EXHIBIT C

From: Moseley, Steven
To: Christopher Evans
Cc: Team Samsung CyWee; Ari Rafilson; Michael Shore; Alfonso G Chan; Paul Beeler; Rhonda Polvado; Andrew Huffstetler; "melissa@gillamsmithlaw.com"; Caroline Johnson; Shukri Abdi
Subject: RE: CyWee v. Samsung, Case No. 2:17-cv-0140-RWS-RSP
Date: Thursday, October 12, 2017 6:46:53 PM

Chris,

Samsung will serve supplemental responses to the interrogatories listed below tomorrow.

Best regards,

Steve

Paul Hastings LLP

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From: Christopher Evans [mailto:cevans@ShoreChan.com]
Sent: Thursday, October 12, 2017 1:22 PM
To: Brann, Elizabeth L.
Cc: Team Samsung CyWee; Ari Rafilson; Michael Shore; Alfonso G Chan; Paul Beeler; Rhonda Polvado; Andrew Huffstetler; 'melissa@gillamsmithlaw.com'; Caroline Johnson; Shukri Abdi
Subject: [EXT] RE: CyWee v. Samsung, Case No. 2:17-cv-0140-RWS-RSP

Liza,

Please confirm that Samsung will serve supplemental responses to interrogatories 1-6, 8, 11, 14, 16-18, 20-26, and 29-31 tomorrow.

Best,

Chris Evans

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From: Brann, Elizabeth L. [mailto:elizabethbrann@paulhastings.com]

Sent: Friday, September 29, 2017 1:49 PM
To: Christopher Evans <cevans@ShoreChan.com>
Cc: Team Samsung CyWee <TeamSamsungCyWee@paulhastings.com>; Ari Rafilson <arafilson@ShoreChan.com>; Michael Shore <mshore@ShoreChan.com>; Alfonso G Chan <achan@ShoreChan.com>; Paul Beeler <pbeeler@ShoreChan.com>; Rhonda Polvado <rpolvado@ShoreChan.com>; Andrew Huffstetler <ahuffstetler@ShoreChan.com>; 'melissa@gillamsmithlaw.com' <melissa@gillamsmithlaw.com>; Caroline Johnson <cjohnson@ShoreChan.com>
Subject: RE: CyWee v. Samsung, Case No. 2:17-cv-0140-RWS-RSP

Chris,

Below is our update regarding Samsung's supplemental responses to CyWee's First Set of Interrogatories. Samsung will supplement its responses to interrogatories 1-6, 8, 11, 14, 16-18, 20-26, and 29-31. However, Samsung will not supplement its responses to the remaining interrogatories—7, 9, 10, 12, 13, 15, 19, 27 and 28.

Samsung's original responses to interrogatories 9, 12, 13, 15, 27, and 28 remain complete. For the remaining interrogatories, Samsung maintains its objections and will not supplement its responses. A summary of Samsung's objections to each of those interrogatories, as also set forth in Samsung's original objections and responses, follows below.

- **Numbers 7, 10:** Interrogatory no. 7 asks Samsung to "[i]dentify the Person or people that [it believes] would have participated in the Hypothetical Negotiation on [its] behalf." Number 10 asks Samsung to "[i]dentify all of [its] products in existence or development at the time of the Hypothetical Negotiation whose sales (both actual and projected) would have been considered by [Samsung] during the Hypothetical Negotiation." Both of these interrogatories are improper because, *inter alia*, they present improper hypotheticals and therefore call for expert testimony. *See, e.g.,* " *i4i Ltd. P'ship v. Microsoft Corp.*, 598 F.3d 831, 854 (Fed. Cir. 2010)(noting that the Federal Circuit "ha[s] consistently upheld **experts'** use of a hypothetical negotiation…for estimating a reasonable royalty" and inferring that such an analysis of a hypothetical negotiation requires expert testimony) (emphasis added).

- **Number 19:** Interrogatory no. 19 asks that Samsung "[i]dentify all features of the Accused Products that [it] believe[s] should be included in a conjoint study used to determine the value of the inventions claimed in the Patents-In-Suit." Given that the response to this interrogatory requires damages expert testimony regarding the proper makeup of any such study, this interrogatory is improper because, *inter alia*, it is premature. *See In re Mega Sys., L.L.C.*, 2006 Bankr. LEXIS 4682, at *3-4 (E.D. Tex. Sep. 14, 2006)(finding an individual unqualified to render an opinion regarding valuation of a patent because he was not an expert and lacked "specialized knowledge, skill, training [and] education in the valuation of patents.").

Of course, Samsung reserves the right to further amend or supplement its responses to any of CyWee's interrogatories after further investigation and discovery, after the Court construes the claims, as the posture of this action changes, or for any other reason permitted under the rules.

In order to allow sufficient time to collect documents and other information necessary to supplement these responses, and because Samsung will be closed for the Korean holidays from October 2-9, we expect to serve the supplemental responses on Friday, October 13.

Best regards,

Liza

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From: Christopher Evans [mailto:cevans@ShoreChan.com]
Sent: Friday, September 29, 2017 9:28 AM
To: Brann, Elizabeth L.
Cc: Team Samsung CyWee; Ari Rafilson; Michael Shore; Alfonso G Chan; Paul Beeler; Rhonda Polvado; Andrew Huffstetler; 'melissa@gillamsmithlaw.com'; Caroline Johnson
Subject: [EXT] RE: CyWee v. Samsung, Case No. 2:17-cv-0140-RWS-RSP

Liza,

When can I expect to hear from you today about whether Samsung will supplement interrogatories numbers 3, 6, 7, 16, 19, 22, 23, 24, 25, and 31?

Best,

Chris Evans

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From: Christopher Evans
Sent: Wednesday, September 20, 2017 12:01 PM
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Cc: Team Samsung CyWee <TeamSamsungCyWee@paulhastings.com>; Ari Rafilson <arafilson@ShoreChan.com>; Michael Shore <mshore@ShoreChan.com>; Alfonso G Chan <achan@ShoreChan.com>; Paul Beeler <pbeeler@ShoreChan.com>; Rhonda Polvado <rpolvado@ShoreChan.com>; Andrew Huffstetler <ahuffstetler@ShoreChan.com>; 'melissa@gillamsmithlaw.com' <melissa@gillamsmithlaw.com>; Caroline Johnson <cjohnson@ShoreChan.com>
Subject: RE: CyWee v. Samsung, Case No. 2:17-cv-0140-RWS-RSP

Liza,

Thank you for conferring with me today about Samsung's interrogatories today. My understanding is that you will let me know by next Friday (9/29/17) whether Samsung will supplement interrogatories numbers 3, 6, 7, 16, 19, 22, 23, 24, 25, and 31. You agreed to supplement all other interrogatories on October 6, 2017 and that supplementation will includes specific bates numbers or ranges for each interrogatory that currently cites to Rule 33(d).

I promised to provide you with some legal cases concerning the discoverability of the existence and membership of a joint defense group, these are listed below. While I will acknowledge that there is a significant split over whether joint defense agreements themselves are discoverable, there is general agreement in the caselaw that the existence of a joint defense group and the identities of its members are relevant and discoverable, which is what we've requested.

- "The parties to a joint defense agreement, however, are relevant because the *existence* of the agreement may demonstrate bias." *Biovail Labs. Int'l SRL v. Watson Pharm., Inc.*, No. 10-20526-CIV, 2010 WL 3447187, at *1 (S.D. Fla. Aug. 30, 2010).
- "That being said, however, the parties to the agreement, as Judge Schneider found, are relevant. Edgewood has a right to know which parties are maintaining a common defense against it." *Ford Motor Co. v. Edgewood Properties, Inc.*, 257 F.R.D. 418, 428 (D.N.J. 2009)
- "Plaintiff first seeks the identity of all participants in the joint defense group. We have previously noted that should the joint defense agreement be memorialized in writing, defendants should produce a copy of the agreement to plaintiff. If the agreement was made orally or informally, defendants need only produce to defendant a list of the participating members." *Trading Techs. Int'l, Inc. v. eSpeed, Inc.*, No. 04 C 5312, 2007 WL 1302765, at *2 (N.D. Ill. May 1, 2007).

Best,

Chris Evans

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From: Christopher Evans
Sent: Wednesday, September 13, 2017 5:02 PM
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Subject: RE: CyWee v. Samsung, Case No. 2:17-cv-0140-RWS-RSP

Liza,

Let's talk at 9:00 a.m. PT. We'll send a dial in number before the call.

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