

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

9 Comarco does not currently assert infringement under the doctrine of equivalents,
10 but reserves the right to amend this response as discovery and trial preparation progress.
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13 **Interrogatory No. 2:**

14 State in detail the factual and legal bases for your allegations (contained at least in
15 paragraphs 13 and 17 of your Second Amended Complaint) that Apple induces infringement
16 of the Asserted Claims. Include in your response a description of each instance of alleged
17 direct infringement under 35 U.S.C. §271(a) that has occurred or is occurring for which you
18 contend that Apple has actively induced infringement under 35 U.S.C. §271(b). Also include
19 in your response to this interrogatory, without limitation, the identity of all persons with
20 knowledge of and all documents and things supporting your allegations.
21

22 **Response:**

23 Comarco objects to this interrogatory insofar as it requests Comarco to "[s]tate in
24 detail the factual and legal bases" for its inducing infringement claims as premature at this
25 point in this case as Apple has produced little or no information or documents concerning the
26 allegedly infringing products or their use.
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28 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

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

3 Thomas W. Lanni has knowledge regarding Comarco's inducing infringement
4 claims.
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7 **Interrogatory No. 3:**

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

11 **Response:**

12 Comarco objects to this interrogatory insofar as it requests Comarco to "[s]tate in
13 detail the factual and legal bases" for its contributory infringement claims as premature at this
14 point in this case as Apple has produced little or no information or documents concerning the
15 allegedly infringing products or their use.
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17 Notwithstanding the foregoing objection, but subject thereto, Comarco refers you
18 to paragraphs 3 and 5 and Exhibit B of Comarco's Disclosures pursuant to Rules 2.1 and 2.2
19 of Judge Gilford's Standing Patent Rules for the information you seek regarding the bases for
20 Comarco's contributory infringement claims. Comarco may supplement this response as and
21 when Apple responds to Comarco's discovery requests concerning the design, operation, and
22 use of the accused products.
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24 Thomas W. Lanni has knowledge regarding Comarco's contributory infringement
25 claims.
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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

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