

Exhibit 2

From: Christopher Evans <cevans@ShoreChan.com>
Sent: Thursday, November 30, 2017 9:07 AM
To: Brann, Elizabeth L.; Michael Shore
Cc: Team Samsung CyWee; Ari Rafilson; 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, we are going to file a motion to compel today on your responses to Interrogatory Nos. 7, 8, 10, and 19, and will note your opposition, unless you tell us otherwise.



Christopher L. Evans
Shore Chan DePumpo LLP
901 Main Street, Suite 3300
Dallas, Texas 75202
214-593-9118 (Direct)
214-593-9110 (Firm)
214-593-9111 (Fax)

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From: Brann, Elizabeth L. [mailto:elizabethbrann@paulhastings.com]
Sent: Friday, September 29, 2017 7:02 PM
To: Michael Shore <mshore@ShoreChan.com>; Christopher Evans <cevans@ShoreChan.com>
Cc: Team Samsung CyWee <TeamSamsungCyWee@paulhastings.com>; Ari Rafilson <arafilson@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

Michael,

We disagree for the reasons stated in our objections.

Best regards,

Liza



Elizabeth L. Brann | Partner, Litigation Department
Paul Hastings LLP | 4747 Executive Drive, Twelfth Floor, San Diego, CA 92121 |
Direct: +1.858.458.3014 | Main: +1.858.458.3000 | Fax: +1.858.458.3005 |
elizabethbrann@paulhastings.com | www.paulhastings.com

From: Michael Shore [<mailto:mshore@ShoreChan.com>]
Sent: Friday, September 29, 2017 12:46 PM
To: Brann, Elizabeth L.; Christopher Evans
Cc: Team Samsung CyWee; Ari Rafilson; 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,

The Interrogatory 7 asks for the identities of individuals. Interrogatory 10 asks for a list of products existing at a point in time. Neither requires expert testimony. Only Samsung can answer those questions. Are you saying an expert hired later is the only person who can identify past Samsung negotiators and state what products they would have referenced? That is ridiculous.

The same is true for Interrogatory 19, as only Samsung can state what features Samsung believes to be relevant. Is your expert just going to make that up without input from Samsung? We are entitled to discovery factual information. That an expert may use similar information later to form the basis of his/her opinion does not mean CyWee has to wait for Samsung to designate an expert to conduct discovery on those facts. What if your expert never considers them at all? Does that mean Samsung never has to provide the information?

Your position is meritless. I suggest you rethink it.

Michael

Sent from my Windows Phone

From: [Brann, Elizabeth L.](#)
Sent: 9/29/2017 13:50
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](#)
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

**PAUL
HASTINGS**

Elizabeth L. Brann | Partner, Litigation Department
Paul Hastings LLP | 4747 Executive Drive, Twelfth Floor, San Diego, CA 92121 |
Direct: +1.858.458.3014 | Main: +1.858.458.3000 | Fax: +1.858.458.3005 |
elizabethbrann@paulhastings.com | www.paulhastings.com

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



Christopher L. Evans
Shore Chan DePumpo LLP
901 Main Street, Suite 3300
Dallas, Texas 75202
214-593-9118 (Direct)
214-593-9110 (Firm)
214-593-9111 (Fax)

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From: Christopher Evans

Sent: Wednesday, September 20, 2017 12:01 PM

To: Brann, Elizabeth L. <elizabethbrann@paulhastings.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

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 include 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.I. 2009)

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