

Paper No. _____
Date Filed: November 1, 2017

Filed on behalf of: Koninklijke Philips N.V.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION AND MICROSOFT MOBILE INC.
Petitioners,

v.

KONINKLIJKE PHILIPS N.V.,
Patent Owner.

Case IPR2017-01766
Patent RE44,913

**PATENT OWNER'S PROPOSED DISCOVERY REQUESTS
TO PETITIONERS**

Patent Owner Koninklijke Philips N.V. (“Philips”) requests that Petitioners Microsoft Corp. and Microsoft Mobile Inc. (collectively “Microsoft”) produce the following documents and things.

INSTRUCTIONS

1. In responding to and producing documents and things responsive to these Requests, please comply with the Board’s Scheduling Order and instructions in the Patent Trial Practice Guide.
2. Please timely amend your responses if you learn that your response is incomplete or if additional responsive information is found.
3. You must produce documents and things either (a) as they are kept in the usual course of business, or (b) organized and labeled to correspond with the particular categories set forth below. Please copy and produce any files or containers in which the responsive documents are kept.
4. Identify any responsive documents you are aware of but cannot produce because they have been lost or destroyed or are no longer in your possession.
5. If you object to a portion or an aspect of any request, state the grounds of your objection with specificity and respond to the remainder of the request.

6. If, in answering these requests, you encounter any ambiguities when construing a request, instruction, or definition, your response shall set forth the matter deemed ambiguous and the construction used in responding.

7. For any document withheld based upon a claim of privilege, please provide a privilege log according to the requirements of Federal Rules of Civil Procedure Rule 26.

DEFINITIONS

1. The terms “You”, “Your”, “Petitioners” and “Microsoft” shall be understood to include any predecessors, divisions, departments, subsidiaries, parents, affiliates, present or former officers, directors, employees, agents, counsel, representatives, and others authorized to act on the behalf of the party or parties.

2. The term “Google” means Google Inc., and includes any predecessors, divisions, departments, subsidiaries, parents, affiliates, present or former officers, directors, employees, agents, counsel, representatives, and others authorized to act on Google’s behalf.

3. The term “Acer” means Acer Inc. and Acer America Corporation, and includes any predecessors, divisions, departments, subsidiaries, parents, affiliates, present or former officers, directors, employees, agents, counsel, representatives, and others authorized to act on Acer’s behalf.

4. The term “ASUS” means ASUSTek Computer Inc. and ASUS Computer International, and includes any predecessors, divisions, departments, subsidiaries, parents, affiliates, present or former officers, directors, employees, agents, counsel, representatives, and others authorized to act on ASUS’s behalf.

5. The term “HTC” means HTC Corp. and HTC America Inc., and includes any predecessors, divisions, departments, subsidiaries, parents, affiliates, present or former officers, directors, employees, agents, counsel, representatives, and others authorized to act on HTC’s behalf.

6. The term “asserted patents” refers to any of the following patents asserted in the district court litigation and challenged by parties named herein:

- U.S. Patent No. RE44,913
- U.S. Patent No. RE43,564
- U.S. Patent No. 6,690,387
- U.S. Patent No. 7,184,064
- U.S. Patent No. 6,772,114
- U.S. Patent No. 7,529,806
- U.S. Patent No. RE44,006
- U.S. Patent No. 5,910,797
- U.S. Patent No. 6,522,695

7. The term “district court litigation” includes any of the following district court actions:

- *Koninklijke Philips N.V. v. HTC Corp.*, Case No. 1:15-cv-01126-GMS (D. Del.)
- *Koninklijke Philips N.V. v. Acer Inc.*, Case No. 1:15-cv-01170-GMS (D. Del.)
- *Koninklijke Philips N.V. v. Asustek Computer Inc.*, Case No. 1:15-cv-01125-GMS (D. Del.)
- *Koninklijke Philips N.V. v. Visual Land, Inc.*, Case No. 1:15-cv-01127-GMS (D. Del.)
- *Koninklijke Philips N.V. v. Southern Telecom, Inc.*, Case No. 1:15-cv-01128-GMS (D. Del.)
- *Koninklijke Philips N.V. v. Double Power Tech., Inc.*, Case No. 1:15-cv-01130-GMS (D. Del.)
- *Koninklijke Philips N.V. et al. v. Yifang USA, Inc.*, Case No. 1:15-cv-01131-GMS (D. Del.)

8. The term “document” has the broadest meaning prescribed in the Federal Rules of Civil Procedure Rules 26 and 34, including, but not limited to, electronically stored information (“ESI”) in Your possession, custody, or control.

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.