UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: MAXIM INTEGRATED PRODUCTS, INC., MDL NO. 2354, This Document Relates to: 12-cv-945	Master Docket Misc. No. 12-244 MDL No. 2354 CONTI, District Judge
BRANCH BANKING AND TRUST COMPANY, Plaintiff and Counter-Defendant, v. **MAXIM INTEGRATED PRODUCTS, INC.,** Defendant and Counter-Claimant.	C.A. No. 2:12-cv-945-JFC

BRANCH BANKING AND TRUST COMPANY'S RESPONSES TO MAXIM INTEGRATED PRODUCTS, INC.'S FIRST COMMON INTERROGATORIES (NOS. 1-2)

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Branch Banking and Trust Company ("BB&T") hereby responds to Maxim Integrated Products, Inc.'s ("Maxim") First Common Interrogatories (Nos. 1-2) (the "Interrogatories") as follows.

These objections and responses are made solely on behalf of BB&T and for the purposes of the above-captioned case, No. 2:12-cv-945-JFC.

GENERAL OBJECTIONS

1. Each of BB&T's responses to Maxim's First Common Interrogatories is subject to, and incorporates, the following General Objections. BB&T specifically incorporates each of these General Objections into its specific responses to each of Maxim's Interrogatories

whether or not each such General Objection is expressly referred to in a specific response. BB&T's responses are made without waiving any of these General Objections.

2. BB&T objects to the Interrogatories to the extent they seek information potentially relevant to damages in light of the Court's May 10, 2013 Order adopting the Special Master's April 3, 2013 Report and Recommendation Re: Damages Discovery and Motion to Compel Doc. 465 (12-mc-244-JFC, D.I. 535), which phased damages discovery to begin on November 1, 2013.

3. BB&T makes its responses subject to, and expressly preserving: (i) the right to object to any demand for further response to this or any other set of Interrogatories; (ii) the right to supplement or modify these responses at any time inasmuch as discovery is continuing, and the responses set forth herein are preliminary and may be amended, clarified, corrected, revised, or supplemented to the extent required or permitted by the applicable rules; (iii) all questions and objections as to the competence, relevance, materiality, and admissibility as evidence for any purpose of these responses, in any respect of this or any action or judicial or administrative proceeding or investigation; and (iv) the right to object on any ground to the use of any such responses in any aspect of this or any other action or judicial or administrative proceeding or investigation.

4. BB&T further makes its responses subject to, and expressly reserves, the right to supplement or modify these responses in light of its ongoing review and analysis of the substantial claim construction proceedings and discovery that took place during the course of the stay of all proceedings, including discovery, as to BB&T from January 4, 2013 to May 28, 2013 by the Court's order (12-mc-244-JFC, D.I. 428).

5. BB&T objects to the Interrogatories to the extent they call for disclosure of information that is not ascertainable by means of a reasonably diligent search including, without limitation, information that is not maintained by BB&T in the normal course of business or that is no longer maintained by BB&T. The specific responses set forth below and any production made pursuant thereto are based upon information currently available to BB&T after having made a reasonably diligent search of information in its possession, custody, or control that reasonably relates to one or more of the specific Interrogatories. BB&T objects to the Interrogatories to the extent they purport to demand information or documents not in BB&T's possession, custody, or control or require a search of facilities or files that do not reasonably relate to one or more of the specific Interrogatories.

6. BB&T objects to the Interrogatories to the extent they are inconsistent with or seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure and/or the Local Rules of the United States District Court for the Western District of Pennsylvania, including the Local Patent Rules.

7. BB&T objects to these Interrogatories as unduly burdensome, overly broad, oppressive, not reasonably calculated to lead to the discovery of admissible evidence, and inquiring into confidential, proprietary, or otherwise protected commercial information, to the extent they do not seek information relevant to any claim, defense, or counterclaim in this case and/or are not within the scope of permissible discovery as set forth in Rule 26 of the Federal Rules of Civil Procedure.

8. BB&T objects to these Interrogatories as vague and ambiguous to the extent they include terms that are undefined. Without waiving its right to supplement, revise,

amend, or modify its objections and/or responses, BB&T may identify terms it believes are vague and ambiguous and assume a reasonable meaning for each term.

9. BB&T objects to these Interrogatories to the extent they seek information from outside a reasonable time period. BB&T also objects to these Interrogatories to the extent that the time period in question renders an interrogatory vague and ambiguous. BB&T is willing to meet and confer with Maxim regarding reasonable time periods and cutoffs.

10. BB&T objects to these Interrogatories to the extent they seek information or documents dated or otherwise coming into existence after the June 18, 2012 date of filing of BB&T's Complaint.

11. BB&T objects to these Interrogatories as unduly burdensome and overly broad to the extent that they purport to require BB&T to search facilities and/or inquire of employees and/or representatives other than those facilities and employees and/or representatives that would reasonably be expected to have responsive information. BB&T's responses are based upon (1) a reasonable search and investigation of facilities and files that could reasonably be expected to contain responsive information, in light of the stay of all proceedings, including discovery, as to BB&T from January 4, 2013 to May 28, 2013 by the Court's order (12-mc-244-JFC, D.I. 428), and (2) inquiries of employees and/or representatives who could reasonably be expected to possess responsive information.

12. BB&T objects to these Interrogatories to the extent they seek information protected by the attorney-client privilege, common interest privilege, the attorney work-product doctrine, and/or any other applicable privilege or immunity. Any inadvertent disclosure of such information shall not be deemed a waiver of the attorney-client privilege, common interest

privilege, the work product doctrine, or any other applicable privilege or immunity recognized by statute or case law.

13. BB&T's responses to these Interrogatories do not constitute admissions relative to the existence of any documents or information, to the relevance or admissibility of any documents or information, or to the truth or accuracy of any statement or characterization contained in Maxim's Interrogatories. All objections as to relevance, authenticity, or admissibility of any document are expressly reserved.

14. BB&T objects to the Interrogatories to the extent they seek to compel BB&T to generate or create information and/or documents that do not already exist or are not maintained by BB&T in the ordinary course of business.

15. BB&T objects to the Interrogatories to the extent they seek confidential or proprietary information pertaining to BB&T's business, trade secrets and/or economic relationships or confidential information that would impinge on the constitutionally protected right to privacy of individuals. BB&T will only provide such information subject to entry of the Supplemental Protective Order (12-mc-244-JFC, D.I. 522) (or appropriate modification) as to BB&T.

16. BB&T objects to the Interrogatories to the extent they seek confidential, proprietary, or trade secret information of third parties. BB&T will endeavor to work with third parties to obtain their consent, where appropriate, before identifying and/or producing such information and/or documents.

17. BB&T objects to the Interrogatories on the grounds and to the extent they seek information that is already known to or in the possession of Maxim, publicly available, or as readily available to Maxim as it is to BB&T.

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