

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

NICHIA CORPORATION,
Plaintiff,

vs.

**LOWE’S COMPANIES, INC., LOWE’S
HOME CENTERS, LLC, AND L G
SOURCING, INC.,**

Defendants.

CIVIL ACTION NO. 5:16-CV-142

**DEFENDANT LOWE’S COMPANIES, INC., LOWE’S HOME CENTERS, LLC AND
L G SOURCING, INC. OBJECTIONS AND RESPONSES TO PLAINTIFF’S
FIRST REQUESTS FOR THE PRODUCTION OF DOCUMENTS**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendants Lowe’s Companies, Inc., Lowe’s Home Centers, LLC and L G Sourcing, Inc. (collectively “Defendants”) hereby responds to Nichia Corporation’s (“Nichia”) First Request for the Production of Documents, Electronically Stored Information and Tangible Things (“Requests”) as follows.

PRELIMINARY STATEMENTS AND GENERAL OBJECTIONS

Defendants make the following General Objections to each and every request set forth below. These general objections are grouped collectively herein to avoid unnecessarily duplicative and repetitive responses to each of the specific requests. These preliminary

Defendants object to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant and proportional, including seeking documents during a period in which Nichia has no right to recover for alleged damages. Defendants object to the extent the Request seeks information that is a matter of public record or otherwise are as equally accessible to Plaintiff as they are to Defendants. Defendants will produce publicly available documents responsive to this request from 2016 to present.

REQUEST FOR PRODUCTION NO. 52

Documents Concerning the ownership of the following domain name and/or website:
www.lowes.com.

RESPONSE:

Defendants object to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant and proportional. Defendants object to the extent the Request seeks information that is a matter of public record or otherwise are as equally accessible to Plaintiff as they are to Defendants. Defendants will not produce documents.

REQUEST FOR PRODUCTION NO. 53

All Documents, including Communications with any third party, Concerning the preparation and/or filing of the petitions for inter partes review filed by VIZIO, Inc. with the U.S. Patent and Trademark Office, which petitions have been assigned Case Nos. IPR2017-00552, IPR2017-00551, IPR2017-00558, and IPR2017- 00556.

RESPONSE:

Defendants object to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant and proportional. Defendants object to this Request to the extent it calls for documents and things protected by the attorney-client privilege and/or the work product doctrine. Defendants do not have any non-privileged responsive documents prior to filing of the Complaint and will not log attorney-client and work product materials generated after filing of the Complaint.

REQUEST FOR PRODUCTION NO. 54

All Documents, including Communications with VIZIO, Inc. or its counsel Concerning the preparation and/or filing of the petitions for inter partes review filed by VIZIO, Inc. with the U.S. Patent and Trademark Office, which petitions have been assigned Case Nos. IPR2017-00552, IPR2017-00551, IPR2017-00558, and IPR2017-00556.

RESPONSE:

Defendants object to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant and proportional. Defendants object to this Request to the extent it calls for documents and things protected by the attorney-client privilege and/or the work product doctrine. Defendants do not have any non-privileged responsive documents prior to filing of the Complaint and will not log attorney-client and work product materials generated after filing of the Complaint.

REQUEST FOR PRODUCTION NO. 55

Documents sufficient to identify the quantity of all Accused Products made, used, licensed, distributed, supplied, sold, or offered for sale in the United States, on a monthly, quarterly, and annual basis.

responsive to this request to the extent any witnesses reviewed and intends to rely upon such documents and were not otherwise produced in this case.

REQUEST FOR PRODUCTION NO. 80

All Documents that have been disclosed to or provided to any fact or expert witness Defendants retain or may call as a witness in connection with This Action.

RESPONSE:

Defendants object to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant and proportional. Defendants object to this Request to the extent it calls for documents and things protected by the attorney-client privilege and/or the work product doctrine. Subject to and without waiving these objections and their General Objections, Defendants will produce any documents relied upon by a testifying expert, and will produce documents with respect to fact witnesses as set forth in response to Request 79 which response is incorporated herein by reference.

REQUEST FOR PRODUCTION NO. 81

All Documents, including Communications, with persons or representatives of VIZIO, Inc., TCL Multimedia Technology Holdings, Ltd., TTE Technology, Inc., Mary Elle Fashions, Inc., and Meridian Electric Company, Inc. about the Asserted Patents, including, but not limited to Nichia Corporation v. VIZIO, Inc., 8:16-cv-00545 (C.D. Cal.), Nichia Corporation v. Mary Elle Fashions, Inc., et al., 4:16-cv-01176 (E.D.Mo.), and Nichia Corporation v. TCL Multimedia Technology Holdings, Ltd., et al., 1:16-cv-000681 (D. Del.), as well as the inter partes review proceeding initiated by VIZIO, Inc. against the Asserted Patents in Case IPR2017-00551 before the Patent Trial and Appeal Board.

RESPONSE:

Defendants object to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant and proportional. Defendants object to this Request to the extent it calls for documents and things protected by the attorney-client privilege and/or the work product doctrine. Defendants do not have any non-privileged responsive documents prior to filing of the Complaint and will not log attorney-client and work product materials generated after filing of the Complaint.

REQUEST FOR PRODUCTION NO. 82

All Documents, including Communications, regarding Nichia Corporation v. VIZIO, Inc., 8:16-cv-00545 (C.D. Cal.), Nichia Corporation v. Mary Elle Fashions, Inc., et al., 4:16-cv-01176 (E.D.Mo.), and Nichia Corporation v. TCL Multimedia Technology Holdings, Ltd., et al., 1:16-cv-000681 (D. Del.), as well as the inter partes review proceeding initiated by VIZIO, Inc. against the Asserted Patents in Case IPR2017-00551 before the Patent Trial and Appeal Board.

RESPONSE:

Defendants object to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant and proportional. Defendants object to this Request to the extent it calls for documents and things protected by the attorney-client privilege and/or the work product doctrine. Defendants do not have any non-privileged responsive documents prior to filing of the Complaint and will not log attorney-client and work product materials generated after filing of the Complaint.

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