

Exhibit H

Intel Corporation's Responses to Plaintiff STC.UNM's
First Set of Requests for Production Nos. 1-19

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

STC.UNM,

Plaintiff,

v.

INTEL CORPORATION,

Defendant.

Civil No. 1:10-cv-01077-RB-WDS

**INTEL CORPORATION'S RESPONSES TO PLAINTIFF STC.UNM'S FIRST
SET OF REQUESTS FOR PRODUCTION NOS. 1-19**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the Local Rules of Civil Procedure of this Court, Defendant Intel Corporation ("Intel") hereby responds to Plaintiff STC.UNM's ("Plaintiff") First Set of Requests for Production Nos. 1-19 ("Requests").

RESERVATION OF RIGHTS

Intel's responses to Plaintiff's Requests shall not constitute an admission by Intel that any of the Requests, any of Intel's responses, or any documents or things produced in connection therewith, are admissible as evidence in any trial or other proceeding. Intel reserves the right to object on any grounds, at any time, to the admission of any Request or any objection, response, or any document or thing produced in connection therewith in any such trial or other proceeding.

GENERAL OBJECTIONS

1. Intel hereby incorporates by reference the "General Objections" set forth in its Responses and Objections to Plaintiff STC.UNM's First Set of Interrogatories Nos. 1-21 to Defendant Intel ("Interrogatories") and all supplements thereto as if fully set forth herein.

2. Intel objects to Plaintiff's Requests to the extent they seek information protected by the attorney-client privilege, the attorney work-product doctrine, the joint-defense privilege, the common-interest privilege, and/or any other applicable doctrine of privilege or immunity.

3. Intel objects to Plaintiff's Requests to the extent they seek information and/or documents subject to an obligation of confidentiality to a third party or that Intel believes are sensitive or proprietary or constitute trade secrets, or are otherwise confidential.

4. Intel objects to Plaintiff's Requests to the extent they purport to impose on Intel duties and/or responsibilities greater than those imposed by the Court's orders, the Federal Rules of Civil Procedure, and the Local Rules of this Court.

5. Intel objects to Plaintiff's Requests to the extent they seek information that does not exist, that is not in Intel's possession, custody, or control, or that is equally available to Plaintiff.

6. Intel objects to Plaintiff's Requests to the extent they use words and phrases that are not defined in an understandable manner.

7. Intel objects to Plaintiff's Requests to the extent they seek information not relevant to the claims or defenses of any party to this action; are overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence; and/or seek documents for which the burden or expense of the proposed discovery outweighs any likely benefit in resolving the issues of this action.

8. Intel objects to Plaintiff's Requests to the extent they do not contain an appropriate restriction on the covered time period as unduly burdensome, unnecessarily broad, and not reasonably calculated to lead to the discovery of admissible evidence. Unless otherwise stated, to the extent these requests seek information from an unspecified or over-expansive timeframe, Intel objects to production of information or documents regarding matters after expiration of the patent in suit (without conceding that this is a reasonable time period). With regard to Intel's own claims and defenses, including but

not limited to inequitable conduct, Intel reserves the right to seek discovery from an earlier period or to disclose documents or information from an earlier period.

9. Intel objects to Plaintiff's Requests to the extent they seek information prematurely in light of the deadlines of the Court's orders, the Federal Rules of Civil Procedure, and the Local Rules.

10. Intel objects to Plaintiff's Requests to the extent they seek production of "all" documents that might be responsive to a request as seeking redundant information, production of which would be unduly burdensome.

11. Intel objects to Plaintiff's Requests to the extent they seek electronically stored information from sources that are not reasonably accessible because of undue burden or cost, including but not limited to backup tapes; inactive email accounts; voicemail; instant messaging; legacy data; metadata; and residual, fragmented, damaged, permanently deleted slack and unallocated data.

12. Intel objects to Plaintiff's Requests to the extent that they seek to have Intel produce information in a manner other than the manner in which such information is kept in the ordinary course of business.

13. Intel objects to the Requests to the extent they are premature. Discovery has just begun in this case, and Intel's investigation is ongoing. Accordingly, additional facts and witnesses may be discovered. Intel reserves the right to use at trial and in any other proceeding in this action any such additional documents, witnesses, facts and evidence that may have been omitted from these responses for one of the foregoing reasons or otherwise and, without obligating Intel to do so, Intel reserves the right to supplement these responses in the future as may be appropriate.

14. Intel objects to the definition of "Accused Products" as overly broad, unduly burdensome, and not likely to lead to the discovery of admissible evidence to the extent it seeks information about potential process technologies that have not been developed and that have not been used to manufacture products. Accordingly, for purposes of its

responses, Intel will construe “Accused Products” as being limited to microprocessor semiconductors manufactured with Intel’s 32nm and 45nm technologies.

Intel objects to Plaintiff’s Requests as a whole on each of the above grounds. Insofar as Plaintiff’s Requests seek documents or information to which any of the above Reservation of Rights and/or General Objections apply, Intel hereby incorporates such Reservation of Rights and/or General Objections into its specific responses to such requests. Accordingly, the failure to note any general objection in any specific response above shall not be a waiver of such objection with respect to any request.

SPECIFIC OBJECTIONS

REQUEST NO. 1:

All process flow documents used in the manufacture of each Accused Product.

RESPONSE TO REQUEST NO. 1:

Intel objects to the disclosure of confidential information prior to the entry of an appropriate protective order. Intel also objects that this request seeks is overbroad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Intel further objects that the term “process flow documents” is vague and ambiguous.

Subject to, and without waiving its general and specific objections after entry of such an appropriate protective order, Intel will produce documents sufficient to show where in its 32nm and 45nm manufacturing processes it uses double patterning for representative products.

REQUEST NO. 2:

All GDS/GDS II files (or their equivalent) for the lithographic methods used in the manufacture of each Accused Product.

RESPONSE TO REQUEST NO. 2:

Intel objects to the disclosure of confidential information prior to the entry of an appropriate protective order. Intel also objects that this request seeks is overbroad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving its general and specific objections after entry of such an appropriate protective order, Intel will produce GDS/GDS II files (or their equivalent) sufficient to show its use of double patterning for representative products on its 32nm and 45nm manufacturing processes.

REQUEST NO. 3:

All documents sufficient to show and explain the meaning of the designations, including internal names, code names, product names and project names, alphanumeric or otherwise, used to refer to each Accused Product.

RESPONSE TO REQUEST NO. 3:

Intel objects to the disclosure of confidential information prior to the entry of an appropriate protective order. Intel also objects that this request is overbroad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 4:

All documents sufficient to show and explain the meaning of the designations, including internal names, code names, product names and project names, alphanumeric or otherwise, used to refer to each lithography process and/or lithography process flow used in the manufacture of each Accused Product.

RESPONSE TO REQUEST NO. 4:

Intel objects to the disclosure of confidential information prior to the entry of an appropriate protective order. Intel also objects that this request is overbroad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its general or specific objections and after entry of an appropriate protective order, Intel will produce documents sufficient to identify the code names of its 32nm and 45nm process technology.

REQUEST NO. 5:

All articles, press releases, and press kits (as that term is used by Intel on its web site) concerning Intel's 45nm process technology, 32nm process technology, 22nm process technology, 15nm process technology, and 11nm process technology.

RESPONSE TO REQUEST NO. 5:

Intel objects that this request is overbroad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Intel also objects that this request seeks information equally available to STC.

Subject to and without waiving its general or specific objections, Intel will produce copies of press releases announcing the introduction of its 32nm and 45nm process technology that can be located after a reasonable search.

REQUEST NO. 6:

All memoranda, internal or otherwise, regarding the lithography processes, including planned, abandoned, and/or adopted processes, for Intel's 45nm process technology, 32nm process technology, 22nm process technology, 15nm process technology, and 11nm process technology.

RESPONSE TO REQUEST NO. 6:

Intel objects to the extent that this request seeks information protected by the attorney-client privilege or the attorney work product doctrine. Intel also objects to the disclosure of confidential information prior to the entry of an appropriate protective order. Intel also objects that this request seeks is overbroad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving its general and specific objections after entry of such an appropriate protective order, Intel will produce GDS/GDS II files (or their equivalent) sufficient to show its use of double patterning for representative products on its 32nm and 45nm manufacturing processes.

REQUEST NO. 7:

All presentations, internal or otherwise, regarding the lithography processes, including planned, abandoned, and/or adopted processes, for Intel's 45nm process technology, 32nm process technology, 22nm process technology, 15nm process technology, and 11nm process technology.

RESPONSE TO REQUEST NO. 7:

Intel objects to the extent that this request seeks information protected by the attorney-client privilege or the attorney work product doctrine. Intel also objects to the disclosure of confidential information prior to the entry of an appropriate protective order. Intel also objects that this request seeks information in scope that is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving its general and specific objections after entry of such an appropriate protective order, Intel will produce GDS/GDS II files (or their equivalent) sufficient to show its use of double patterning for representative products on its [22nm, ?] 32nm and 45nm manufacturing processes.

REQUEST NO. 8:

All technical articles authored by Sam Sivakumar, Yan Bordovsky, and Kelin Kuhn for the past five years.

RESPONSE TO REQUEST NO. 8:

Intel objects that this request is overbroad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Intel also objects that this requests seeks information equally available to STC.

REQUEST NO. 9:

All presentations presented by Sam Sivakumar, Yan Bordovsky, and Kelin Kuhn for the past five years.

RESPONSE TO REQUEST NO. 9:

Intel objects to the extent that this request seeks information protected by the attorney-client privilege or the attorney work product doctrine. Intel also objects to the disclosure of confidential information prior to the entry of an appropriate protective order. Intel also objects that this request seeks is overbroad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving its general and specific objections after entry of such an appropriate protective order, Intel will produce presentations concerning double patterning presented by Sam Sivakumar, Yan Bordovsky, and Kelin Kuhn for the past five years that are found after a reasonable search.

REQUEST NO. 10:

All documents concerning or mentioning Dr. Steven Brueck.

RESPONSE TO REQUEST NO. 10:

Intel objects to the extent that this request seeks information protected by the attorney-client privilege or the attorney work product doctrine. Intel also objects to the disclosure of confidential information prior to the entry of an appropriate protective order.

Intel also objects that this request seeks is overbroad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its general or specific objections and after entry of an appropriate protective order, Intel will produce non-privileged documents mentioning Dr. Steven Brueck that are found after a reasonable search.

REQUEST NO. 11:

All documents concerning employees of Intel visiting or attending of meetings at Dr. Brueck's Center for High Technology Materials.

RESPONSE TO REQUEST NO. 11:

Intel objects to the extent that this request seeks information protected by the attorney-client privilege or the attorney work product doctrine. Intel also objects to the disclosure of confidential information prior to the entry of an appropriate protective order. Intel also objects that this request seeks information of a scope that is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its general or specific objections and after entry of an appropriate protective order, Intel will produce non-privileged documents mentioning any visits of Intel employees to Dr. Steven Brueck's Center for High Technology Materials that are found after a reasonable search.

REQUEST NO. 12:

All documents concerning Dr. Brueck visiting an Intel facility.

RESPONSE TO REQUEST NO. 12:

Intel objects to the extent that this request seeks information protected by the attorney-client privilege or the attorney work product doctrine. Intel also objects to the disclosure of confidential information prior to the entry of an appropriate protective order.

Intel also objects that this request seeks information of a scope that is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its general or specific objections and after entry of an appropriate protective order, Intel will produce non-privileged documents mentioning any visits by Dr. Steven Brueck to an Intel facility that are found after a reasonable search.

REQUEST NO. 13:

Documents sufficient to show, on a fiscal quarterly basis, the net revenues from your worldwide sales of each Accused Product.

RESPONSE TO REQUEST NO. 13:

Intel objects to the disclosure of confidential information prior to the entry of an appropriate protective order.

Subject to and without waiving its general and specific objections and after entry of an appropriate protective order, Intel will produce summary financial information concerning the Accused Products (as Intel has defined the term in its general objections).

REQUEST NO. 14:

All analyses of U.S. Patent No. 6,042,998 (“the ‘998 patent”), including, but not limited to, any analysis of infringement of the ‘998 patent, and any analysis of the validity of any of the claims contained in that patent.

RESPONSE TO REQUEST NO. 14:

Intel objects to the extent that this request seeks information protected by the attorney-client privilege or the attorney work product doctrine. Intel also objects to the disclosure of confidential information prior to the entry of an appropriate protective order. Intel also objects that this request seeks is overbroad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its general and specific objections and after entry of an appropriate protective order, Intel will produce documents identified in its noninfringement and invalidity contentions.

REQUEST NO. 15:

All prior art upon which you intend to rely in challenging the validity of any claim contained in the '998 patent.

RESPONSE TO REQUEST NO. 15:

Intel objects to the extent that this request seeks information protected by the attorney-client privilege or the attorney work product doctrine. Intel also objects that this request seeks is overbroad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its general and specific objections, Intel will produce documents identified in its invalidity contentions.

REQUEST NO. 16:

All documents upon which you intend to rely in urging the particular construction of any limitation of any claim of the '998 patent.

RESPONSE TO REQUEST NO. 16:

Intel objects to the extent that this request seeks information protected by the attorney-client privilege or the attorney work product doctrine. Intel also objects that this request seeks information of a scope that is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Intel further objects to this request as premature.

Subject to and without waiving its general and specific objections, Intel will, during the claim construction process, produce documents cited in its claims construction briefing.

REQUEST NO. 17:

Your Form 10-K (Annual Report) for the years 2006-2010.

RESPONSE TO REQUEST NO. 17:

Intel objects that this request is overbroad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Intel also objects that this requests seeks information equally available to STC. Intel will meet and confer on this issue if STC is unable to find copies of Intel 10-Ks and annual reports.

REQUEST NO. 18:

All of your patent license agreements concerning the licensing of Intel's patents, and Intel's licensing of patents from others.

RESPONSE TO REQUEST NO. 18:

Intel objects to the disclosure of confidential information prior to the entry of an appropriate protective order. Intel further objects to the disclosure of information that it is contractually obligated to third parties to keep confidential. Intel also objects that this request seeks information of a scope that is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 19:

All opinions of counsel or similar analyses obtained in connection with STC's infringement charge of the '998 patent upon which you relied in continuing to develop, manufacture and sell devices with critical dimensions of 45nm or less.

RESPONSE TO REQUEST NO. 19:

Intel objects to the extent that this request seeks information protected by the attorney-client privilege or the attorney work product doctrine. Intel also objects to the disclosure of confidential information prior to the entry of an appropriate protective order.

Intel also objects that this request seeks is overbroad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its general and specific objections and after entry of an appropriate protective order, if Intel decides to rely on any opinions of counsel in this matter, it will produce copies of such opinions at that time.

Dated: March 4, 2011

Respectfully submitted,

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