

Paper No. \_\_\_\_\_  
Date Filed: November 1, 2017

Filed on behalf of: Koninklijke Philips N.V.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORPORATION AND MICROSOFT MOBILE INC.  
Petitioners,

v.

KONINKLIJKE PHILIPS N.V.,  
Patent Owner.

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Case IPR2017-01766  
Patent RE44,913

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**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.

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