

Filed on behalf of: Black Hills Media, LLC
By: Andrew Crain (andrew.crain@thomashorstemeyer.com)
Vivek A. Ganti (vivek.ganti@thomashorstemeyer.com)
THOMAS | HORSTEMEYER, LLP
400 Interstate North Parkway, SE
Suite 1500
Atlanta, Georgia 30339
Tel: (770) 933-9500
Fax: (770) 951-0933

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.;
SAMSUNG ELECTRONICS AMERICA, INC.; and
SAMSUNG TELECOMMUNICATIONS AMERICA, LLC

Petitioner,

v.

BLACK HILLS MEDIA, LLC,

Patent Owner

Case IPR2014-00717

U.S. Patent 6,108,686

PROPOSED DISCOVERY REQUESTS BY PATENT OWNER

Patent Owner Black Hills Media, LLC (Patent Owner) requests that petitioner SAMSUNG ELECTRONICS CO., LTD.; SAMSUNG ELECTRONICS AMERICA, INC.; and SAMSUNG TELECOMMUNICATIONS AMERICA, LLC (“Petitioner”) respond and produce the following documents and things.

INSTRUCTIONS

1. In responding to and producing documents responsive to this request, the responding party shall comply with the instructions in the Patent Trial Practice Guide.
2. A responding party shall timely amend its response upon learning that its response is incomplete or if additional responsive information is found.
3. All responsive documents must be produced as they are kept in the usual course of business.
4. A party is not required to produce documents or information subject to a claim of privilege, including attorney work product. A party withholding responsive documents or information on the basis of privilege shall provide a privilege log identifying the responsive documents being withheld.
5. The production of responsive documents or information shall not constitute an express or implied waiver of any privilege held by the producing party.

DEFINITIONS

1. The term “document” has the broadest meaning prescribed in Federal Rule of Civil Procedure 34, including, but not limited to, electronically stored information in the responding party’s possession, custody, or control.

2. The term “Petitioner” means Samsung, Inc.; Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc.; Samsung Telecommunications America, LLC and includes any employees, agents, counsel, representatives, or others authorized to act on Samsung’s behalf.

3. The term “Google” means “Google, Inc.” and includes all agents, servants, employees, representatives (including attorneys), and other persons or entities directly or indirectly subject to Google’s control, and to any predecessor, partner, or subsidiary organization, including without limitation YouTube, LLC.

INTERROGATORIES

INTERROGATORY NO. 1: Identify the names, employers, and job titles of the individuals who were provided a copy of one or more drafts of the petition for *inter partes* review for U.S. Patent No. 6,108,686 prior to the filing of the petition on or about May 1, 2014.

INTERROGATORY NO. 2: Within the scope described in § I(D)(1) (entitled “Real Party-in-Interest or Privy”) of the Office Patent Trial Practice Guide, describe “the nature and/or degree of involvement” by each individual not employed by Petitioner or Petitioner’s counsel-of-record for IPR 2014-00717 in the filing of the Petition in this proceeding.

INTERROGATORY NO. 3: Describe all payments, credits, refunds, and all other financial transactions received by or agreed to be provided to Petitioner or Petitioner’s counsel of record in this IPR made or agreed to be made in relation to or as a result of § 11 of the Mobile Application Distribution Agreement (Ex. 2002) and/or to any the indemnification section of a Mobile Application Document Agreement produced in response to Request for Production No. 1 that also pertains or relates to a claim of patent infringement against Samsung regarding U.S. Patent No. 6,108,686.

REQUESTS FOR PRODUCTION

REQUEST NO. 1: Please provide a copy of each Mobile Application Distribution Agreement between Petitioner and Google having an effective date after December 31, 2012.

REQUEST NO. 2: Please provide a copy of each document(s) related to notification of a claim by Petitioner pursuant to § 11 of the Mobile Application Distribution Agreement (Ex. 2002) or to any indemnification section of a Mobile

Application Document Agreement produced in response to Request for Production No. 1 that also pertains or relates to a claim of patent infringement against Petitioner regarding U.S. Patent No. 6,108,686. To the extent Petitioner believes that the content of such document(s) is protected from disclosure, please provide redacted copies of such document(s).

REQUEST NO. 3: Please provide a copy of each document(s) related to a response by Google to notification of a claim by Petitioner pursuant to § 11 of the Mobile Application Distribution Agreement (Ex. 2002) or to any the indemnification section of a Mobile Application Document Agreement produced in response to Request for Production No. 1 that also pertains or relates to a claim of patent infringement against Petitioner regarding U.S. Patent No. 6,108,686. To the extent Petitioner believes that the content of such document(s) is protected from disclosure, please provide redacted copies of such document(s).

Dated: August 22, 2014

Respectfully submitted,

/N. Andrew Crain/

N. Andrew Crain
(Reg. No. 45,442)
Lead Counsel for Patent Owner
Thomas | Horstemeyer, LLP
400 Interstate North Pkwy Ste. 1500
Atlanta, Georgia 30339
Tel: (770) 933-9500
Fax: (770) 951-0933