

## Exhibit C

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

VERTICAL COMPUTER SYSTEMS, INC.,

Plaintiff,

v.

LG ELECTRONICS MOBILECOMM  
U.S.A., INC., LG ELECTRONICS INC.,  
SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA,  
INC.,

Defendants.

Civil No. 2:10-CV-00490

Hon. Michael H. Schneider

**JURY TRIAL DEMANDED**

**PLAINTIFF'S FIRST SET OF  
INTERROGATORIES TO DEFENDANTS LG ELECTRONICS  
MOBILECOMM U.S.A., INC. AND LG ELECTRONICS INC.**

Plaintiff, Vertical Computer Systems, Inc., ("Vertical"), requests that the Defendants, LG Electronics MobileComm U.S.A., Inc. and LG Electronics Inc. (collectively, "LG" or "Defendants"), answer the following interrogatories, pursuant to Fed.R.Civ.P. 33, within 30 days of service. The following interrogatories are to be deemed continuing interrogatories, requiring prompt supplemental answers whenever the conditions of Fed.R.Civ.P. 26(e) are satisfied.

**DEFINITIONS**

The following definitions are applicable to terms employed in these requests:

A. The term "person" refers to both natural persons and to corporate or other business entities, whether or not in the employ of Defendants, and the acts of a person are defined to include the acts of directors, officers, owners, members, employees, agents or attorneys acting on the person's behalf.

B. To "identify" a person means to state the person's name and business or home address, and business and telephone numbers.

C. The term "document" refers to all handwritten, typed, printed, electronically recorded or graphic matter however produced or reproduced, whether copies or originals, in the possession, custody or control of Defendants or its owners, employees or attorneys.

D. To "identify" documents means to provide a brief description of each document sufficient to support a request for production, including at least the type of document, the date of the document, identification of the author, identification of each person to whom the original document or any copy thereof was directed, identification of all persons who received or saw copies, as well as identification of each person who presently has custody of the document and of any copy thereof, and if the document embodies an agreement, identification of the persons involved in such agreement. If a copy of the document is not provided, state whether Defendants are willing to allow Vertical's counsel to inspect and copy said document; and if not, the reasons for such refusal.

E. To "locate" documents means to state the present whereabouts of each document, and to identify the person having possession, custody or control thereof.

F. The term "relevant" means documents and other information which are relevant in the sense of Fed.R.Civ.P. 26 or Fed.R.Evid. 401-02; or which Defendants intend to use to support its allegations or defenses; or which tend to prove or disprove any allegations or defenses of the Defendants.

G. The term "Plaintiff" or "Vertical" means Vertical Computer Systems, Inc., its assignees, agents, representatives and predecessors in interest.

H. "Defendants," means LG Electronics MobileComm U.S.A., Inc. and LG Electronics Inc., their assignees, predecessors in interest, successors in interest, subsidiaries and related companies and the officers, directors, employees, agents and representatives thereof.

I. The "patents-in-suit" are U.S. Patent No. 6,826,744 ("the '744 patent") and U.S. Patent No. 7,716,629 ("the '629 patent").

J. "Prior art" means all publications, patents, physical devices, prototypes, uses, sales, offers for sale, or other activity relating to the subject matter of the patents-in-suit, and having or occurring at a date such as to be relevant under any subdivision of 35 U.S.C. §102 or under 35 U.S.C. §103.

K. "Product" means any cellular telephone, smartphone, or other wireless communication device, or any computer of any type manufactured, sold in or imported into the United States by the Defendants.

## **INTERROGATORIES**

### **INTERROGATORY NO. 1**

If Defendants contend that they have not infringed any of the claims of the patents-in-suit:

- a. State all facts presently known by Defendants that support any such contention individually for each claim of the patents-in-suit and provide an element-by-element comparison of each claim with each Product (as defined above);
- b. For each element of any claim allegedly absent from each such Product, state whether any other feature, element or component in each such Product (as defined above) performs substantially the same or a similar

function as the allegedly omitted element and identify each such feature, element or component and the function performed;

- c. State whether Defendants contend that Vertical is estopped by the prosecution history of the patents-in-suit from applying the doctrine of equivalents with respect to any element, and identify all facts presently known by Defendants which support such a contention, each such element and the document, pages and line numbers of the prosecution history relied upon by Defendants;
- d. State whether Defendants disagree with any of Vertical's infringement contentions and identify all facts presently known by Defendants which support such disagreement;
- e. Identify all persons having knowledge of the subject matter of Defendants' response to this interrogatory, and locate and identify all documents pertaining to the subject matter of Defendants' response to this interrogatory.

## **INTERROGATORY NO. 2**

Identify by Product name and model number any Product manufactured or sold by LG containing a Linux or otherwise Unix-derived operating system including the location(s) where the Product was designed, developed and/or tested. For each such Product, specify whether the Linux or otherwise Unix-derived operating system was modified by LG. If so modified, identify the name of the modification, the reason for the modification, where the modification was made, and identify the person(s) who made the modification.

### **INTERROGATORY NO. 3**

Identify by Product name and model number any Product manufactured or sold by LG containing an Android Kernel or Android Operating System including the location(s) where the Product was designed, developed and/or tested. For each such Product, specify whether the Android Kernel or Android Operating System was modified by LG. If so modified, identify the name of the modification, the reason for the modification, where the modification was made, and identify the person(s) who made the modification.

### **INTERROGATORY NO. 4**

Identify by Product name and model number any Product manufactured or sold by LG containing an Application (App) developed using the Android Software Development Kit (Android SDK) or any other Android development software. For each application named, identify the name of the application and the purpose of the application. For each such application, identify the location(s) where the application was designed, developed and/or tested. For any such application not designed or developed by LG, specify if the application was modified by LG. If the application was modified by LG, specify where the application was modified, the reason for the modification, and identify the person(s) who made the modification.

### **INTERROGATORY NO. 5**

Identify by Product name and model number any Product manufactured or sold by LG containing any program or software developed or supplied by Google, Inc. For each such program, application (App) or other software give the name and purpose of the program, application or other software. For each such program, application or other software, identify the location where such program, application or other software was

loaded into the Product and the location where program, application or other software was tested. For each such program, application or other software, specify whether the program, application or other software was modified by LG. If so modified, identify the name of the modification, the reason for the modification, where the modification was made, and identify the person(s) who made the modification and tested the modification.

#### **INTERROGATORY NO. 6**

Identify each person involved in designing, developing, or testing any Product named in interrogatories 2-5. List by Product name and model number, person's name, location and person's job function.

#### **INTERROGATORY NO. 7**

For each Product name and model number named in Interrogatories 2-5 provide a list of standard Applications (Apps) contained in the Product when the Product is placed into commerce in the United States. For each such standard application, list the name of the application, the purpose of the application, where the application was loaded into the Product, where application was tested, and identify the person(s) who loaded the application and the person(s) who tested the application.

#### **INTERROGATORY NO. 8**

List all development and testing tools, software and hardware, used to design, develop or test any Product named in Interrogatories 2-5 and 7. For each such tool, list the name of the tool, where the tool is used and what the tool is used for.

#### **INTERROGATORY NO. 9**

Identify by Product name and model number any Product manufactured or sold by LG containing any program, application (App) or other software loaded by any entity

under direct or indirect control of LG. List by Product name and model number, full legal name and address of the entity, program, application or software name or identification, purpose of the program, application or other software, where it was loaded, where it was tested. Identify any individual known to LG performing such loading or testing.

**INTERROGATORY NO. 10**

With respect to the patents-in-suit and its subject matter, state:

- a. The dates upon which, and the circumstances under which, Defendants first became aware of the patents-in-suit, and the person or persons who became aware of it;
- b. Whether Defendants received legal advice that it does not infringe the patents-in-suit, or that the patents-in-suit is invalid or unenforceable or that Defendants are licensed or has an option to license the patents-in-suit and, if so, identify the date upon which, and the circumstances under which Defendants obtained such legal advice, or caused any studies relating to such advice to be made, and state the contents and substance of any oral or written opinion of legal counsel, with respect to:
  - i. the infringement or non-infringement of the patents-in-suit;
  - ii. the validity, invalidity, enforceability or unenforceability of the patents-in-suit; and
  - iii. the licensing of the patents-in-suit or the option to license the patents-in-suit.
- c. Identify all persons having knowledge of the subject matter of Defendants' response to this interrogatory, and locate and identify all documents



pertaining to the subject matter of Defendants' response to this interrogatory.

**INTERROGATORY NO. 11**

Identify each person Defendants expect to call to testify as a witness at trial, or in support of any motion for summary judgment, excluding expert witnesses, specifically stating the subject matter of the testimony expected to be provided.

**INTERROGATORY NO. 12**

State the contentions of Defendants on the issue of the amount of damages for infringement of the patents-in-suit in the event the patents-in-suit are held valid and infringed, including the amount of such damage and the method of calculation; and identify all persons having knowledge of the subject matter of Defendants' response to this interrogatory, and locate and identify all documents pertaining to the subject matter of Defendant's response to this interrogatory.

Respectfully submitted,

/s/ Vasilios D. Dossas  
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***Attorneys for Plaintiff, Vertical  
Computer Systems, Inc.***

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing

**PLAINTIFF'S FIRST SET OF  
INTERROGATORIES TO DEFENDANTS LG ELECTRONICS  
MOBILECOMM U.S.A., INC. AND LG ELECTRONICS INC.**

was served on the following via email on March 1, 2012.

<p>David Healey Fish &amp; Richardson, P.C. One Houston Center 1221 McKinney, Suite 2800 Houston, TX 77010 <a href="mailto:healey@fr.com">healey@fr.com</a> (713) 654-5300 Fax: (713) 652-0109</p> <p>Kevin Su Fish &amp; Richardson P.C. One Marina Park Drive Boston, MA 02210 <a href="mailto:su@fr.com">su@fr.com</a> (617) 542-5070 Fax: (617) 542-8906</p> <p><i>Counsel for LG Defendants</i></p>	<p>Timothy DeMasi <a href="mailto:Tim.DeMasi@weil.com">Tim.DeMasi@weil.com</a> Julian Moore <a href="mailto:Julian.moore@weil.com">Julian.moore@weil.com</a> Weil Gotschall &amp; Manges LLP 767 Fifth Avenue New York, NY 10153 (212) 310-8735 Fax: (212) 310-8007</p> <p><i>Counsel for Samsung Defendants</i></p>
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/s/ Vasilios D. Dossas  
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Vasilios D. Dossas