

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HUGHES NETWORK SYSTEMS, LLC and  
HUGHES COMMUNICATIONS, INC.,  
Petitioner,

v.

CALIFORNIA INSTITUTE OF TECHNOLOGY,  
Patent Owner.

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Case IPR2015-00059  
Patent 7,916,781

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**PATENT OWNER'S FIRST [PROPOSED] DISCOVERY REQUESTS TO  
PETITIONER**

The patent owner, California Institute of Technology (“Caltech”), hereby serves its first discovery requests to petitioner Hughes Network Systems, LLC and Hughes Communications, Inc. (“Hughes”).

Pursuant to 37 C.F.R. § 42.51(c), Caltech requests that production of requested documents be made at such time as maybe ordered by the Board at: Attention: Michael T. Rosato, Wilson Sonsini Goodrich & Rosati, 701 Fifth Avenue, Suite 5100, Seattle, WA 98104-7036.

### **INSTRUCTIONS**

1. In responding to and producing documents and things responsive to these requests, the responding party will comply with instructions in the Office Patent Trial Practice Guide.
2. A responding party shall timely amend its responses if it learns that the response is incomplete or additional responsive information is found.
3. All documents must be produced as they are kept in the ordinary course of business, in the files or containers in which the responsive documents are maintained, and in the order in which each file or container in which such documents are maintained; or all responsive documents shall be organized and labeled to correspond with the requests below.
4. To the extent a responding party believes that the content of responsive documents is protected from disclosure, that party shall provide redacted copies.
5. A party withholding responsive documents in their entirety on the basis of privilege shall provide a privilege log identifying the responsive

documents or information being withheld, including where applicable identification of the author or sender, recipient, and date of the document as well as the specific Request for Production(s) to which the document or information is responsive.

## DEFINITIONS

1. The terms “document” and “thing” have the broadest meaning prescribed in Federal Rule of Civil Procedure 34, including electronically stored information and any physical specimen or tangible item in your possession custody, or control.
2. “Communications” shall mean the transmission or receipt of information of any kind through any means, including, for example, email, voicemail, audio, computer readable media, or oral.
3. “Hughes” means Hughes Network Systems, LLC, Hughes Communications, Inc., Hughes Satellite Systems Corporation, an employee of one of those companies, or a person acting as an agent of one of those companies within the scope of that agency.
4. “EchoStar” means EchoStar Corporation, an employee of that company, or a person acting as an agent of that company within the scope of that agency.
5. “DISH” means DISH Network Corporation, DISH Network L.L.C., dishNET Satellite Broadband L.L.C., an employee of one of those companies, or a person acting as an agent of one of those companies within the scope of that agency.

6. “Hughes IPRs” means IPR2015-00059, IPR2015-00060, IPR2015-00061, IPR2015-00067, IPR2015-00068, and IPR2015-00081.

7. “Hughes/DISH District Court Litigation” means *The California Institute of Technology v. Hughes Communications, Inc. et al.*, Case No. 2:13-cv-07245-MRP-JEM (C.D. Ca.) and *The California Institute of Technology v. Hughes Communications, Inc. et al.*, Case No 2:15-cv-01108-MRP-JEM (C.D. Ca.).

**REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS,  
INTERROGATORY, CROSS-EXAMINATION NOTICE,  
AND DEPOSITION NOTICE**

**REQUEST FOR PRODUCTION NO. 1**

Documents and things reviewed or considered by Timothy Jezek in conjunction with preparation of the Declaration of Timothy Jezek in Support of Petitioners’ Reply Brief Regarding Identification of Real Parties-in-Interest, dated March 18, 2015 (Exhibit 1070).

**REQUEST FOR PRODUCTION NO. 2**

Legal bills issued by Baker Botts L.L.P. and/or Wilmer Cutler Pickering Hale and Dorr LLP to Hughes, EchoStar, and/or DISH for services rendered in connection with the preparation and filing of (1) the petitions in the Hughes IPRs and (2) Defendants’ Invalidity Contentions in the Hughes/DISH District Court Litigation, dated May 15, 2014 (see Caltech IPR Ex. 2012), including documents sufficient to identify the entity that remitted payment for the legal services and the entity that paid the filing fees for the Hughes IPR petitions, whether directly or indirectly.

**REQUEST FOR PRODUCTION NO. 3**

Indemnification agreements between DISH and Hughes, or between EchoStar and DISH, relating to the Hughes IPRs.

**REQUEST FOR PRODUCTION NO. 4**

Communications between Hughes, or Hughes' IPR counsel, and DISH, or counsel for DISH, concerning the Hughes IPRs, including communications concerning drafts of the petitions for the Hughes IPRs, approval to file the petitions, IPR strategy, or the prior art cited in the petitions.

**REQUEST FOR PRODUCTION NO. 5**

Instructions by, or agreements involving, Hughes or DISH, or counsel for either of those parties, to isolate or wall off work on the Hughes IPRs from work on the Hughes/DISH District Court Litigation.

**INTERROGATORY NO. 1**

Please provide the names of all individuals at Hughes, EchoStar, or DISH with decision-making authority with respect to the Hughes IPRs or the Hughes/DISH District Court Litigation.

**INTERROGATORY NO. 2**

Please state whether Hughes or DISH, or counsel for either of those parties, ever communicated any instructions or agreement to isolate or wall off work on the Hughes IPRs from work on the Hughes/DISH District Court Litigation.

**INTERROGATORY NO. 3**

Please identify any documents and things produced in response to Request for Production No. 1.

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