

THE HONORABLE THOMAS S. ZILLY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ARRIVALSTAR S.A. and MELVINO TECHNOLOGIES LIMITED,)	Civil Action No. 2:12-cv-977-TSZ
Plaintiffs,)	SOUND TRANSIT’S RESPONSES TO PLAINTIFFS’ FIRST SET OF REQUESTS FOR PRODUCTION
v.)	
CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY d/b/a Sound Transit,)	
Defendant.)	

TO: PLAINTIFFS
AND TO: PLAINTIFFS’ COUNSEL OF RECORD

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendant Central Puget Sound Regional Transit Authority (“Sound Transit”) hereby responds to the First Set of Requests for Production (“discovery requests”) propounded by Plaintiffs ArrivalStar S.A. and Melvino Technologies Limited, as follows:

PRELIMINARY STATEMENT

1. This action (and discovery in this action) is on-going and will continue as long as permitted by statute, stipulation, or court order. Thus, the investigation of claims is in its early stages, and Sound Transit’s responses herein are made without prejudice to Sound Transit’s right to introduce any and all documents or evidence of any kind in the proceedings in this action. Sound Transit specifically reserves the right to introduce at trial or any proceeding

1 any document, evidence or testimony from any witness, even if the document or other evidence
2 has not been produced in these responses whether as the result of mistake, oversight,
3 inadvertence, misinterpretation, or otherwise.

4 2. Sound Transit is responding in good faith to defendant's discovery requests as
5 Sound Transit interprets and understands them. If defendant subsequently asserts an
6 interpretation of any of the discovery requests that differs from Sound Transit's present
7 understanding, Sound Transit reserves the right to supplement or modify its responses herein.

8 3. Except for explicit facts admitted herein, no admissions of any nature
9 whatsoever are implied or should be inferred from Sound Transit's response to these discovery
10 requests. The fact that an individual discovery request has been responded to should not be
11 taken as an admission or acceptance of the existence of any facts set forth or assumed by such
12 discovery request, or that such response constitutes admissible evidence.

13 4. Sound Transit objects to Plaintiffs' definition of "Accused Product(s)" as vague,
14 indefinite, and attempting to expand the scope of Plaintiffs' cause of action to systems that
15 were not subject to Plaintiffs' complaint, Local Patent Rule 120 disclosure of infringement
16 contentions, or Plaintiffs' 9/19/2012 responses to Sound Transit's interrogatories. Plaintiffs'
17 infringement contentions accuse Sound Transit of patent infringement through its Rider Alert
18 process. Accordingly, Sound Transit's objections and responses to Plaintiffs' discovery
19 requests are directed to Sound Transit's Rider Alert system.

20 5. Each response to an individual discovery request is subject to all appropriate
21 objections that would require the exclusion of any statement contained herein if the information
22 sought were requested of a witness present and testifying in court, or of any statement
23 contained herein if the answer were given by said witness. All such objections and grounds are
24 reserved and may be imposed at the time of trial.

25 6. Subject to the responses and objections to these discovery requests, Sound
26 Transit will provide only that information within its possession, custody, or control after
reasonable inquiry.

1 **CONTINUING OBJECTIONS**

2 Sound Transit objects to each discovery request set forth below to the extent the request
3 requires a response or imposes an obligation that goes beyond the requirements of the Federal
4 Rules of Civil Procedure. Sound Transit will respond in conformity with the requirements of
5 the Federal Rules of Civil Procedure. Sound Transit incorporates by reference the following
6 continuing objections and limitations into each of the following discovery responses, which
7 responses are expressly made subject to these objections and limitations.

8 **A. Privileged or Protected Material.**

9 Sound Transit objects to each and every discovery request to the extent it calls for
10 information: (a) that is protected from discovery pursuant to the attorney-client privilege,
11 common interest privilege, or other privilege and/or the right of privacy; (b) that is work
12 product prepared in anticipation of litigation; or (c) that is otherwise protected from disclosure
13 under the Federal Rules of Civil Procedure, other applicable procedural rules, or applicable
14 legal authority.

15 **B. Relevance or Discoverability.**

16 Sound Transit objects to each and every discovery request to the extent it calls for
17 information that neither is relevant to the subject matter of the pending proceedings, nor
18 appears reasonably calculated to lead to the discovery of admissible evidence related to a claim
19 or defense.

20 **C. Unduly Burdensome.**

21 Sound Transit objects to each and every discovery request to the extent it is unduly
22 burdensome and the time and effort required to attempt to compile all responsive information
23 or documents outweighs the potential discoverability or probative value thereof. For example,
24 to the extent any requests seek information that pre-dates any possible relevant time period in
25 this litigation, through this objection, Sound Transit requests that defendant clarify and explain
26 what time period is truly relevant for purposes of this litigation.

1 **D. Annoyance, Harassment, or Oppression.**

2 Sound Transit objects to each and every discovery request to the extent it is designed to
3 cause undue annoyance, harassment, or oppression.

4 **E. Overbreadth.**

5 Sound Transit objects to each and every discovery request to the extent it is overly
6 broad with respect to scope, context, and/or time period.

7 **F. Vagueness, Indefiniteness, or Ambiguity.**

8 Sound Transit objects to each and every discovery request to the extent it is vague,
9 indefinite, or ambiguous and as such would require Sound Transit to speculate as to the
10 meaning or scope of the discovery request and potentially responsive information.

11 **G. Information Otherwise or More Readily Available.**

12 Sound Transit objects to each and every request to the extent it calls for information
13 readily accessible to defendant or is in publicly available material, the public record, or
14 defendant's own files and would be less burdensome for defendant to obtain in producible form
15 therefrom rather than from Sound Transit.

16 **H. Information Exclusively Within Knowledge of Defendant or Third Parties.**

17 Sound Transit objects to each and every discovery request to the extent it seeks
18 information exclusively within the knowledge of defendant or third parties, and not yet
19 obtained through discovery.

20 **I. Redundant, Cumulative, Duplicative, or Unreasonable Demands.**

21 Sound Transit objects to each and every discovery request to the extent it is
22 unreasonably cumulative, duplicative, repetitive, or redundant with respect to any other
23 discovery demands propounded to Sound Transit in this action, or is obtainable from some
24 other source that is more convenient, less expensive, less burdensome, or that plaintiff has an
25 opportunity to seek from a more likely source, or where the burden or expense to Sound Transit
26 of the proposed discovery outweighs its likely (or unlikely) discoverability or probative value.

1 **J. Documents Not in Sound Transit’s Possession.**

2 Sound Transit objects to each and every discovery request to the extent the documents
3 sought are not within the possession, custody, or control of Sound Transit.

4 **K. Improper Analyses, Calculations, or Compilations.**

5 Sound Transit objects to each and every discovery request to the extent that responding
6 would improperly require Sound Transit or its witnesses, or both, to perform legal, expert, or
7 lay studies, analyses, or calculations, or otherwise create documents that do not currently exist.

8 **L. Definitions and Instructions.**

9 Sound Transit objects to the “Definitions” in defendant’s discovery requests to the
10 extent the definitions differ in scope or application from the Federal Rules of Civil Procedure
11 or purport to impose any requirements or obligations other than those set forth in the Federal
12 Rules of Civil Procedure and the Court’s orders. Sound Transit responds in good faith to
13 defendant’s discovery requests, in accordance with the Federal Rules of Civil Procedure, as
14 Sound Transit interprets and understands them. If defendant subsequently asserts an
15 interpretation of any of the discovery requests that differs from Sound Transit’s present
16 understanding, Sound Transit reserves the right to supplement or modify its responses herein.

17 **M. Proprietary or Confidential Information.**

18 Sound Transit generally objects to each and every discovery request to the extent that it
19 calls for the information that is subject to trade secret, patent, copyright, and/or other intellectual
20 property protections and privileges, and/or proprietary or confidential information, the disclosure
21 of which would be prejudicial to Sound Transit, its customers, suppliers, any witness testifying
22 in this matter, or any person or entity who provided the information or documents to Sound
23 Transit. Such disclosure of information without prior authorization may also subject Sound
24 Transit to claims that it has violated a confidentiality or secrecy obligation. Any such
25 information that Sound Transit does produce will only be produced subject to the terms of an
26 appropriate Protective Order entered by the Court.

1 **RESPONSES TO REQUESTS FOR PRODUCTION**

2 **REQUEST FOR PRODUCTION NO. 1.**

3 Please produce all documents, including any correspondence, email or data in electronic
4 form, mentioning or referring to ArrivalStar.

5 **RESPONSE:**

6 Sound Transit incorporates by reference its Preliminary Statement and Continuing
7 Objections into this response as if fully set forth herein. Sound Transit specifically objects to
8 this discovery request as vague, indefinite, or ambiguous, and not appearing reasonably
9 calculated to lead to the discovery of admissible evidence related to a claim or defense in this
10 action. Sound Transit also objects to this discovery request as overbroad and unduly
11 burdensome, *inter alia*, to the extent Plaintiffs intends this discovery request to cover documents
12 with only passing general references to ArrivalStar/Melvino or to patents, methods, or
13 technologies that are not at issue in this case. Sound Transit also objects to this discovery
14 request as cumulative and redundant with other discovery requests served by Plaintiffs. Sound
15 Transit further objects to this discovery request to the extent it seeks privileged or work product
16 documents. Subject to and without waiving these objections and limitations, and to the extent
17 this request for production is understood, Sound Transit agrees to produce responsive, non-
18 privileged/work product documents, if any, located after a reasonable search.

19 **REQUEST FOR PRODUCTION NO. 2.**

20 Please produce all documents, including any correspondence, email or data in electronic
21 form, mentioning or referring to the '781 Patent.

22 **RESPONSE:**

23 Sound Transit incorporates by reference its Preliminary Statement and Continuing
24 Objections into this response as if fully set forth herein. Sound Transit further objects to this
25 discovery request to the extent it seeks privileged or work product documents. Subject to and
26

1 without waiving these objections and limitations, and to the extent this request for production is
2 understood, Sound Transit agrees to produce responsive, non-privileged/work product
3 documents, if any, located after a reasonable search.

4
5 **REQUEST FOR PRODUCTION NO. 3.**

6 Please produce all documents, including any correspondence, email or data in electronic
7 form, mentioning or referring to any patent owned by Plaintiffs.

8 **RESPONSE:**

9 Sound Transit incorporates by reference its Preliminary Statement and Continuing
10 Objections into this response as if fully set forth herein. Sound Transit specifically objects to
11 this discovery request as vague, indefinite, or ambiguous, and not appearing reasonably
12 calculated to lead to the discovery of admissible evidence related to a claim or defense in this
13 action. Sound Transit also objects to this discovery request as overbroad and unduly
14 burdensome, *inter alia*, to the extent Plaintiffs intends this discovery request to cover patents,
15 methods, or technologies that are not at issue in this case. Sound Transit also objects to this
16 discovery request as cumulative and redundant with other discovery requests served by
17 Plaintiffs. Sound Transit further objects to this discovery request to the extent it seeks privileged
18 or work product documents. Subject to and without waiving these objections and limitations,
19 and to the extent this request for production is understood, Sound Transit agrees to produce
20 responsive, non-privileged/work product documents, if any, located after a reasonable search.

21 **REQUEST FOR PRODUCTION NO. 4.**

22 Please produce all documents, including any correspondence, email or data in electronic
23 form, mentioning or referring to the subject matter of the '781 Patent.

24 **RESPONSE:**

1 Sound Transit incorporates by reference its Preliminary Statement and Continuing
2 Objections into this response as if fully set forth herein. Sound Transit specifically objects to
3 this discovery request as vague, indefinite, or ambiguous, and not appearing reasonably
4 calculated to lead to the discovery of admissible evidence related to a claim or defense in this
5 action. Sound Transit also objects to this discovery request as overbroad and unduly
6 burdensome, *inter alia*, to the extent Plaintiffs intends this discovery request to cover patents,
7 methods, or technologies that are not at issue in this case. Sound Transit further objects to this
8 discovery request as calling for a legal analysis or conclusion regarding the scope and subject
9 matter of the patent-in-suit. Sound Transit also objects to this discovery request as cumulative
10 and redundant with other discovery requests served by Plaintiffs. Sound Transit further objects
11 to this discovery request to the extent it seeks privileged or work product documents. Subject to
12 and without waiving these objections and limitations, and to the extent this request for
13 production is understood, Sound Transit agrees to produce responsive, non-privileged/work
14 product documents, if any, located after a reasonable search.

15
16 **REQUEST FOR PRODUCTION NO. 5.**

17 Please produce all documents, including any correspondence, email or data in electronic
18 form, mentioning or referring to when Defendant first became aware of the existence of any of
19 the '781 Patent or its alleged infringement thereof, or any of Plaintiffs' patents.

20 **RESPONSE:**

21 Sound Transit incorporates by reference its Preliminary Statement and Continuing
22 Objections into this response as if fully set forth herein. Sound Transit specifically objects to
23 this discovery request as vague, indefinite, or ambiguous in its unspecified reference to an
24 infringement, and as not appearing reasonably calculated to lead to the discovery of admissible
25 evidence related to a claim or defense in this action. Sound Transit also objects to this discovery
26 request as overbroad and unduly burdensome, *inter alia*, to the extent Plaintiffs intends this

1 discovery request to cover patents, methods, or technologies that are not at issue in this case.
2 Sound Transit further objects to this discovery request as calling for a legal analysis or
3 conclusion regarding the scope and subject matter of the patent-in-suit. Sound Transit also
4 objects to this discovery request as cumulative and redundant with other discovery requests
5 served by Plaintiffs. Sound Transit further objects to this discovery request to the extent it seeks
6 privileged or work product documents. Subject to and without waiving these objections and
7 limitations, and to the extent this request for production is understood, Sound Transit agrees to
8 produce responsive, non-privileged/work product documents, if any, located after a reasonable
9 search.

10
11 **REQUEST FOR PRODUCTION NO. 6.**

12 Please produce all user manuals for the Accused Product.

13 **RESPONSE:**

14 Sound Transit incorporates by reference its Preliminary Statement and Continuing
15 Objections into this response as if fully set forth herein. Sound Transit specifically objects to
16 this discovery request as vague, indefinite, or ambiguous in its use of the term user manuals.
17 Sound Transit also objects to Plaintiffs' definition of "Accused Product(s)" as vague, indefinite,
18 and attempting to expand the scope of Plaintiffs' cause of action to systems that were not subject
19 to Plaintiffs' complaint, Local Patent Rule 120 disclosure of infringement contentions, or
20 Plaintiffs' 9/19/2012 responses to Sound Transit's interrogatories. Plaintiffs' infringement
21 contentions accuse Sound Transit of patent infringement through its Rider Alert process.
22 Accordingly, Sound Transit's objections and responses to Plaintiffs' discovery requests are
23 directed to Sound Transit's Rider Alert system. Subject to and without waiving these objections
24 and limitations, and to the extent this request for production is understood, Sound Transit agrees
25 to produce responsive, non-privileged/work product documents, if any, located after a reasonable
26 search.

1 **REQUEST FOR PRODUCTION NO. 7.**

2 Please produce all training materials referring or relating to the Accused Product.

3 **RESPONSE:**

4 Sound Transit incorporates by reference its Preliminary Statement and Continuing
5 Objections into this response as if fully set forth herein. Sound Transit specifically objects to
6 this discovery request as vague, indefinite, or ambiguous in its use of the term training manuals.
7 Sound Transit also objects to Plaintiffs’ definition of “Accused Product(s)” as vague, indefinite,
8 and attempting to expand the scope of Plaintiffs’ cause of action to systems that were not subject
9 to Plaintiffs’ complaint, Local Patent Rule 120 disclosure of infringement contentions, or
10 Plaintiffs’ 9/19/2012 responses to Sound Transit’s interrogatories. Plaintiffs’ infringement
11 contentions accuse Sound Transit of patent infringement through its Rider Alert process.
12 Accordingly, Sound Transit’s objections and responses to Plaintiffs’ discovery requests are
13 directed to Sound Transit’s Rider Alert system. Subject to and without waiving these objections
14 and limitations, and to the extent this request for production is understood, Sound Transit agrees
15 to produce responsive, non-privileged/work product documents, if any, located after a reasonable
16 search.

17 **REQUEST FOR PRODUCTION NO. 8.**

18 Please produce all documents, including correspondence, email or data in electronic
19 form, referring or related to the conception, research, design, development and
20 commercialization of the Accused Product, including development meeting notes or
21 correspondence, status reports, committee meeting minutes, testing reports, simulations,
22 developers’ notes and notebooks, project schedules, meeting presentations, algorithms,
23 schematics, screen shots, drawings, prototypes, samples and specifications.

24 **RESPONSE:**

1 Sound Transit incorporates by reference its Preliminary Statement and Continuing
2 Objections into this response as if fully set forth herein. Sound Transit specifically objects to
3 Plaintiffs' definition of "Accused Product(s)" as vague, indefinite, and attempting to expand the
4 scope of Plaintiffs' cause of action to systems that were not subject to Plaintiffs' complaint,
5 Local Patent Rule 120 disclosure of infringement contentions, or Plaintiffs' 9/19/2012 responses
6 to Sound Transit's interrogatories. Plaintiffs' infringement contentions accuse Sound Transit of
7 patent infringement through its Rider Alert process. Accordingly, Sound Transit's objections
8 and responses to Plaintiffs' discovery requests are directed to Sound Transit's Rider Alert
9 system. Sound Transit also objects to this discovery request as unduly burdensome insofar as it
10 requires Sound Transit to gather third party information not in Sound Transit's possession,
11 custody, or control and to prepare a new document organizing it into a chronology for the benefit
12 of Plaintiffs. Subject to and without waiving these objections and limitations, and to the extent
13 this request for production is understood, Sound Transit agrees to produce responsive, non-
14 privileged/work product documents, if any, located after a reasonable search.

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16 **REQUEST FOR PRODUCTION NO. 9.**

17 Please produce all documents, including correspondence, email or data in electronic
18 form, referring or related to the conception, research, design, development and
19 commercialization of the Accused Product and any other vehicle tracking system used or created
20 by Defendant that provides notifications to users regarding the location, estimated time of arrival
21 and/or delay of vehicles, including development meeting notes or correspondence, status reports,
22 committee meeting minutes, testing reports, simulations, developers' notes and notebooks,
23 project schedules, meeting presentations, algorithms, schematics, screen shots, drawings,
24 prototypes, samples and specifications.

25 **RESPONSE:**

1 Sound Transit incorporates by reference its Preliminary Statement and Continuing
2 Objections into this response as if fully set forth herein. Sound Transit specifically objects to
3 Plaintiffs’ definition of “Accused Product(s)” as vague, indefinite, and attempting to expand the
4 scope of Plaintiffs’ cause of action to systems that were not subject to Plaintiffs’ complaint,
5 Local Patent Rule 120 disclosure of infringement contentions, or Plaintiffs’ 9/19/2012 responses
6 to Sound Transit’s interrogatories. Plaintiffs’ infringement contentions accuse Sound Transit of
7 patent infringement through its Rider Alert process. Accordingly, Sound Transit’s objections
8 and responses to Plaintiffs’ discovery requests are directed to Sound Transit’s Rider Alert
9 system. Sound Transit also objects to this discovery request as unduly burdensome insofar as it
10 requires Sound Transit to gather third party information not in Sound Transit’s possession,
11 custody, or control and to prepare a new document organizing it into a chronology for the benefit
12 of Plaintiffs. Subject to and without waiving these objections and limitations, and to the extent
13 this request for production is understood, Sound Transit agrees to produce responsive, non-
14 privileged/work product documents, if any, located after a reasonable search.

15
16 **REQUEST FOR PRODUCTION NO. 10.**

17 Please produce all documents, including correspondence, email or data in electronic
18 form, referring or related to the structure, operation, function or performance of the Accused
19 Product and/or its components, including all source code, user guides, reference manuals,
20 product manuals, product descriptions, technician’s guides, installation guides, technical
21 manuals, software manuals, screen shots and datasheets.

22 **RESPONSE:**

23 Sound Transit incorporates by reference its Preliminary Statement and Continuing
24 Objections into this response as if fully set forth herein. Sound Transit specifically objects to
25 Plaintiffs’ definition of “Accused Product(s)” as vague, indefinite, and attempting to expand the
26 scope of Plaintiffs’ cause of action to systems that were not subject to Plaintiffs’ complaint,

1 Local Patent Rule 120 disclosure of infringement contentions, or Plaintiffs' 9/19/2012 responses
2 to Sound Transit's interrogatories. Plaintiffs' infringement contentions accuse Sound Transit of
3 patent infringement through its Rider Alert process. Accordingly, Sound Transit's objections
4 and responses to Plaintiffs' discovery requests are directed to Sound Transit's Rider Alert
5 system. Sound Transit also objects to this discovery request as unduly burdensome insofar as it
6 requires Sound Transit to gather third party information not in Sound Transit's possession,
7 custody, or control and to prepare a new document organizing it into a chronology for the benefit
8 of Plaintiffs. Subject to and without waiving these objections and limitations, and to the extent
9 this request for production is understood, Sound Transit agrees to produce responsive, non-
10 privileged/work product documents, if any, located after a reasonable search.

11
12 **REQUEST FOR PRODUCTION NO. 11.**

13 Please produce all documents, including correspondence, email or data in electronic
14 form, referring or related to any instructions, information or directions Defendant provides to any
15 of its customers concerning how to use, install or operate the Accused Product.

16 **RESPONSE:**

17 Sound Transit incorporates by reference its Preliminary Statement and Continuing
18 Objections into this response as if fully set forth herein. Sound Transit specifically objects to
19 this discovery request as vague, indefinite, or ambiguous in its use of the term user manuals.
20 Sound Transit also objects to Plaintiffs' definition of "Accused Product(s)" as vague, indefinite,
21 and attempting to expand the scope of Plaintiffs' cause of action to systems that were not subject
22 to Plaintiffs' complaint, Local Patent Rule 120 disclosure of infringement contentions, or
23 Plaintiffs' 9/19/2012 responses to Sound Transit's interrogatories. Plaintiffs' infringement
24 contentions accuse Sound Transit of patent infringement through its Rider Alert process.
25 Accordingly, Sound Transit's objections and responses to Plaintiffs' discovery requests are
26 directed to Sound Transit's Rider Alert system. Subject to and without waiving these objections

1 and limitations, and to the extent this request for production is understood, Sound Transit agrees
2 to produce responsive, non-privileged/work product documents, if any, located after a reasonable
3 search.

4
5 **REQUEST FOR PRODUCTION NO. 12.**

6 Please produce all documents, including correspondence, email or data in electronic
7 form, referring or related to any instructions, information or directions Defendant provides to any
8 of its customers concerning how to use, install or operate any other vehicle tracking system used
9 or created by Defendant that also provides notifications to users regarding the location, estimated
10 time of arrival and/or delay of vehicles.

11 **RESPONSE:**

12 Sound Transit incorporates by reference its Preliminary Statement and Continuing
13 Objections into this response as if fully set forth herein. Sound Transit specifically objects to
14 this discovery request as vague, indefinite, or ambiguous in its use of the term user manuals.
15 Sound Transit also objects to Plaintiffs' definition of "Accused Product(s)" as vague, indefinite,
16 and attempting to expand the scope of Plaintiffs' cause of action to systems that were not subject
17 to Plaintiffs' complaint, Local Patent Rule 120 disclosure of infringement contentions, or
18 Plaintiffs' 9/19/2012 responses to Sound Transit's interrogatories. Plaintiffs' infringement
19 contentions accuse Sound Transit of patent infringement through its Rider Alert process.
20 Accordingly, Sound Transit's objections and responses to Plaintiffs' discovery requests are
21 directed to Sound Transit's Rider Alert system. Subject to and without waiving these objections
22 and limitations, and to the extent this request for production is understood, Sound Transit agrees
23 to produce responsive, non-privileged/work product documents, if any, located after a reasonable
24 search.

1 **REQUEST FOR PRODUCTION NO. 13.**

2 Please produce samples of all promotional items, marketing material or advertisements
3 referring to the Accused Product.

4 **RESPONSE:**

5 Sound Transit incorporates by reference its Preliminary Statement and Continuing
6 Objections into this response as if fully set forth herein. Sound Transit also object to this
7 discovery request as assuming not in evidence regarding Sound Transit promotional items,
8 marketing material or advertisements. Sound Transit specifically objects to Plaintiffs' definition
9 of "Accused Product(s)" as vague, indefinite, and attempting to expand the scope of Plaintiffs'
10 cause of action to systems that were not subject to Plaintiffs' complaint, Local Patent Rule 120
11 disclosure of infringement contentions, or Plaintiffs' 9/19/2012 responses to Sound Transit's
12 interrogatories. Plaintiffs' infringement contentions accuse Sound Transit of patent infringement
13 through its Rider Alert process. Accordingly, Sound Transit's objections and responses to
14 Plaintiffs' discovery requests are directed to Sound Transit's Rider Alert system. Subject to and
15 without waiving these objections and limitations, and to the extent this request for production is
16 understood, Sound Transit agrees to produce responsive, non-privileged/work product
17 documents, if any, located after a reasonable search.

18 **REQUEST FOR PRODUCTION NO. 14.**

19 Please produce samples of all promotional items, marketing material or advertisements
20 referring to any other vehicle tracking system used or created by Defendant that provides
21 notifications to users regarding the location, estimated time of arrival and/or delay of vehicles.

22 **RESPONSE:**

23 Sound Transit incorporates by reference its Preliminary Statement and Continuing
24 Objections into this response as if fully set forth herein. Sound Transit also object to this
25 discovery request as assuming not in evidence regarding Sound Transit promotional items,
26

1 marketing material or advertisements. Sound Transit specifically objects to Plaintiffs' definition
2 of "Accused Product(s)" as vague, indefinite, and attempting to expand the scope of Plaintiffs'
3 cause of action to systems that were not subject to Plaintiffs' complaint, Local Patent Rule 120
4 disclosure of infringement contentions, or Plaintiffs' 9/19/2012 responses to Sound Transit's
5 interrogatories. Plaintiffs' infringement contentions accuse Sound Transit of patent infringement
6 through its Rider Alert process. Accordingly, Sound Transit's objections and responses to
7 Plaintiffs' discovery requests are directed to Sound Transit's Rider Alert system. Subject to and
8 without waiving these objections and limitations, and to the extent this request for production is
9 understood, Sound Transit agrees to produce responsive, non-privileged/work product
10 documents, if any, located after a reasonable search.

11
12 **REQUEST FOR PRODUCTION NO. 15.**

13 Please produce all documents, including correspondence, email or data in electronic
14 form, referring or related to any advantages, benefits or features of the Accused Product.

15 **RESPONSE:**

16 Sound Transit incorporates by reference its Preliminary Statement and Continuing
17 Objections into this response as if fully set forth herein. Sound Transit specifically objects to
18 this discovery request as vague, indefinite, or ambiguous in its use of the term user manuals.
19 Sound Transit also objects to Plaintiffs' definition of "Accused Product(s)" as vague, indefinite,
20 and attempting to expand the scope of Plaintiffs' cause of action to systems that were not subject
21 to Plaintiffs' complaint, Local Patent Rule 120 disclosure of infringement contentions, or
22 Plaintiffs' 9/19/2012 responses to Sound Transit's interrogatories. Plaintiffs' infringement
23 contentions accuse Sound Transit of patent infringement through its Rider Alert process.
24 Accordingly, Sound Transit's objections and responses to Plaintiffs' discovery requests are
25 directed to Sound Transit's Rider Alert system. Subject to and without waiving these objections
26 and limitations, and to the extent this request for production is understood, Sound Transit agrees

1 to produce responsive, non-privileged/work product documents, if any, located after a reasonable
2 search.

3
4 **REQUEST FOR PRODUCTION NO. 16.**

5 Please produce any documents that Defendant contends is material to the scope,
6 interpretation, validity, infringement or enforceability of the '781 patent or any claim of any of
7 the '781 patent.

8 **RESPONSE:**

9 Sound Transit incorporates by reference its Preliminary Statement and Continuing
10 Objections into this response as if fully set forth herein. Sound Transit specifically objects to
11 this discovery request as vague, indefinite, or ambiguous, and not appearing reasonably
12 calculated to lead to the discovery of admissible evidence related to a claim or defense in this
13 action. Sound Transit also objects to this discovery request as overbroad and unduly
14 burdensome, *inter alia*, to the extent Plaintiffs intends this discovery request to cover patents,
15 methods, or technologies that are not at issue in this case. Sound Transit further objects to this
16 discovery request as calling for a legal analysis or conclusion regarding the scope, subject matter,
17 infringement, validity, and enforceability of the patent-in-suit. Sound Transit also objects to this
18 discovery request as cumulative and redundant with other discovery requests served by
19 Plaintiffs. Sound Transit further objects to this discovery request to the extent it seeks privileged
20 or work product documents. Subject to and without waiving these objections and limitations,
21 and to the extent this request for production is understood, Sound Transit refers Plaintiffs to
22 Sound Transit's LPR 121 and 122 disclosures and agrees to produce responsive, non-
23 privileged/work product documents, if any, located after a reasonable search.
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1 **REQUEST FOR PRODUCTION NO. 17.**

2 Please produce any alleged prior art to the ‘781 patent.

3 **RESPONSE:**

4 Sound Transit incorporates by reference its Preliminary Statement and Continuing
5 Objections into this response as if fully set forth herein. Sound Transit specifically objects to
6 this discovery request as vague, indefinite, or ambiguous, and not appearing reasonably
7 calculated to lead to the discovery of admissible evidence related to a claim or defense in this
8 action. Sound Transit also objects to this discovery request as overbroad and unduly
9 burdensome, *inter alia*, to the extent Plaintiffs intends this discovery request to cover patents,
10 methods, or technologies that are not at issue in this case. Sound Transit further objects to this
11 discovery request as calling for a legal analysis or conclusion regarding the scope and subject
12 matter of the patent-in-suit and prior art thereto. Sound Transit also objects to this discovery
13 request as cumulative and redundant with other discovery requests served by Plaintiffs. Sound
14 Transit further objects to this discovery request to the extent it seeks privileged or work product
15 documents. Subject to and without waiving these objections and limitations, and to the extent
16 this request for production is understood, Sound Transit refers Plaintiffs to Sound Transit’s LPR
17 121 and 122 disclosures and agrees to produce responsive, non-privileged/work product
18 documents, if any, located after a reasonable search.

19 **REQUEST FOR PRODUCTION NO. 18.**

20 Please produce all documents that contain, refer or relate to any oral or written opinion
21 received by Defendant concerning the validity, invalidity, enforceability, unenforceability,
22 infringement, noninfringement, patentability, scope or interpretation of ‘781 patent or any claim
23 of the ‘781 patent.

24 **RESPONSE:**

25 Sound Transit incorporates by reference its Preliminary Statement and Continuing
26

1 Objections into this response as if fully set forth herein. Sound Transit specifically objects to
2 this discovery request as premature and as seeking information protected by the attorney-client
3 privileged and work product doctrine. Sound Transit reserves its right to supplement and revise
4 these interrogatory responses based on further discovery and analysis in accordance with the
5 timetable and requirements of the Court's orders and rules.

6
7 **REQUEST FOR PRODUCTION NO. 19.**

8 Please produce all documents and things not previously produced which Defendant
9 intends to rely upon in its defense or in support of its counterclaim at trial.

10 **RESPONSE:**

11 Sound Transit incorporates by reference its Preliminary Statement and Continuing
12 Objections into this response as if fully set forth herein. Sound Transit specifically objects to
13 this discovery request as vague, indefinite, and ambiguous. Sound Transit also objects to this
14 discovery request as premature and as seeking information protected by the attorney-client
15 privileged and work product doctrine. Sound Transit reserves its right to supplement and revise
16 these interrogatory responses based on further discovery and analysis in accordance with the
17 timetable and requirements of the Court's orders and rules.

18
19 DATED this 8th day of November, 2012.

20
21 Respectfully submitted,

22 STOEL RIVES LLP

23 /s/ Brian C. Park

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26 Seattle, WA 98101
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CERTIFICATE OF SERVICE

I, Brian C. Park, certify under penalty of perjury under the laws of the United States that, on November 8, 2012, I caused the foregoing document to be served by the method indicated below on the parties listed below:

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- hand delivery
- e-mail delivery
- facsimile transmission
- overnight delivery
- regular U.S. Mail

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- facsimile transmission
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- regular U.S. Mail

Executed on November 8, 2012, at Seattle, Washington.

/s/ Brian C. Park
Brian C. Park