

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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**IN RE: MAXIM INTEGRATED PRODUCTS,  
INC., MDL NO. 2354**

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)  
) Master Docket  
) Misc. No. 12-244  
) MDL No. 2354  
)

This Document Relates to: 12-cv-1641  
)

) CONTI, District Judge  
)

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**MAXIM INTEGRATED PRODUCTS, INC.,**

Plaintiff,

) C.A. No. 2:12-cv-1641-NBF  
)

v.

JPMORGAN CHASE & CO. and  
JPMORGAN CHASE BANK, N.A.,

Defendants/Counterclaim Plaintiffs.

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**JPMORGAN CHASE & CO. AND JPMORGAN CHASE BANK, N.A.’S  
OBJECTIONS AND RESPONSES TO MAXIM INTEGRATED PRODUCTS, INC.’S  
FIRST COMMON INTERROGATORIES (NOS. 1-2)**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Defendant and Counterclaim Plaintiffs JPMorgan Chase & Co. and JPMorgan Chase Bank, N.A. (“JPM”) by their undersigned attorneys, hereby object and respond to Defendant Maxim Integrated Products, Inc.’s (“Maxim”) First Set of Common Interrogatories (Nos. 1–2) as follows.

These objections and responses (collectively, the “Responses”) are made solely on behalf of JPM and for the purposes of the above-captioned case, No. 2:12-cv-1641, (referred to herein as the “Action”) and are based on JPM’s present state of recollection, knowledge, and belief. The Responses are at all times subject to additional or different information that discovery may disclose and, while based on the present state of recollection, are subject to such

refreshing of recollection and such knowledge or facts as may result from further investigation by JPM or its attorneys and/or further discovery from Maxim and/or third parties. JPM reserves the right to revise, amend, correct, supplement, modify or clarify its Responses. JPM's Responses to Maxim's Interrogatories are not a concession that the subject matter of any particular Interrogatory or Response thereto is relevant to this Action.

JPM's objections and responses are made without in any way waiving or intending to waive, but to the contrary, are intended to preserve:

1. All questions as to competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose of the Responses or subject matter thereof, in this Action or any subsequent proceeding associated with this Action or any other matter;

2. The right to object on any ground to the use of said Responses, or the subject matter thereof, in any subsequent proceeding with this Action or any other action; and

3. The right to object on any ground at any time to other requests or other discovery procedures involving or relating to the subject matter of these interrogatories.

### **GENERAL OBJECTIONS**

1. JPM objects to the sections entitled "DEFINITIONS" and "INSTRUCTIONS," set forth in Maxim's Interrogatories, and to the specific Interrogatories themselves, to the extent that they purport to impose obligations not required by the Federal Rules of Civil Procedure, the Local Rules of Practice for the Western District of Pennsylvania, and Judge Conti's Chamber Rules.

2. JPM objects to each of the Interrogatories to the extent that they are unduly burdensome, oppressive, overly broad, ambiguous, confusing, or vague. JPM also objects to the "DEFINITIONS," "INSTRUCTIONS," and "INTERROGATORIES" to the extent that they use terms that are undefined, vague, confusing, and/or ambiguous. JPM will interpret terms used by Maxim based on their ordinary meaning.

3. JPM objects to each Interrogatory to the extent that it seeks documents, things, and information protected from disclosure by the attorney-client privilege, joint-defense privilege, common-interest privilege, and/or the work-product doctrine (including, but not limited to, the impressions, conclusions, opinions, legal research, or theories of attorneys, whether or not communicated to their client), or any other privilege or protection afforded by law or regulation.

4. JPM objects to Maxim's Interrogatories to the extent that Maxim seeks to require JPM to provide any information beyond what is available to JPM at present from a reasonable search of their own files and from reasonable inquiry of their present employees, on the grounds that such discovery would be unreasonably cumulative, unduly burdensome, and unlikely to lead to the discovery of admissible information.

5. JPM objects to each Interrogatory to the extent that it seeks documents that are not relevant to any claim or defense in the pending Action and/or that are not reasonably calculated to lead to the discovery of admissible evidence.

6. JPM objects to each Interrogatory to the extent it calls for the production of documents and/or information protected from disclosure by the orders of other courts or judicial bodies.

7. JPM objects to Maxim's Interrogatories to the extent they purport to require JPM to search for information not within its possession, custody, or control. To do so would place an undue burden upon JPM.

8. JPM objects to providing information and the production of documents and things that are subject to the rights of third parties, that are subject to protective orders, or that are subject to nondisclosure obligations.

9. JPM objects to Maxim's Interrogatories to the extent they seek information that is already known to Maxim or that may be derived or ascertained from information produced by

JPM or from an examination of such information and for which the burden of deriving or ascertaining the information sought is substantially the same for Maxim as for JPM.

10. JPM objects to each Interrogatory to the extent it calls for the production of documents that contain merely cumulative information.

11. Nothing in these responses should be construed as waiving rights or objections that might otherwise be available to JPM, nor should JPM's responses to any of these Interrogatories be deemed an admission of relevancy, materiality, or admissibility in evidence of the discovery requests or the responses thereto.

12. Because discovery is only beginning in this case, JPM's responses to these Interrogatories should not be deemed exhaustive. The following Responses reflect JPM's present knowledge, information, and belief, and may be subject to supplementation, change, or modification based on JPM's further discovery, or on facts or circumstances that may come to JPM's knowledge or attention in the future. JPM reserves the right to include additional documents, things, and/or information at trial that were obtained during yet-to- be-conducted discovery and/or investigation.

13. JPM reserves the right to produce documents in lieu of narrative answers to these Interrogatories.

14. JPM reserves the right to produce voluminous or atypical documents by making them available for inspection and copying by Maxim at the offices of JPM's attorneys or as otherwise agreed by counsel for the parties.

15. To the extent that Maxim's Interrogatories seek information from or the production of documents from the internal work-product files of attorneys representing or advising JPM, JPM objects generally to either the production or the listing of such documents on a withheld document list.

16. An objection based on attorney-client privilege, joint-defense privilege, common- interest privilege, and/or work-product immunity shall not be construed as a

representation that such information exists or existed. Any such objection indicates only that the interrogatories are of such a scope as to embrace subject matter protected by the attorney-client privilege, joint-defense privilege, common-interest privilege, and/or work-product immunity.

17. JPM objects to identifying or providing publicly available information or materials that are equally or more accessible to Maxim.

18. JPM objects to Maxim's Interrogatories to the extent they seek information from an unspecified or expansive timeframe.

19. JPM objects to Maxim's definition of "This Action" as "MDL No. 2354" as this number does not identify any single "action," but rather designates a Multidistrict litigation proceeding comprising a of a set of actions in accordance with the applicable JPML Order(s). *See, e.g.,* D.I. 1.

20. JPM objects to Maxim's definition of "Patents-in-Suit" to the extent it purports to extend to claims outside the scope of Maxim's Local Patent Rule 3.2 and 3.3 Disclosures dated March 22, 2013, or to the extent it purports to extend to claims outside the scope of any legally operative set of substitute Local Patent Rule 3.2 and 3.3 Disclosures that Maxim may be permitted to file pursuant to, and subject to, Court order(s).

21. JPM to Maxim's definition of the terms "Defendants" and "Opposing Party" on the grounds that these definitions are (i) vague, overly broad, and unduly burdensome; (ii) seek information that is not relevant to any claims or defenses of any party and/or is not reasonably calculated to lead to the discovery of admissible evidence with respect to any such claim or defense; (iii) seek information that JPM cannot reasonably be expected to be aware of or have knowledge of; and (iv) to the extent they seek information from persons or legal entities that JPM neither employs nor controls.

22. JPM objects to Maxim's definition of the term "Person" as vague, ambiguous, indefinite, overbroad, unduly burdensome, seeking the production of information that is not

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