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12	UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA		
13		SOUTHERN DIVISION	
14	X		
15	COMARCO WIRELESS C	ase No. 8:15-cv-00145-AG-DFM	
16	TECHNOLOGIES, INC.,		
17	II PIGINTITY	PLAINTIFF'S RESPONSES TO THE	
18	II VS.	FIRST SET OF INTERROGATORIES	
19	APPLE, INC.,	OF DEFENDANT APPLE, INC.	
20	Defendant.		
21	·		
22	X		
23			
24	Plaintiff Comarco Wireless Technologies, Inc., responds to the First Set of Interrogatories		
25	of defendant Apple, Inc., pursuant to Fed. R. Civ. P. 33, as follows:		
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27			
28			
	Plaintiff's Response to Apple's First		



GENERAL OBJECTIONS AND OBSERVATIONS

1. Comarco objects to Apple's interrogatories to the extent that they seek information that is protected from discovery by the attorney-client privilege, the work product immunity doctrine, or any other applicable privilege or immunity. Each interrogatory response is subject to this objection regardless of whether it is specifically mentioned in the response.

2. Comarco has made and will make reasonable efforts to respond to each interrogatory, subject to its objections, as it understands and interprets each interrogatory. Comarco reserves the right to supplement its objections and responses in the event Apple construes any interrogatory in a manner which differs from that of Comarco.

3. Comarco objects to Apple's instructions to the extent that they are inconsistent with, or purport to supplement, the requirements of Fed. R. Civ. P. 33.

RESPONSES

<u>Interrogatory No. 1</u>:

State in detail the factual and legal bases for your allegations (contained at least in paragraphs 11 and 12 of your Second Amended Complaint) that Apple has directly infringed the Asserted Claims. Include in your response to this interrogatory, without limitation, the identity of all persons with knowledge of, and all documents and things supporting, your allegations. To the extent you allege that any limitations of the Asserted Claims are met under the doctrine of equivalents, identify which limitations are so met and all facts and evidence supporting your allegations that the identified limitations are so met.

Response:

Comarco objects to this interrogatory insofar as it requests Comarco to "[s]tate in detail the factual and legal bases" for its direct infringement claims as premature at this point in this case as Apple has produced little or no information or documents concerning the allegedly infringing products.

Plaintiff's Response to Apple's First Set of Interrogatories



Notwithstanding the foregoing objection, but subject thereto, Comarco refers you to Exhibit B to the Amended Complaint and to paragraph 1 and Exhibit A of Comarco's Disclosures pursuant to Rules 2.1 and 2.2 of Judge Gilford's Standing Patent Rules for the information you seek regarding the bases for Comarco's direct infringement claims. Comarco may supplement this response as and when Apple responds to Comarco's discovery requests concerning the design, operation, and use of the accused products.

Thomas W. Lanni has knowledge regarding Comarco's direct infringement claims. Comarco does not currently assert infringement under the doctrine of equivalents, but reserves the right to amend this response as discovey and trial preparation progress.

Interrogatory No. 2:

State in detail the factual and legal bases for your allegations (contained at least in paragraphs 13 and 17 of your Second Amended Complaint) that Apple induces infringement of the Asserted Claims. Include in your response a description of each instance of alleged direct infringement under 35 U.S.C. §271(a) that has occurred or is occurring for which you contend that Apple has actively induced infringement under 35 U.S.C. §271(b). Also include in your response to this interrogatory, without limitation, the identity of all persons with knowledge of and all documents and things supporting your allegations.

Response:

Comarco objects to this interrogatory insofar as it requests Comarco to "[s]tate in detail the factual and legal bases" for its inducing infringement claims as premature at this point in this case as Apple has produced little or no information or documents concerning the allegedly infringing products or their use.

Notwithstanding the foregoing objection, but subject thereto, Comarco refers you to paragraphs 2 and 4 and Exhibits B and D of Comarco's Disclosures pursuant to Rules 2.1 and 2.2 of Judge Gilford's Standing Patent Rules for the information you seek regarding the bases for Comarco's inducing infringement claims. Comarco may supplement this response as

Plaintiff's Response to Apple's First

Set of Interrogatories



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and when Apple responds to Comarco's discovery requests concerning the design, operation, and use of the accused products.

Thomas W. Lanni has knowledge regarding Comarco's inducing infringement claims.

Interrogatory No. 3:

State in detail the factual and legal bases for your allegations (contained at least in paragraphs 14 and 18 of your Second Amended Complaint) that Apple contributes to the infringement of the Asserted Claims. Include in your response to this interrogatory, without limitation, the identity of all persons with knowledge of and all documents and things supporting your allegations.

Response:

Comarco objects to this interrogatory insofar as it requests Comarco to "[s]tate in detail the factual and legal bases" for its contriutory infringement claims as premature at this point in this case as Apple has produced little or no information or documents concerning the allegedly infringing products or their use.

Notwithstanding the foregoing objection, but subject thereto, Comarco refers you to paragraphs 3 and 5 and Exhibit B of Comarco's Disclosures pursuant to Rules 2.1 and 2.2 of Judge Gilford's Standing Patent Rules for the information you seek regarding the bases for Comarco's contributory infringement claims. Comarco may supplement this response as and when Apple responds to Comarco's discovery requests concerning the design, operation, and use of the accused products.

Thomas W. Lanni has knowledge regarding Comarco's contributory infringement claims.

Plaintiff's Response to Apple's First





Interrogatory No. 4:

State in detail the factual and legal bases for your contention that you are entitled to injunctive relief of any kind in this litigation. Include in your response to this interrogatory, without limitation, the identity of all persons with knowledge of and all documents and things supporting your contention.

Response:

Comarco is entitled to injunctive relief to prevent irreparable harm to its constitutional and statutory rights to exclude others from making, using, or selling the claimed inventions to enable Comarco to obtain the benefits of the inventions in its own right, or to bestow those benefits to others of its choosing, before bequeathing the inventions to the public when the '933 patent expires. As such, an injunction in favor of Comarco would not injure the public and the benefits of injunctive relief to Comarco would not be seriously outweighed by any detrimental consequence that Apple might suffer.

In the event that the Court should disagree, Comarco will seek relief in the form of a judgment requiring Apple to pay a compulsory royalty on all sales of infringing products following a verdict in Comarco's favor.

Thomas W. Lanni has knowledge regarding Comarco's assertion that injunctive relief is appropriate.

Interrogatory No. 5:

For each claim limitation of the Asserted Claims, explain and identify in chart or table format, by column and line number(s) (or by page and paragraph if the document does not include line numbers), the portion(s) of the Asserted Patent and any other documents or things that you contend evidence that each claim limitation meets the written description requirement of 35 U.S.C. § 112, Paragraph 1.

Response:

Comarco objects to this interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence as

Plaintiff's Response to Apple's First



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