

# EXHIBIT B

AGIS SOFTWARE DEVELOPMENT, LLC

Plaintiff,

v.

HUAWEI DEVICE USA INC., ET AL.,

Defendants.

Case No. 2:17-CV-0513-JRG  
(LEAD CASE)

**GOOGLE LLC'S OBJECTIONS AND RESPONSES  
TO PLAINTIFF AGIS SOFTWARE DEVELOPMENT, LLC'S  
DEPOSITION AND DOCUMENT SUBPOENAS**

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, non-party Google LLC ("Google") hereby provides the following responses and objections to Plaintiff AGIS Software Development LLC's ("AGIS") Subpoena to Testify at a Deposition in a Civil Action and the Subpoena to Produce Documents and accompanying exhibits (collectively, the "Subpoena"), served by AGIS on August 24, 2018 in Lead Case No. 2:17-CV-0513-JRG.

**RESERVATION OF RIGHTS**

Google's response to the Subpoena is made without waiving or intending to waive any objections as to relevancy, materiality, privilege, or admissibility of any information or documents provided in response to the Subpoena or in any subsequent proceeding on any ground. A partial response to any Request that has been objected to, in whole or in part, is not intended to be a waiver of the objection(s). In addition to the objections and responses set forth herein, all objections as to relevance, authenticity, or admissibility of any document are expressly reserved.

Any disclosures made herein are produced strictly pursuant to the stipulated protective order in this case, including any amendments or other modifications thereto, and/or to any other

applicable Court order that may be entered impacting the Subpoena, or any responses, productions, or information provided thereto.

### **GENERAL OBJECTIONS**

Specific objections to the Requests and Topics are made on an individual basis in the responses below. In addition to these specific objections, Google makes the following General Objections, including without limitation to the instructions and definitions set forth in the Subpoena. These General Objections are hereby incorporated by reference into the responses. For particular emphasis, Google has, from time to time, expressly included one or more of the General Objections in certain of its responses below. Google's responses to the Requests and Topics are submitted without prejudice to, and without in any respect waiving, any General Objections not expressly set forth in a specific response. Accordingly, the inclusion of any specific objection in response to a Request or Topic below is neither intended as, nor shall in any way be deemed to be, a waiver of any General Objection or of any other specific objection that may be asserted at a later date. In addition, the failure to include at this time any General or specific objection is neither intended as, nor shall in any way be deemed, a waiver of Google's rights to assert that objection or any other objection at a later date. Furthermore, nothing herein shall be deemed a waiver or limitation of Google's rights and ability to take any action challenging AGIS's discovery requests as set forth in the Subpoena to Google.

1. Google objects to the Subpoena on the ground that AGIS has failed to tender fees contemporaneous with service of the Subpoena to Testify at a Deposition in a Civil Action, as required by Federal Rule of Civil Procedure 45(b)(1). Failure to tender the requisite fees at the time of service invalidates the Subpoena. Accordingly, Google's responses to the Subpoena to Testify at a Deposition in a Civil Action, if any, will be voluntary and not compelled.

2. Google objects to the Subpoena to the extent it requests information that AGIS has already admitted to the Court is irrelevant for the issues presented in its cases. In particular, AGIS has publicly represented in briefing opposing motions to transfer AGIS's cases to the Northern District of California that the confidential technical information from Google as requested in the Subpoena is unnecessary to its infringement suit against defendants with Android-based accused devices. (*See, e.g.*, No. 2:17-cv-513-JRG, D.I. 56; D.I. 68.)

3. Google objects to the date, time, and place of the deposition and the production of documents as inconvenient and burdensome. To the extent ordered, Google will produce responsive documents and provide witnesses at mutually agreeable places and times, subject to witness availability, in Northern California.

4. Google objects to the Subpoena to the extent the Requests and Topics call for the disclosure of information or the production of documents that are shielded from discovery by attorney-client privilege, the work product doctrine, or any related joint defense or common interest privilege, privileges applicable to settlement materials or documents or information which constitute trial preparation materials, or any other applicable privilege (collectively, "Privileged Information"). Any statement herein to the effect that Google will provide information in response to a Request or Topic is limited to information that does not fall within the scope of any Privileged Information.

5. Google objects to the production of any information or documents to the extent they include confidential, proprietary, trade secret, private or financial information that is protected from disclosure by any applicable trade secret or privacy statute or law. Google will only provide such information pursuant to the confidentiality protections embodied in the Federal Rules of Civil Procedure and the terms of the protective order entered in this action, and

to the extent applicable, with the consent of any third party that may claim confidentiality rights with respect to information responsive to the request.

6. Google objects to testifying about any confidential information under the Protective Order entered in this action before Google knows the identity of and has an opportunity to object to the experts, in-house counsel, or other individuals who would have access to Google's confidential information under the Protective Order.

7. Google objects to the Subpoena to the extent that it requests documents or information that can be requested with much less burden from one or more parties to the litigation. In particular, Google objects to producing documents duplicative of those the named-defendants has already produced or may produce in their respective litigations. Any documents that have not or will not be produced by a party to the litigation should not be taken as an admission that there are any such documents in existence or that any such documents are even likely to exist in Google's possession, custody, or control.

8. Google objects to the Subpoena as overly broad, unduly burdensome, irrelevant, and not reasonable calculated to lead to the discovery of admissible evidence to the extent it requests information related to damages when there is no such allegations or claims against Google. Google further objects to the Subpoena to the extent it request Google information that is not relevant to any damages claims against alleged infringement by the named defendants in the above-captioned case.

9. Google objects to the definition of "Google," "You," and "Your" as overly broad and unduly burdensome to the extent it includes "affiliates, or others acting on Google LLC's behalf." Google understands this term to mean non-party Google LLC, and may, to the extent

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