

1 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP
 2 Adrian M. Pruetz (Bar No. 118215)
 3 Steven M. Anderson (Bar No. 144014)
 4 Steven R. Hansen (Bar No. 198401)
 5 Ronald D. Foster (Bar No. 204127)
 865 South Figueroa Street, 10th Floor
 Los Angeles, California 90017-2543
 Telephone: (213) 624-7707
 Facsimile: (213) 624-0643

6 Attorneys for Defendant and Counterclaimant
 7 Universal Remote Control, Inc.

8 UNITED STATES DISTRICT COURT
 9 CENTRAL DISTRICT OF CALIFORNIA

11 UNIVERSAL ELECTRONICS, INC.,
 12 Plaintiff,

13 v.

14 UNIVERSAL REMOTE CONTROL,
 15 INC.,
 16 Defendant.

CASE NO. SACV00-1125AHS (EEx)

DEFENDANT UNIVERSAL REMOTE
 CONTROL, INC.'S OBJECTIONS
 AND RESPONSES TO PLAINTIFF
 UNIVERSAL ELECTRONICS, INC.'S
 FIRST SET OF INTERROGATORIES

Filing Date: November 15, 2000
 Trial Date: None Set

17 UNIVERSAL REMOTE CONTROL,
 18 INC.,
 19 Counterclaimant,
 20 v.
 21 UNIVERSAL ELECTRONICS, INC.,
 22 Counterclaim Defendant.

23
 24
 25 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, defendant
 26 Universal Remote Control, Inc. ("URC") hereby responds to plaintiff Universal
 27 Electronics, Inc.'s ("UEI") First Set of Interrogatories as follows:
 28

06030/370428.1

URC'S OBJECTIONS AND RESPONSES TO UEI'S FIRST SET OF INTERROGATORIES

Preliminary Statement

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

URC provides these responses to UEI's interrogatories subject to the general and specific objections stated below and also subject to each of the following conditions:

1. URC's investigation, discovery and evaluation of this action is not yet complete and is ongoing. UEI has not identified any products or acts that it contends infringe the patents in suit beyond that identified in the complaint, nor has it identified any patent claims that it contends are infringed. Although URC's responses are complete to the extent of its knowledge based on its review of the files and records known to URC to date, URC reserves the right to:

(a) introduce other information and documents in this action that it may discover or upon which it may come to rely at the time of trial;

(b) use at trial in this action information and documents that it may later determine to have been responsive to UEI's interrogatories and requests for production; and

(c) revise, correct, supplement or clarify any of its responses to these interrogatories at any time pursuant to Federal Rules of Civil Procedure 26(e).

2. URC further reserves the right to:

(a) object to the use and admissibility of these interrogatory responses, any documents produced pursuant to them, and their subject matter on any ground in any proceeding in this action; and

(b) object on any ground at any time to any answers to interrogatories or any other discovery in this action relating to the subject matter of UEI's interrogatories.

3. URC's partial response to any interrogatory is not to be construed as a waiver of any of its objections or its right to object to any other interrogatory, request

1 for production of documents, or other discovery, but is instead given in the spirit of
2 cooperation in an effort to resolve potential discovery disputes.

3
4 General Objections

5
6 The following general objections to UEI's interrogatories are incorporated
7 into each response regardless of whether specific reference is made thereto:

- 8 1. URC objects to all definitions, instructions and interrogatories to the
9 extent that they attempt to impose discovery obligations upon URC beyond those
10 required by the Federal Rules of Civil Procedure and/or the Local Rules (collectively
11 "the Rules").
- 12 2. URC objects to all definitions, instructions and interrogatories to the
13 extent that they seek privileged information, including without limitation, information
14 protected from discovery by the attorney work-product doctrine, the attorney-client
15 privilege, and any other applicable privileges. URC will not provide such privileged
16 information and documents in response to any interrogatory.
- 17 3. URC objects to the extent that the interrogatories call for trade secret
18 and/or confidential information which is proprietary to URC. Such information will not
19 be provided until an agreeable stipulated protective order has been entered in this matter.
- 20 4. URC objects to the extent that the interrogatories call for trade secret
21 and/or confidential information which is proprietary to third parties.
- 22 5. URC objects to the extent that the interrogatories are overbroad and
23 unduly burdensome, and also to the extent that the requested information may be
24 available through less burdensome means.
- 25 6. URC objects to the definition of the term "Remote Control
26 Products," as defined in UEI's First Set of Document Requests to Defendant and
27 incorporated by reference into the interrogatories, on the grounds that the term is vague
28 and ambiguous. Moreover, the term incorporates claim language from the patents in suit,

1 the construction of which has yet to be performed by the Court and which may affect
2 URC's responses to the interrogatories. In addition, the term calls for information
3 concerning remote controllers featuring an "upgradability function." None of the patents
4 in suit are directed to an upgradability function, as URC presently understands that term.
5 Accordingly, interrogatories concerning such products are not reasonably calculated to
6 lead to the discovery of admissible evidence.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Specific Objections and Responses

INTERROGATORY NO. 1:

Identify each Remote Control Product including, but not limited to, those sold under the "SL-8000" series name, which URC has manufactured or assembled, had manufactured or assembled for it, used, imported, offered for sale or sold and for each Remote Control Product identified state the following: the manufacturer and catalogue number or the like; the date of first manufacture; the date of first importation; the date of first offer for sale; and the date of first sale.

RESPONSE TO INTERROGATORY NO. 1:

URC incorporates its general objections as set forth above and specifically objects to UEI's use of the term "Remote Control Products" on the grounds that it is vague and ambiguous. Moreover, UEI's definition of "Remote Control Products" incorporates claim language from the patents in suit, the construction of which has yet to be performed by the Court and which may affect URC's responses to the interrogatories. URC also objects to the definition of "Remote Control Products" to the extent that it calls for information concerning remote controllers featuring an "upgradability function." None of the patents in suit are directed to an upgradability function, as URC presently understands that term. Accordingly, interrogatories concerning such products are not reasonably calculated to lead to the discovery of admissible evidence.

URC further objects to this interrogatory on the grounds that: (i) it is compound and seeks to circumvent the limit on the number of interrogatories that may be propounded by a party under the Rules; (ii) it is vague and ambiguous as to time and geographic scope; (iii) it is not reasonably calculated to lead to the discovery of admissible evidence; and (iv) it calls for information which is confidential and proprietary to URC and third parties. Accordingly, URC limits its answer to sales made

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.