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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PERSONALIZED MEDIA
COMMUNICATIONS, LLC,

Plaintiff,

vs.

APPLE, INC.,

Defendant.

CASE NO. 2:15-cv-1366-JRG-RSP

**PLAINTIFF PERSONALIZED MEDIA COMMUNICATIONS, LLC’S OBJECTIONS
AND RESPONSES TO DEFENDANT APPLE, INC.’S
FIRST SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff

Personalized Media Communications, LLC (“PMC”) hereby objects and responds to the First Set of Interrogatories (Nos. 1-11) (the “Interrogatories”) from Defendants Apple, Inc. (“Apple”).

PMC makes the objections and responses herein (collectively, the “Responses”) to Apple’s Interrogatories based solely on its current knowledge, understanding, and belief as to the facts and information available to PMC as of the date of the Responses.

PMC does not waive any objections made in these Responses, nor any claim of privilege, whether expressly asserted or not, by providing any information or documents in response to the Interrogatories. The inadvertent production of any information or document shall not constitute a waiver of any applicable privilege as to that document or any other document identified in that document or produced by PMC.

PMC further does not waive its rights to object on any basis permitted by law to any other discovery requests involving or relating to the subject matter of the Interrogatories or

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Responses.

This response is subject to all objections as to competence, relevance, materiality, propriety and admissibility, and to any and all other objections on any grounds that would require the exclusion of any statements contained herein if such interrogatory were asked of, or statements contained herein if such interrogatory were asked of, or statements contained herein were made by, a witness present and testifying at trial, all of which objections and grounds are expressly reserved and may be interposed at the time of trial.

Discovery in this matter and PMC’s investigation are ongoing. Accordingly, the following responses are given without prejudice to PMC’s right to produce evidence of any subsequently discovered facts that it may later recall or discover. PMC reserves the right to change, amend or supplement any or all of the matters contained in these responses as additional facts are ascertained, analyses are made, and research is completed.

GENERAL OBJECTIONS

The following general objections apply to, and are incorporated by reference in, the Objection and Response to each and every Interrogatory. PMC’s specific objections to any Interrogatory are not intended to preclude, override, or withdraw any of the general objections to that Interrogatory.

1. PMC objects to Apple’s Interrogatories to the extent that they call for information protected by: (i) the attorney-client privilege; (ii) the common interest privilege; (iii) the work product doctrine; or (iv) any other privilege or protection from disclosure afforded by state or federal law. PMC will provide only such responsive information that is not subject to any such privilege or protection. No waiver of any privilege, doctrine, or immunity is intended by or should be construed from the Responses or Objections given herein.

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2. PMC objects to Apple’s Interrogatories to the extent that they call for information or the identification of documents or things that PMC cannot disclose pursuant to confidentiality obligations to third parties, including restrictions on disclosure or production due to applicability of a protective order from any other litigation or court. PMC reserves the right to disclose such information or identify or produce such responsive non-privileged documents or things after complying with contractual obligations to notify such parties prior to producing such documents.

3. PMC objects to Apple’s Interrogatories on the grounds that the Interrogatories are overly broad, unduly burdensome, and oppressive to the extent that they seek information that is not within PMC’s possession, custody, or control or the identification of documents that are not within PMC’s possession, custody, or control.

4. PMC objects to Apple’s Interrogatories to the extent that they are vague, ambiguous, overbroad, not limited in time and scope, and/or seek information that is not relevant to the subject matter of this action and not proportional to the needs of the case. PMC further objects to the Interrogatories to the extent that they are unduly burdensome or unreasonably cumulative or duplicative.

5. PMC objects to Apple’s Interrogatories to the extent that they call for information that is not known by or reasonably available to PMC.

6. PMC objects to Apple’s Interrogatories on the grounds that the Interrogatories are overly broad, unduly burdensome, and oppressive to the extent that they seek information that is a matter of public record or is equally available to or readily ascertainable by Apple from some other source that is more convenient, less burdensome, or less expensive. PMC will respond to such interrogatories to the extent and in the manner required by Rule 33(d) of the Federal Rules of Civil Procedure.

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7. PMC objects to Apple’s Interrogatories to the extent that the Interrogatories seek information that is not relevant to any claim or defense in the pending action against Apple or to the extent that it is not proportional to the needs of the case.

8. PMC objects to Apple’s Interrogatories to the extent that they incorporate disputed facts or definitions in this case. PMC’s responses should not be considered to be acceptance of any such disputed fact or definition.

9. PMC objects to the Interrogatories to the extent that they call for PMC to make conclusions of law.

10. PMC objects to these Interrogatories to the extent the Interrogatories are premature. PMC will undertake a reasonable effort to locate and provide information. PMC’s investigation is continuing, and its responses will be based upon such information as is reasonably available to PMC and susceptible to retrieval through reasonable efforts. PMC reserves the right to supplement and/or amend any and all of its responses. Any responses provided in connection with these Interrogatories are based upon information presently known to PMC and are given without prejudice to PMC’s right to produce evidence of any subsequently discovered facts.

11. PMC objects to Apple’s Interrogatories, Definitions, and Instructions to the extent they conflict with the Federal Rules of Civil Procedure and/or the Docket Control Order in this case and to the extent they purport to impose additional requirements on PMC other than those of the Federal Rules of Civil Procedure and/or the Docket Control Order. In responding to the Interrogatories, PMC will produce documents and/or information in compliance with the Federal Rules of Civil Procedure and/or the Docket Control Order in this case.

12. PMC objects to the definition of “knowledge” to the extent it purports to require

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PMC to provide information that is not within PMC’s possession, custody, or control.

13. PMC objects to the definition of Personalized Media Communications,” “PMC,” “Plaintiff,” “You,” or “Your” as overly broad and unduly burdensome to the extent that it requires the production of information that is not within PMC’s possession, custody, or control.

14. PMC objects to the definition of “Identify” or “Identification” as overly broad, unduly burdensome and not proportional to the needs of the case.

15. PMC objects to the definition of “Document” as overly broad, unduly burdensome and to the extent that it is inconsistent with the Federal Rules of Civil Procedure.

INTERROGATORIES

INTERROGATORY NO. 1:

Separately for each Asserted Claim, Identify what You allege to be the dates and locations of conception, reduction to practice, and/or exercise of diligence in reduction to practice; each Person who participated in, contributed to, or witnessed such alleged conception, reduction to practice, and/or exercise of diligence; the alleged contribution of each alleged inventor to each Asserted Claim; whether the alleged reduction to practice was actual or constructive; and each Document (by Bates number) or Person You allege can substantiate or corroborate such alleged conception, reduction to practice, and/or exercise of diligence.

RESPONSE TO INTERROGATORY NO. 1:

PMC repeats and reasserts all of its General Objections as if set forth fully herein. PMC objects to this Interrogatory as overly broad and unduly burdensome and not proportional to the needs of the case. PMC objects to this Interrogatory on the grounds that the phrase “each Person who participated in, contributed to, or witnessed such alleged conception, reduction to practice, and/or exercise of diligence” is vague and ambiguous, overly broad and unduly burdensome, as used in this Interrogatory. PMC further objects to this Interrogatory to the extent that it seeks information that is protected from discovery by the attorney-client privilege, common interest privilege, work product immunity, and/or any other applicable privilege or immunity.

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