

EXHIBIT 2

FILED UNDER SEAL

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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 APPLE INC., a California corporation,
15 Plaintiff,

16 v.

17 SAMSUNG ELECTRONICS CO., LTD., a
Korean corporation; SAMSUNG
18 ELECTRONICS AMERICA, INC., a New
York corporation; and SAMSUNG
19 TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,
20 Defendants.
21

Case No. 11-cv-01846-LHK

**APPLE INC.'S SIXTH SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS**

1 **REQUEST FOR PRODUCTION NO. 255:**

2 All documents that refer to any of the accused features or designs of the Products at Issue.

3 **REQUEST FOR PRODUCTION NO. 256:**

4 All Documents relating to the marketing plan and/or advertising plan for the Products at
5 Issue.

6 **REQUEST FOR PRODUCTION NO. 257:**

7 All Documents relating to actual or possible confusion, mistake or deception, or the
8 likelihood of confusion, as to source, affiliation, or sponsorship between Apple and Samsung or
9 between any of the Apple Products and any of the Products at Issue.

10 **REQUEST FOR PRODUCTION NO. 258:**

11 All Documents relating to the first offer for sale or sale of each Product at Issue.

12 **REQUEST FOR PRODUCTION NO. 259:**

13 All Documents concerning the first public use of each Product at Issue.

14 **REQUEST FOR PRODUCTION NO. 260:**

15 For each Product at Issue, documents sufficient to show (a) the style, model number, trade
16 name, or any other product identifier of each product; (b) the dates of manufacture of each
17 product; (c) the name of the entity or entities responsible for the design and manufacture of each
18 product; (d) the starting and ending dates of sale of each product; (e) the total sales (by unit and
19 dollar amount) of each product; (f) the unit cost during each year it was sold; (g) the unit sales
20 price during each year it was sold; (h) the incremental gross profit attributable to the sale or other
21 conveyance; (i) the operating profit attributable to the sale or other conveyance; and (k) the names
22 of the persons who approved the selection, design, sale, use, and/or adoption of the product.

23 **REQUEST FOR PRODUCTION NO. 261:**

24 For each Product at Issue, documents that tie to the general ledger and show, by each
25 product style or product identifier and each quarter: (1) gross revenues; (2) net revenues;
26 (3) quantity sold; (4) average selling price; (5) cost of goods sold; and (6) any marketing expenses
27 specifically attributed to the Product at issue.
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1 **REQUEST FOR PRODUCTION NO. 262:**

2 All Documents relating to how Samsung accounts for revenue and expenses of the
3 Products at Issue, including any accounting policies, internal controls, internal manuals or other
4 accounting documents that describe how revenue, cost of goods sold, and sales, general or
5 administrative expenses related to any Product at Issue should be recorded and reported.

6 **REQUEST FOR PRODUCTION NO. 263:**

7 All Documents that reflect or refer to any projections of sales, cost of goods sold, pricing,
8 and quantity to be shipped for any of the Products at Issue.

9 **REQUEST FOR PRODUCTION NO. 264:**

10 All Documents reflecting or referring to the incremental profit or economic value from the
11 sale or marketing of the Products at Issue, including any effort to calculate contribution margin,
12 operating margin, incremental margin or margin profit from the sale of the Products at Issue or
13 the line of Products at Issue.

14 **REQUEST FOR PRODUCTION NO. 265:**

15 All Documents reflecting or relating to any actual or projected Samsung revenue and
16 profits in connection with any sales, licenses or any other activity relating to the Products at Issue,
17 including profit and loss statements, income statements, any other financial statements or
18 projections, and documents that describe, analyze or comment on such actual or projected
19 revenues and profits.

20 **REQUEST FOR PRODUCTION NO. 266:**

21 All Documents showing the actual costs and projected costs associated with each Product
22 at Issue, including the research, development, design, engineering, manufacturing, importation,
23 and marketing costs.

24 **REQUEST FOR PRODUCTION NO. 267:**

25 All Documents showing the prices at which Samsung sells any Product at Issue between
26 any of its subsidiaries.

1 **REQUEST FOR PRODUCTION NO. 268:**

2 All settlement agreements to which Samsung was a party that included a license to or
3 covenant not to sue regarding any of the Samsung Patents or any patent that covered mobile
4 phone technology.

5 **REQUEST FOR PRODUCTION NO. 269:**

6 All licenses to technology that was incorporated into any of the Products at Issue.

7 **REQUEST FOR PRODUCTION NO. 270:**

8 All Documents relating to any internal or independent effort to assign a value of any
9 technology incorporated into one of the Products at Issue, including any valuation of intellectual
10 property performed in connection with the acquisition of any company or any effort to value
11 intellectual property in connection with quarterly analysis of whether intangible rights should be
12 impaired or written down.

13 **REQUEST FOR PRODUCTION NO. 271:**

14 All Documents constituting or concerning any licenses offered, accepted, considered,
15 negotiated, or agreed to by Samsung concerning mobile electronic devices (including
16 smartphones, tablet computers, digital media players, and each of the Products at Issue), including
17 all actual and draft licenses, term sheets, all communications with actual or potential licensors or
18 licensees, as well as all memoranda or notes relating thereto.

19 **REQUEST FOR PRODUCTION NO. 272:**

20 All agreements between Samsung and any third party related to the Products at Issue,
21 including licensing agreements, distribution agreements, development agreements, advertisement
22 agreements, and any agreements related to the sale, licensing, distribution, advertising,
23 development, or commercialization of the Products at Issue.

24 **REQUEST FOR PRODUCTION NO. 273:**

25 All Documents concerning any royalties or licensing fees paid by or to Samsung for the
26 use, manufacture, or sale of mobile electronic devices (including smartphones, tablet computers,
27 digital media players, and each of the Products at Issue), including but not limited to any
28 quarterly, monthly or annual reporting of royalties paid or received.

1 **REQUEST FOR PRODUCTION NO. 274:**

2 Documents concerning Samsung's licensing program for mobile electronic devices
3 (including smartphones, tablet computers, digital media players, and each of the Products at
4 Issue), including policies and strategies for licensing its own intellectual property or acquiring
5 rights to the intellectual property of others.

6 **REQUEST FOR PRODUCTION NO. 275:**

7 Documents sufficient to identify Samsung's licensing personnel, location of said
8 personnel, duties of said personnel, and costs of said personnel.

9 **REQUEST FOR PRODUCTION NO. 276:**

10 All Documents concerning Samsung's business model with respect to the Products at
11 Issue, including any revenue model, marketing strategy, distribution model, costs, licensing
12 strategies, and financial projection relating to the Products at Issue.

13 **REQUEST FOR PRODUCTION NO. 277:**

14 All Documents relating to any actual or projected revenue or profits lost by Apple as a
15 result of or in connection with the sale, marketing or licensing of the Products at Issue.

16 **REQUEST FOR PRODUCTION NO. 278:**

17 All Documents concerning Samsung's business case for using the Android operating
18 system and/or platform, including but not limited to any revenue model, marketing strategy,
19 distribution model, cost estimates, licensing strategies, and financial projection relating to the
20 Android operating system and/or platform.

21 **REQUEST FOR PRODUCTION NO. 279:**

22 All Documents relating to any valuation or assessment of the value of the Android
23 operating system and/or platform or any part or portion thereof.

24 **REQUEST FOR PRODUCTION NO. 280:**

25 All Documents concerning Samsung's valuation of its intellectual property related to
26 mobile electronic devices (including smartphones, tablet computers, digital media players, and
27 each of the Products at Issue), including valuation of copyrights, trademarks, trade dress, and U.S.
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1 and foreign patents and patent applications (including design patents) filed by or on behalf of,
2 issued to, or assigned to Samsung.

3 **REQUEST FOR PRODUCTION NO. 281:**

4 All Documents concerning Samsung's valuation of any other entities' intellectual property
5 related to mobile electronic devices (including smartphones, tablet computers, digital media
6 players, and each of the Products at Issue), including valuation of copyrights, trademarks, trade
7 dress, and U.S. and foreign patents and patent applications (including design patents) filed by or
8 on behalf of, issued to, or assigned to that other entity.

9 **REQUEST FOR PRODUCTION NO. 282:**

10 All Documents concerning any products or services marketed, sold or offered for sale by
11 Samsung in conjunction with the sale, offer for sale, distribution or use of the Products at Issue.

12 **REQUEST FOR PRODUCTION NO. 283:**

13 All Documents reflecting or relating to any actual or projected revenue, gross margin, cost
14 of goods sold, and/or any measure of profit obtained by Samsung in connection with or derived
15 from any products or services marketed, sold or offered for sale by Samsung in conjunction with
16 the sale, offer for sale, distribution or use of the Products at Issue.

17 **REQUEST FOR PRODUCTION NO. 284:**

18 All Documents and things you allege are prior art to the Patents at Issue.

19 **REQUEST FOR PRODUCTION NO. 285:**

20 All Documents concerning or relating to any reference, document, item, thing or activity
21 that you allege is prior art to the Patents at Issue, including, but not limited to, any document
22 concerning or establishing the first public use, sale, offer for sale, knowledge, publication,
23 patenting, invention, and/or reduction to practice of the prior art, and/or its abandonment,
24 suppression or concealment.

25 **REQUEST FOR PRODUCTION NO. 286:**

26 All Documents concerning any prior public use, knowledge, publication, patenting or on
27 sale activity qualifying as prior art or a patentability bar under 35 U.S.C. § 102(a) or 102(b).

1 **REQUEST FOR PRODUCTION NO. 368:**

2 All Documents relating to Defendants’ assertion in their Twenty-First Claim for Relief
3 (set forth at ¶ 159 of Defendants’ Counterclaims) that “[i]t would not be inequitable for the
4 Samsung Counterclaimants to retain the benefits from their lawful activities.”

5 **REQUEST FOR PRODUCTION NO. 369:**

6 All Documents relating to Defendants’ assertion (set forth at section P of Defendants’
7 Prayer for Relief) that they are entitled to its attorney’s fees and costs because this is “an
8 exceptional case.”

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Dated: October 26, 2011

MORRISON & FOERSTER LLP

By: /s/ Wesley Overson
Wesley Overson

Attorneys for Plaintiff
APPLE INC.