

Exhibit B

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14 INC. and SAMSUNG
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15

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
18

19 APPLE INC., a California corporation,
20 Plaintiff,
21 vs.
22 SAMSUNG ELECTRONICS CO., LTD., a
Korean business entity; SAMSUNG
23 ELECTRONICS AMERICA, INC., a New
York corporation; SAMSUNG
24 TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,
25 Defendant.
26

CASE NO. 11-cv-01846-LHK
**SAMSUNG'S OBJECTIONS AND
RESPONSES TO APPLE'S
INTERROGATORIES TO DEFENDANTS
RELATING TO APPLE'S MOTION FOR
A PRELIMINARY INJUNCTION - SET
TWO (NOS. 10-14)**

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1 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendants Samsung
2 Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications
3 America, LLC, (“Samsung”) submit the following objections to Plaintiff Apple Inc’s (“Apple’s”)
4 Interrogatories to Defendants Relating to Apple’s Motion for a Preliminary Injunction.

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

8 **GENERAL OBJECTIONS**

9 The following general objections apply to each and every interrogatory propounded by
10 Plaintiff, and are incorporated into each of the following responses by reference as if set forth fully
11 therein:

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

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

23 3. Samsung objects to Apple’s definition of “Products at Issue” as overly broad and
24 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, insofar
25 as it seeks information about these products “as released anywhere in the world.”

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

28 5. Samsung objects to these interrogatories as vague and ambiguous to the extent

1 they include terms that are undefined. Samsung in its responses will identify any terms it believes
2 are vague and ambiguous and will assume a reasonable meaning for each such term.

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

13 7. Samsung objects generally to the interrogatories to the extent they seek
14 information from outside a reasonable time period or from a point other than a reasonable time, or
15 seek information about products outside the United States.

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

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

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

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

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

28 13. Samsung objects generally to the interrogatories to the extent they seek

1 confidential proprietary or trade secret information of third parties. Samsung will endeavor to
2 work with third parties to obtain their consent, if necessary, before identifying or producing such
3 information and/or documents.

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

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

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

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

20 18. Samsung further objects to interrogatories Nos. 10-14 as improperly delayed.
21 Apple has known about the Court's discovery schedule relating to Apple's motion for a
22 preliminary injunction since July 18, 2011. While Apple had the opportunity to serve these
23 interrogatories at an earlier time, it waited until the last possible date under the Court's Order to
24 serve these discovery requests, along with over 60 additional document requests. These
25 interrogatories seek information that Apple could have requested at a much earlier date. None of
26 these interrogatories are dependent on any arguments raised in Samsung's Opposition to Apple's
27 preliminary injunction. Therefore, Samsung objects to Apple's bad faith in delaying service of
28 these requests.

1 Subject to and without waiving the foregoing General Objections, Samsung objects as
2 follows:

3 **SPECIFIC OBJECTIONS**

4 **INTERROGATORY NO. 10:**

5 Describe the circumstances surrounding the development and/or design of the Hardware
6 Design of the Products at Issue, including dates of conception of the design of the Hardware
7 Design, the persons who were involved, and the tools or software used to create or model the
8 design of the Hardware Design.

9 **OBJECTIONS AND RESPONSES TO INTERROGATORY NO. 10:**

10 In addition to its General Objections above, which it hereby incorporates by reference,
11 Samsung objects to this interrogatory on the grounds that it is vague and ambiguous with regard to
12 the terms “Hardware Design.” Samsung further objects to this interrogatory 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 Interrogatory as overbroad in
16 that it is not reasonably limited to the features of the Products at Issue that Apple has alleged of
17 infringement in its preliminary injunction motion. Samsung further objects to this discovery
18 because Apple has delayed serving this interrogatory, despite Apple’s earlier knowledge of the
19 issues raised in the interrogatory and despite the fact that Apple has known about the Court’s
20 Order governing discovery relating to Apple’s motion for a preliminary injunction since July 18,
21 2011.

22 Subject to the foregoing general and specific objections, as well as the limitations
23 articulated in correspondence between the parties’ counsel, Samsung responds as follows:

24 The persons with direct personal knowledge of the design of the accused features of the
25 Products at Issue are Jinsoo Kim, Jung Min Yeo, Minhyouk Lee, GiYoung Lee, Yongseok Bang,
26 Bo-ra Kim, and Yunjung Lee. Samsung also incorporates by reference the transcript of the
27 deposition of Samsung’s Rule 30(b)(6) witness, Justin Denison, and the exhibits thereof.

28

1 Samsung has not yet completed its discovery and investigation of the facts relating to this
2 interrogatory. Samsung will supplement this response with a narrative, and/or with the documents
3 reflecting this information (if any) pursuant to Federal Rule of Civil Procedure 33(d).

4 **INTERROGATORY NO. 11:**

5 Describe the circumstances surrounding the development and/or design of features in the
6 Products at Issue relating to: (1) the functionality that allows for a list to be scrolled beyond its
7 terminus or a document to be translated beyond its edge until the list or document is partially
8 displayed and (2) functionality that allows for a list that is scrolled beyond its terminus to scroll
9 back or bounce back into place or for a document that is translated beyond its edge to translate
10 back or bounce back so that the list or document returns to fill the screen, including dates of
11 conception of the design of the functionalities and the persons who were involved.

12 **OBJECTIONS AND RESPONSES TO INTERROGATORY NO. 11:**

13 In addition to its General Objections above, which it hereby incorporates by reference,
14 Samsung objects to this interrogatory on the grounds that it is vague and ambiguous with regard to
15 the terms “scrolled beyond its terminus” or “translated beyond its edge.” Samsung further objects
16 to this interrogatory to the extent that it seeks to elicit information subject to and protected by the
17 attorney-client privilege, the attorney work-product doctrine, the joint defense privilege, the
18 common interest doctrine, and/or any other applicable privilege or immunity. Samsung further
19 objects to this discovery because Apple has delayed serving this interrogatory, despite Apple’s
20 earlier knowledge of the issues raised in the interrogatory and despite the fact that Apple has
21 known about the Court’s Order governing discovery relating to Apple’s motion for a preliminary
22 injunction since July 18, 2011.

23 Subject to the foregoing general and specific objections, as well as the limitations
24 articulated in correspondence between the parties’ counsel, Samsung responds as follows:

25 The persons with direct personal knowledge of the design of the accused feature for the
26 Products at Issue are Woogyun Kho, Kihyung Nam, Dooju Byun, Jaegwan Shin, Qi Ling, and
27 Jeeyeun Wang. Samsung also incorporates by reference the transcript of the deposition of
28 Samsung’s Rule 30(b)(6) witness, Justin Denison, and the exhibits thereof.

1 Samsung has not yet completed its discovery and investigation of the facts relating to this
2 interrogatory. Samsung will supplement this response with a narrative, and/or with the documents
3 reflecting this information (if any) pursuant to Federal Rule of Civil Procedure 33(d).

4 **INTERROGATORY NO. 12:**

5 Identify the date(s) on which Samsung first became aware of each of the Patents in Suit,
6 the persons at Samsung who first became aware of the aforementioned patents, and the
7 circumstances surrounding those individuals' awareness of the aforementioned patents.

8 **OBJECTIONS AND RESPONSES TO INTERROGATORY NO. 12:**

9 In addition to its General Objections above, which it hereby incorporates by reference,
10 Samsung objects to this interrogatory, to the extent that it is neither relevant nor reasonably
11 calculated to lead to the discovery of admissible evidence relating to Apple's motion for a
12 preliminary injunction. Samsung further objects to this interrogatory to the extent that it seeks to
13 elicit information subject to and protected by the attorney-client privilege, the attorney work-
14 product doctrine, the joint defense privilege, the common interest doctrine, and/or any other
15 applicable privilege or immunity. Samsung further objects to this discovery because Apple has
16 delayed serving this interrogatory, despite Apple's earlier knowledge of the issues raised in the
17 interrogatory 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 the foregoing general and specific objections, as well as the limitations
20 articulated in correspondence between the parties' counsel, Samsung responds as follows:

21 Samsung incorporates by reference the transcript of the deposition of Samsung's Rule
22 30(b)(6) witness, Justin Denison, and the exhibits thereof.

23 Samsung has not yet completed its discovery and investigation of the facts relating to this
24 interrogatory. Samsung will supplement this response with a narrative, and/or with the documents
25 reflecting this information (if any) pursuant to Federal Rule of Civil Procedure 33(d).

26 **INTERROGATORY NO. 13:**

27 Identify and describe any surveys, focus groups, or market research relating to actual or
28 prospective smartphone or tablet computer customers.

1 **OBJECTIONS AND RESPONSES TO INTERROGATORY NO. 13:**

2 In addition to its General Objections above, which it hereby incorporates by reference,
3 Samsung objects to this interrogatory on the grounds that it is vague and ambiguous, and
4 overbroad to the extent that it seeks information beyond the Products at Issue in the United States,
5 that are the subject of Apple's motion for a preliminary injunction. Samsung objects to this
6 interrogatory to the extent that it seeks to elicit information subject to and protected by the
7 attorney-client privilege, the attorney work-product doctrine, the joint defense privilege, the
8 common interest doctrine, and/or any other applicable privilege or immunity. Samsung further
9 objects to this discovery because Apple has delayed serving this interrogatory, despite Apple's
10 earlier knowledge of the issues raised in the interrogatory and despite the fact that Apple has
11 known about the Court's Order governing discovery relating to Apple's motion for a preliminary
12 injunction since July 18, 2011.

13 Subject to the foregoing general and specific objections, as well as the limitations
14 articulated in correspondence between the parties' counsel, Samsung responds as follows:

15 Samsung incorporates by reference the transcript of the deposition of Samsung's Rule
16 30(b)(6) witness, Justin Denison, and the exhibits thereof.

17 Samsung has not yet completed its discovery and investigation of the facts relating to this
18 interrogatory. Samsung will supplement this response with a narrative, and/or with the documents
19 reflecting this information (if any) pursuant to Federal Rule of Civil Procedure 33(d).

20 **INTERROGATORY NO. 14:**

21 Describe any instances of consumer confusion in which Samsung was made aware that a
22 person confused an Apple product for a Product at Issue, or a Product at Issue for an Apple
23 product.

24 **OBJECTIONS AND RESPONSES TO INTERROGATORY NO. 14:**

25 In addition to its General Objections above, which it hereby incorporates by reference,
26 Samsung objects to this interrogatory to the extent that it seeks to elicit information subject to and
27 protected by the attorney-client privilege, the attorney work-product doctrine, the joint defense
28 privilege, the common interest doctrine, and/or any other applicable privilege or immunity.

1 Samsung further objects to the Interrogatory as overbroad in that it is not reasonably limited to the
2 features of the Products at Issue that Apple has alleged of infringement in its preliminary
3 injunction motion. Samsung further objects to this discovery because Apple has delayed serving
4 this interrogatory, despite Apple's earlier knowledge of the issues raised in the interrogatory and
5 despite the fact that Apple has known about the Court's Order governing discovery relating to
6 Apple's motion for a preliminary injunction since July 18, 2011.

7 Subject to the foregoing general and specific objections, as well as the limitations
8 articulated in correspondence between the parties' counsel, Samsung responds as follows:

9 This interrogatory seeks information which is irrelevant to and beyond the scope of
10 Apple's preliminary injunction motion, and therefore, does not require a response at this time
11 pursuant to the Court's July 18, 2011 Order. Moreover, Samsung has not yet completed its
12 discovery and investigation of the facts relating to this interrogatory. At the appropriate time
13 Samsung will supplement this response with a narrative, and/or with the documents reflecting this
14 information (if any) pursuant to Federal Rule of Civil Procedure 33(d).

15 DATED: September 21, 2011

Respectfully submitted,

16 QUINN EMANUEL URQUHART &
17 SULLIVAN, LLP

18
19 By /s/ Victoria Maroulis

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