

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CYWEE GROUP LTD.,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

CASE NO. 1:18-cv-00571-RGA

JURY TRIAL DEMANDED

PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION

TO: Defendant Google LLC by and through its attorneys of record, Frederick L. Cottrell, III, Kelly E. Farnan, and Sara M. Metzler, RICHARDS, LAYTON & FINGER P.A., One Rodney Square, 920 N. King Street, Wilmington, DE 19801, and Darin W. Snyder, Luann L. Simmons, David S. Almeling, Mishima Alam, and Bill Trac, O'MELVENY & MYERS LLP, Two Embarcadero Center, 28th Floor, San Francisco, CA 94111.

Pursuant to Federal Rule of Civil Procedure 34, Plaintiff CyWee Group Ltd.

("CyWee") hereby requests that Defendant Google LLC ("Google") produce within thirty (30) days of service hereof all documents and things in its possession, custody, or control that are responsive to any of the following Requests to the offices of Shore Chan DePumpo LLP, 901 Main Street, Suite 3300, Dallas, Texas 75202.

I. DEFINITIONS

1. The term “Communication” means any transmission of information, in any form, via any medium including, without limitation, documents incorporating, summarizing or describing the contents of the transmission, meetings and discussions, telephone conversations, emails, letters, text messages, or any document containing a recording, transcription, summary, or description or identifying the time, place, subject matter, medium of transmission and/or participants in the transmission.

2. The term “CyWee” means Plaintiff CyWee Group Ltd.

3. The term “Document” shall be defined to the broadest extent possible and should be considered equal in scope to the usage of this term in FED. R. CIV. P. 34(a) as well as applicable case law, and shall be construed to mean, without limitation, any written, printed, typed, stored, photographed, recorded, or otherwise reproduced communication, compilation, or reproduction including computer or electronically generated or stored information or data. “Document” includes, without limitation, any computer disk, diskette, tape, card, or any other form of computer data storage, electronic data, or electronically stored information (“ESI”), existing or deleted files, metadata, data collected and stored through use of the Internet, including “bookmarks” and browser history identifying Web sites visited, voicemails and identifying information (including information stored on cell phones and hand-held communication devices), digital photographs, charts, and graphs stored electronically, writings, drawings, graphs, chart photographs, sound recordings, images, and all other data or data compilations stored in any medium from which information can be obtained, however produced or reproduced, of any kind or description, whether sent or received, including original copies, non-identical copies, drafts and both sides thereof, regardless of their author or origin, or however denominated by the recipient of the Request. In all instances in which a document, or series of documents, has been prepared on a periodic basis (such as monthly, quarterly, semiannually, annually, etc.), the Document reflecting each such period is requested.

4. The terms “Google,” “You,” “Your,” or “Defendant” means Defendant Google LLC and/or all of its predecessors and successors (merged, acquired, or otherwise), partners, investors, corporate parents, affiliated companies or corporations,

divisions, departments, direct or indirect subsidiaries, officers, directors, employees, principals, agents, attorneys, servants, representatives, and all others over whom You have legal or actual control.

5. The term “Patents-in-Suit” means U.S. Patents 8,441,438 and 8,552,978.

6. The terms “related to” or “relating to” shall mean, in whole or in part, directly or indirectly, referring to, pertaining to, regarding, concerning, describing, evidencing, mentioning, connected with, commenting on, responding to, showing, analyzing, reflecting, or constituting. Use of either of these terms includes any and all information, whether past, present, or relating to the future.

7. The term “Samsung” means Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc., individually and collectively, and/or all of their predecessors and successors (merged, acquired, or otherwise), partners, investors, corporate parents, affiliated companies or corporations, divisions, departments, direct or indirect subsidiaries, officers, directors, employees, principals, agents, attorneys, servants, representatives, and all others over whom Samsung has legal or actual control.

8. The term “Samsung Suit” means *CyWee Group Ltd. v. Samsung Electronics Co., Ltd., et al.*, C.A. No. 17-140-WCB-RSP (E.D. Tex.).

9. The connective terms “And” as well as “Or” shall be construed disjunctively as well as conjunctively as necessary in order to bring within the scope of the following requests all information which might otherwise be construed to be outside their scope.

10. “All” and “Any” shall each be construed so as to include the other.

11. The singular includes the plural and the plural includes the singular.

12. All undefined terms should be interpreted using common sense and the Federal Rules of Civil Procedure. This means that words should generally be understood to have their ordinary English language meaning as used in common vernacular. If certain terms have specific or specialized meaning in YOUR industry that make sense in the context of the request, then that specialized meaning should be applied. If the Federal Rules of Civil Procedure provide a specific definition for a term, i.e. “document,” then that definition is controlling.

II. INSTRUCTIONS

1. As required by Federal Rule of Civil Procedure 34, You are directed to “state with specificity the grounds for objecting” and “state whether any responsive materials are being withheld on the basis of that objection.” In stating whether any responsive materials are being withheld, You are directed to inform Plaintiff of the fact that documents have been withheld to facilitate an informed discussion of the objection, such as stating the limits that have controlled the search for responsive and relevant materials.

2. In accordance with the Federal Rules of Civil Procedure, You are requested to complete Your production “no later than the time for inspection specified in the request or another reasonable time specified in the response.” If it is necessary to complete Your production in stages, Your response should specify the beginning and end dates of production.

3. You are requested to produce documents as the documents are kept in the usual and ordinary course of business or to segregate, organize, and label each category of documents pursuant to each request or identify the specific bates number on the documents that are responsive to each particular request. Plaintiff specifically requests that all ESI be produced in native format with all associated metadata. If an electronic file requires specialized software to open, then Plaintiff requests that those files be produced in both the specialized format and TIFF format with all associated metadata provided in the corresponding load file. If ESI is to be produced as it is kept in the ordinary course of business, then Plaintiff requests that these files be produced on a hard drive with all folder and sub-folder architecture intact (or replicated). If the documents come from a database, then they should be produced with descriptions of how and where they are stored in the database.

4. In accordance with the Federal Rules of Civil Procedure, these requests are continuing. In the event that You (or Your attorneys) generate or become aware of any documents within the scope of these requests after its responses and/or initial production of documents, such additional responsive information shall be immediately furnished to Plaintiff's attorneys.

5. If You, or any of Your agents, including Your attorney(s), are aware of the existence of any document as defined herein within the scope of these requests, which is not within the custody, possession, or control of Google or one of Your agents, please identify any such document in a written response to the request for the document. When identifying such a document, please provide the following information: the name, address, and telephone number of the person who has possession, custody, or control over the document; a brief summary of the nature of the information contained in the document; the date of the document; and the name of the person who prepared the document.

6. If You or any of Your agents, including Your attorney(s), are aware of the loss or destruction of any document within the scope of these requests, please identify the lost or destroyed document in a written response to the request for the production of the document. In identifying such a document, please state whether that document is missing or lost; destroyed; transmitted or transferred to another or others and identify such individual(s) and/or entity; or otherwise disposed of. In each instance, You are requested to explain the circumstances surrounding the authorization, if any, for such disposition and state the date or approximate date thereof.

III. REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: The Samsung Android software license agreement.

RESPONSE:

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.