

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

FINTIV, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

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Civil Action No.: 6:18-cv-372-ADA

JURY TRIAL DEMANDED

**PLAINTIFF FINTIV, INC.’S FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS TO DEFENDANT APPLE INC.**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiff Fintiv, Inc. (“Plaintiff” or “Fintiv”) hereby requests that Defendant Apple Inc. (“Defendant” or “Apple”) serve Fintiv with its written responses to these requests for production and produce copies of the documents and things requested below, pursuant to the definitions and instructions set forth herein, at the law offices of Mann Tindel Thompson located at 913 Franklin Ave., Suite 201, Waco, TX 76701. These requests for documents and things are continuing in nature. If, after producing the requested documents and things, Apple obtains or becomes aware of any further responsive documents or things, Apple must produce to Fintiv such additional documents and things, as required by Federal Rule of Civil Procedure 26(e).

The following definitions and instructions shall apply to all requests herein:

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FINTIV, INC.,

Plaintiff,

v.

APPLE INC.,

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Civil Action No.: 6:18-CV-372-ADA

JURY TRIAL DEMANDED

**DEFENDANT APPLE INC.’S FIRST SET OF
REQUESTS FOR PRODUCTION TO FINTIV, INC. (NOS. 1-28)**

Pursuant to Rules 26 and 34 of the Federal Rule of Civil Procedure, and the Local Rules of this Court, Defendant Apple Inc. (“Defendant” or “Apple”) in the above-captioned action requests that Plaintiff Fintiv, Inc. (“Plaintiff” or “Fintiv”) produce the documents and things requested below that are in its possession, custody, or control, in accordance with the Definitions and Instructions below. Production shall take place within thirty (30) days of service at the Silicon Valley office of Orrick, Herrington & Sutcliffe LLP, or any other location mutually agreed by the Parties. These requests are continuing and impose upon Plaintiff the obligations set forth in Federal Rule of Civil Procedure 26.

The following definitions apply to the instructions and requests set forth below.

DEFINITIONS

1. The “Asserted Patent” or “The ’125 Patent” means U.S. Patent No. 8,843,125.
2. The “Asserted Claims” means the claims of the Asserted Patent that Fintiv alleges have been infringed by Apple, individually and collectively as set forth in Fintiv’s Initial

RESTRICTED – ATTORNEYS’ EYES ONLY

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Civil Action No.: 6:18-CV-372-ADA

JURY TRIAL DEMANDED

**DEFENDANT APPLE INC.’S REPOSES AND OBJECTIONS TO
PLAINTIFF FINTIV, INC.’S FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS (NOS. 1-37)**

Pursuant to Rules 26 and 34 of the Federal Rule of Civil Procedure, Defendant Apple Inc. (“Defendant” or “Apple”) hereby objects and responds to Plaintiff Fintiv, Inc.’s (“Plaintiff’s” or “Fintiv’s”) first set of requests for production of documents (Nos. 1-37).

PRELIMINARY STATEMENT

Apple has made a reasonable investigation for information responsive to Fintiv’s requests based upon Apple’s current knowledge, information, and belief. Apple’s investigation is ongoing. Apple’s responses are made without prejudice to its right to revise, correct, supplement, or clarify its responses at any time pursuant to Federal Rule of Civil Procedure 26(e). Apple reserves the right to make any use of, or to introduce at any hearing or trial, information responsive to these requests that was discovered after the date of this response.

By providing responses, Apple does not concede the relevancy of the subject matter of any request. Apple reserves all objections or other questions as to the competency, relevance, materiality, privilege, or admissibility in any proceeding or trial for any purpose whatsoever of

**IN THE UNITED STATES DISTRICT COURT
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AUSTIN DIVISION**

FINTIV, INC.,

Plaintiff,

v.

APPLE INC.,

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Civil Action No.: 1:19-CV-1238-ADA

JURY TRIAL DEMANDED

**PLAINTIFF FINTIV, INC.'S RESPONSES AND OBJECTIONS
TO DEFENDANT APPLE INC.'S
FIRST SET OF REQUESTS FOR PRODUCTION TO FINTIV, INC. (NOS. 1-28)**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiff Fintiv, Inc. (“Fintiv” or “Plaintiff”) responds to Defendant Apple Inc.’s (“Apple” or “Defendant”) First Set of Requests for Production (Nos. 1-28) as follows:

GENERAL OBJECTIONS

1. All General Objections are hereby incorporated into each specific response. Any objection or lack of objection to any portion of a request is not to be deemed an admission.
2. Fintiv objects to each and every definition, instruction, and/or request to the extent that it purports to impose duties or obligations upon Fintiv in excess of or different from the rules and obligations imposed by the Federal Rules of Civil Procedure, the Local Rules for the Western District of Texas, and any other rules or applicable law.
3. Fintiv objects to each and every definition, instruction, and/or request as overly broad, unreasonably burdensome, and oppressive to the extent that it seeks, individually or

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Civil Action No.: 6:18-CV-372-ADA

JURY TRIAL DEMANDED

**DEFENDANT APPLE INC.'S SECOND SET OF
REQUESTS FOR PRODUCTION TO FINTIV, INC. (NO. 29)**

Pursuant to Rules 26 and 34 of the Federal Rule of Civil Procedure, and the Local Rules of this Court, Defendant Apple Inc. (“Defendant” or “Apple”) in the above-captioned action requests that Plaintiff Fintiv, Inc. (“Plaintiff” or “Fintiv”) produce the documents and things requested below that are in its possession, custody, or control, in accordance with the Definitions and Instructions below. Production shall take place within thirty (30) days of service at the Silicon Valley office of Orrick, Herrington & Sutcliffe LLP, or any other location mutually agreed by the Parties. These requests are continuing and impose upon Plaintiff the obligations set forth in Federal Rule of Civil Procedure 26.

The following definitions apply to the instructions and requests set forth below.

DEFINITIONS

1. The “Asserted Patent” or “The ’125 Patent” means U.S. Patent No. 8,843,125.

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