not constitute admissions relative to the
27 existence of any documents or information, to the relevance or admissibility of any documents or
28 information, or to the truth or accuracy of any statement or characterization contained in Apple’s

1 requests. All objections as to relevance, authenticity, or admissibility of any document are
2 expressly reserved.

3 Samsung expressly incorporates this General Statement and the following General
4 Objections as though set forth fully in response to each of the following individual interrogatories
5 and, to the extent that they are not raised in any particular response, Samsung does not waive those
6 objections.

7 **GENERAL OBJECTIONS**

8 1. Samsung objects to the “Definitions” and “Instructions” contained in Apple’s
9 Second Set of Interrogatories to the extent they are inconsistent with the Federal Rules of Civil
10 Procedure.

11 2. Samsung objects to Apple’s Definition of “Samsung,” “You,” “Your,” and
12 “Defendants” as overly broad to the extent it requires Samsung to pursue information from
13 individuals no longer employed by Samsung whose data is not currently in the possession of
14 Samsung. Samsung further objects to Apple’s Definition of “Samsung,” “You,” “Your,” and
15 “Defendants” as overly broad, vague, and ambiguous to the extent it does not define “affiliates,”
16 and also to the extent that it requires Samsung to potentially seek information from thousands of
17 people. Samsung will respond to interrogatories based on a reasonable inquiry of individuals
18 expected to possess the requested information.

19 3. Samsung objects to Apple’s definition of “Apple” to as overly broad, vague, and
20 ambiguous.

21 4. Samsung objects to Apple’s definition of “Products at Issue” as overly broad,
22 vague, and ambiguous insofar as it includes the undefined categories of “any similar products”
23 and “any products that Apple accuses of infringing its intellectual property in this litigation.”

24 5. Samsung objects to Apple’s definition of “Hardware Design” as overly broad,
25 vague, and ambiguous insofar as it includes “all hardware, insignia or ornamentation thereon.”

26 6. Samsung objects to Apple’s definition of “Graphical User Interface Design” as
27 overly broad, vague and ambiguous.

28 7. Samsung objects to the definition of “Third Party” or “Third Parties” as overly

1 broad.

2 8. Samsung objects to Apple's definition of "Relating," and each and every
3 interrogatory that uses the term "Relating," as overly broad, vague and ambiguous.

4 9. Samsung objects to these interrogatories as vague and ambiguous to the extent
5 they include terms that are undefined. Samsung in its responses will identify any terms it believes
6 are vague and ambiguous and will assume a reasonable meaning for each such term.

7 10. Samsung objects generally to each interrogatory to the extent that it seeks to elicit
8 information subject to and protected by the attorney-client privilege, the attorney work-product
9 doctrine, the joint defense privilege, the common interest doctrine, and/or any other applicable
10 privilege or immunity. Any inadvertent disclosure of such information shall not be deemed a
11 waiver of the attorney-client privilege, the work product doctrine, or any other applicable
12 privilege or immunity recognized by statute or case law. Samsung will exchange with Apple a log
13 of withheld documents at a time agreed to by counsel for the parties. Samsung also will not log
14 privileged documents that were created on or after April 15, 2011.

15 11. Samsung objects generally to the interrogatories to the extent they seek
16 information from outside a reasonable time period or from a point other than a reasonable time.

17 12. Samsung objects to these interrogatories to the extent they seek to compel
18 Samsung to generate or create information and/or documents that do not already exist.

19 13. Samsung objects generally to the interrogatories to the extent that they prematurely
20 call for contentions, identification of prior art, or identification of witnesses at this stage of the
21 litigation.

22 14. Samsung objects to each interrogatory to the extent it is duplicative or cumulative
23 of another interrogatory.

24 15. Samsung objects to each interrogatory to the extent it is compound and comprises
25 discrete subparts resulting in separate interrogatories.

26 16. Samsung expressly reserves the right to respond to any or all of the interrogatories
27 by specifying documents wherein the responsive information may be ascertained pursuant to Rule
28 33(d) of the Federal Rules of Civil Procedure.

1 17. Samsung objects generally to the interrogatories to the extent they seek
2 confidential proprietary or trade secret information of third parties. Samsung will endeavor to
3 work with third parties to obtain their consent, if necessary, before identifying or producing such
4 information and/or documents.

5 18. Samsung objects generally to the interrogatories on the grounds that they are
6 overly broad, unduly burdensome, and neither relevant nor reasonably calculated to lead to the
7 discovery of admissible evidence.

8 19. Samsung objects to the interrogatories on the ground that they are overly broad,
9 unduly burdensome and oppressive to the extent they purport to require Samsung to search its
10 facilities and inquire of its employees other than those facilities and employees that would
11 reasonably be expected to have responsive information. Samsung's responses are based upon (1)
12 a reasonable search and investigation of facilities and files that could reasonably be expected to
13 contain responsive information, and (2) inquiries of Samsung's employees and/or representatives
14 who could reasonably be expected to possess responsive information.

15 20. Samsung objects to the interrogatories on the grounds that they seek information
16 already in the possession of Apple, publicly available, or as readily available to Apple as it is to
17 Samsung.

18 21. Samsung objects to each interrogatory to the extent that it seeks information before
19 Samsung is required to disclose such information in accordance with any applicable law, such as
20 the Northern District of California Patent Local Rules.

21 22. Samsung objects to the interrogatories on the grounds and to the extent that they
22 seek legal conclusions or call for expert testimony. Samsung's responses should not be construed
23 to provide legal conclusions.

24 Subject to and without waiving the foregoing General Statement and General Objections,
25 Samsung responds as follows:

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1 **INTERROGATORIES**

2 **INTERROGATORY NO. 2:**

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

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

8 Samsung objects to this interrogatory as vague and ambiguous. Samsung further objects to
9 this interrogatory to the extent that it seeks to elicit information subject to and protected by the
10 attorney-client privilege, the attorney work-product doctrine, the joint defense privilege, the
11 common interest doctrine, and/or any other applicable privilege or immunity. Samsung objects to
12 Apple’s definition of “Products at Issue” as overly broad, vague, and ambiguous insofar as it
13 includes the undefined categories of “any similar products” and “any products that Apple accuses
14 of infringing its intellectual property in this litigation.” Samsung further objects to this
15 interrogatory as vague since Apple has failed to provide a detailed explanation in its Disclosure of
16 Asserted Claims and Infringement Contentions of the bases for its claims that Samsung allegedly
17 infringes the Asserted Claims. Furthermore, Samsung is presently unable to provide its non-
18 infringement positions because Apple has not served its expert reports identifying how Samsung’s
19 products allegedly infringe Apple’s asserted patents. Samsung further objects to this
20 interrogatory to the extent it prematurely calls for contentions at this stage of litigation. Samsung
21 will provide such contentions in accordance with the Court’s Minute Order and Case Management
22 Order, dated August 25, 2011.

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

24 For U.S. Patent No. 7,812,828, Samsung’s investigation is ongoing and Samsung will
25 provide its non-infringement position in its expert report(s) to be submitted in accordance with the
26 Court’s Minute Order and Case Management Order, dated August 25, 2011.

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1 For U.S. Patent No. 6,493,002, Samsung's investigation is ongoing and Samsung will
2 provide its non-infringement position in its expert report(s) to be submitted in accordance with the
3 Court's Minute Order and Case Management Order, dated August 25, 2011.

4 For U.S. Patent No. 7,469,381, Samsung's investigation is ongoing and Samsung will
5 provide its non-infringement position in its expert report(s) to be submitted in accordance with the
6 Court's Minute Order and Case Management Order, dated August 25, 2011. Samsung also
7 incorporates by reference the Declaration of Jeffrey Johnson in Support of Samsung's Opposition
8 to Apple's Motion for a Preliminary Injunction (Dkt. No. 174).

9 For U.S. Patent No. 7,844,915, Samsung's investigation is ongoing and Samsung will
10 provide its non-infringement position in its expert report(s) to be submitted in accordance with the
11 Court's Minute Order and Case Management Order, dated August 25, 2011.

12 For U.S. Patent No. 7,853,891, Samsung's investigation is ongoing and Samsung will
13 provide its non-infringement position in its expert report(s) to be submitted in accordance with the
14 Court's Minute Order and Case Management Order, dated August 25, 2011.

15 For U.S. Patent No. 7,663,607, Samsung's investigation is ongoing and Samsung will
16 provide its non-infringement position in its expert report(s) to be submitted in accordance with the
17 Court's Minute Order and Case Management Order, dated August 25, 2011.

18 For U.S. Patent No. 7,864,163, Samsung's investigation is ongoing and Samsung will
19 provide its non-infringement position in its expert report(s) to be submitted in accordance with the
20 Court's Minute Order and Case Management Order, dated August 25, 2011.

21 For U.S. Patent No. 7,920,129, Samsung's investigation is ongoing and Samsung will
22 provide its non-infringement position in its expert report(s) to be submitted in accordance with the
23 Court's Minute Order and Case Management Order, dated August 25, 2011.

24 **INTERROGATORY NO. 3:**

25 State in detail the basis of Samsung's contention that Apple's claims are barred "on the
26 basis that the marks and alleged trade dress at issue lack distinctiveness, including, without
27 limitation secondary meaning," as alleged in ¶ 281 of the Answer, including an identification of
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1 any documents on which Samsung intends to rely or which tend to prove or disprove Samsung's
2 contention.

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

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

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

12 Samsung directs Apple to Samsung's Answer in this case. *See* Dkt. No. 80. Samsung also
13 refers Apple to smartphone and tablet computer product selections available on the market and in
14 retailer stores. Samsung further incorporates by reference its response to Apple's Interrogatory
15 No. 41.

16 Samsung's investigation is ongoing and Samsung will provide its detailed positions in its
17 expert report(s) to be submitted in accordance with the Court's Minute Order and Case
18 Management Order, dated August 25, 2011.

19 **INTERROGATORY NO. 4:**

20 State in detail the basis of Samsung's contention that Apple's claims are barred "by reason
21 of other parties' use of any trademarks or trade dress at issue," as alleged in ¶ 292 of the Answer,
22 including an identification of any documents on which Samsung intends to rely or which tend to
23 prove or disprove Samsung's contention.

24 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4:**

25 Samsung objects to this interrogatory as vague and ambiguous. Samsung further objects to
26 this interrogatory to the extent that it seeks to elicit information subject to and protected by the
27 attorney-client privilege, the attorney work-product doctrine, the joint defense privilege, the
28 common interest doctrine, and/or any other applicable privilege or immunity. Samsung further

1 objects to this interrogatory as premature to the extent it requests information regarding
2 Samsung's contentions before discovery has been completed or substantially completed, and to the
3 extent it requests information that is or will be the subject of expert testimony.

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

5 Samsung directs Apple to Samsung's Answer in this case. *See* Dkt. No. 80. Samsung also
6 refers Apple to smartphone and tablet computer product selections available on the market and in
7 retailer stores. Samsung further incorporates by reference its response to Apple's Interrogatory
8 No. 41.

9 Samsung's investigation is ongoing and Samsung will provide its detailed position in its
10 expert report(s) to be submitted in accordance with the Court's Minute Order and Case
11 Management Order, dated August 25, 2011.

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13 DATED: March 8, 2012

Respectfully submitted,

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QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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By /s/ Todd Briggs

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LTD., SAMSUNG ELECTRONICS AMERICA,
INC. and SAMSUNG

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TELECOMMUNICATIONS AMERICA, LLC

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on March 8, 2012, I caused **SAMSUNG’S SUPPLEMENTAL**
3 **OBJECTIONS AND RESPONSES TO APPLE INC.’S 2ND SET OF INTERROGATORIES**

4 to be electronically served on the following via email:

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17 I declare under penalty of perjury that the foregoing is true and correct. Executed in
18 Redwood Shores, California on March 8, 2012.

19 _____
/s/ Melissa N. Chan