

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

ARRIVALSTAR S.A. and)	Civil Action No. 2:12-cv-977-TSZ
MELVINO TECHNOLOGIES LIMITED,)	
Plaintiffs,)	SOUND TRANSIT’S FIRST
v.)	SET OF REQUESTS FOR
CENTRAL PUGET SOUND REGIONAL)	PRODUCTION TO PLAINTIFFS
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 (“Defendant” or “Sound Transit”) requests that Plaintiffs ArrivalStar S.A. (“ArrivalStar) and Melvino Technologies Limited (“Melvino”) (collectively “Plaintiffs”) produce the following documents and things within thirty (30) days after service at the offices of STOEL RIVES LLP, 600 University Street, Suite 3600, One Union Square, Seattle, WA 98101 (206) 386-7542. Plaintiff shall also submit written responses, subscribed under oath, within thirty (30) days of the date hereof as required by rule.

DEFINITIONS AND INSTRUCTIONS

The definitions and instructions below are intended to assist you in responding in accordance

1 with the liberal policy underlying the Federal Rules. Unless the context indicates otherwise, the
2 following words and phrases have the meaning given:

3 1. “Plaintiffs,” “you” or “your” mean and refer to the plaintiffs in this action, and to all of
4 their affiliated entities, persons, units, agents, agencies, divisions, departments, and nominees, including
5 subsidiaries, instrumentalities, subdivisions, predecessors, successors and assignees of any of them,
6 administrators, officers, directors, employees, agents, representatives, consultants, special assistants,
7 joint ventures, contractors, and attorneys of any of them.

8 2. “Sound Transit” and “Defendant” mean and refer to Defendant Central Puget Sound
9 Regional Transit Authority named in this action, and to all of its agencies, divisions, departments,
10 nominees, affiliated entities and units, including subsidiaries, instrumentalities, subdivisions,
11 predecessors, successors and assignees of any of them, administrators, officers, directors, employees,
12 agents, representatives, consultants, special assistants, joint ventures, contractors, and attorneys of any of
13 them; and any persons who at any time acted by, through, or on behalf of any of them.

14 3. The term “document” is used in the broadest possible sense as interpreted under the
15 Federal Rules of Civil Procedure and includes, without limitation, all originals and copies, duplicates,
16 drafts, and recordings of any written, graphic or otherwise recorded matter, however produced or
17 reproduced, and all “writings” as defined in Section 1001 of the Federal Rules of Evidence including,
18 *inter alia*, the following: abstracts, advertisements, agendas, agreements, analyses of any kind, articles,
19 blueprints, brochures, charts, compilations, computer runs and printouts, letters, reports (including
20 reports or notes of telephone or other conversations), memoranda, brochures, books, ledgers, drawings,
21 photographs, specifications, drafts, catalogs, invoices, bills of materials, purchase orders, proposals,
22 contracts, and other writings of whatsoever nature, whether on paper or magnetic tape or other non-
23 paper information storage means, including film and computer memory devices; and where any such
24 items contain any marking not appearing on the original or are altered from the original, then such items
25 shall be considered to be separate original documents.

26 4. The term “thing,” as used here, refers to any tangible object other than a document, and

1 includes objects of every kind and nature such as, but not limited to, models, samples, prototypes and
2 commercial units, in each case, whether complete or not, or functional or not.

3 5. The terms “concerning,” “regarding,” “referring” or “relating” include referring to,
4 alluding to, responding to, relating to, connected with, commenting upon, in respect of, about, regarding,
5 discussing, showing, describing, reflecting, analyzing, touching upon, constituting, and being.

6 6. The term “person” or “persons” includes any individual, firm, partnership, association, joint
7 venture, corporation, governmental agency, entity, or combination of any of the above.

8 7. The term “communication” includes any conversation, meeting, telephone call, e-mail,
9 letter, memorandum, document, or other form of (verbal or nonverbal) communication.

10 8. The phrases “describe in detail” and “provide the factual basis” means to supply all facts
11 — whether based on your personal knowledge, information, or belief — presently available to you,
12 known by you, or inferred by you from the existence of other evidence or information.

13 9. The term “patent-in-suit” refers to U.S. Patent No. 7,030,781 (“the ‘781 patent”) entitled
14 *Notification System and Method That Informs a Party of Vehicle Delay*.

15 10. The term “prior art” is used in its customary sense as contemplated by 35 U.S.C. §§ 102
16 and 103.

17 11. The term “transit systems” includes, but is not limited to, any method, service, or
18 equipment used for human transportation purposes and any other past or current methods, services, or
19 equipment whose function or use is substantially similar thereto.

20 12. As used herein, the singular form of a noun or pronoun includes within its meaning the
21 plural form thereof and *vice versa*; the use of the masculine form of a pronoun will include within its
22 meaning the feminine form of the pronoun and *vice versa*; the use of the tense of a verb will include all
23 other tenses of the verb so used; and the use of “and” will include “or” and *vice versa*.

24 13. Each document shall be produced, if possible, as it is kept in the ordinary course of
25 business in its original folder, file jacket, cover, separator or the like and shall be organized and labeled
26 to correspond with the categories discovery request to which it is responsive.

1 14. With respect to each document or thing which is withheld, whether under claim of
2 privilege or otherwise, provide the following information:

- 3 (A). the date, identity and general subject matter of the document or thing, and the
4 grounds asserted in support of the failure to produce the document or thing;
- 5 (B). the identity of each person (other than stenographic or clerical assistants)
6 participating in the preparation of the document or thing;
- 7 (C). the identity of each person to whom the contents of the document or thing was
8 communicated orally, by copy, by distribution, reading or substantial
9 summarization;
- 10 (D). a description of any document or other material transmitted with or attached to the
11 document or thing;
- 12 (E). the number of pages in the document;
- 13 (F). the particular discovery request(s) and subpart(s) to which the document or thing
14 is responsive; and
- 15 (G). whether any business or non-legal matter is contained or discussed in the
16 document or thing.

17 15. With respect to each document or thing which has been lost, discarded, or destroyed, or
18 has been removed from defendant's possession, custody or control since its preparation or receipt:

- 19 (A). identify the document or thing;
- 20 (B). state when the document or thing was last in defendant's possession, custody, or
21 control;
- 22 (C). state the discovery request(s) it would otherwise be responsive to;
- 23 (D). explain the circumstances of the loss, destruction or transfer from defendant's
24 possession thereof,
- 25 (E). explain why and how the document or thing was transferred or destroyed, who
26 authorized and/or had knowledge of the transfer or destruction; and identify all
persons having knowledge of the contents of the document or thing.

16. The term "identify" means:

- (A). in the case of a natural person, to state the full name, the last known residence and
telephone number, the last known employer or business affiliation and telephone
number, and the last known occupation and business position or title held;

1 (B). in the case of any other person or entity, to state the full name, the place and date
2 of incorporation or organization, the principal place of business, and identity of all
3 natural persons having knowledge of the involvement of said other person or
4 entity with the subject matter of the discovery request;

5 (C). in the case of a document, to state the type of document, the date of the document,
6 the name and title or position of the person that is signatory to the document, or
7 the name and title or position of the person who prepared the document, the name
8 and title or position of each recipient or addressee of such document (whether
9 specifically named therein or not) either at the time of initial distribution or at
10 some subsequent time, and a brief statement of the subject matter of the
11 document;

12 (D). in the case of a “thing,” to describe such thing, its origin, the date obtained, its
13 location and custodian.

14 17. If you do not have, and cannot ascertain, any information in your possession, custody, or
15 control that it responsive to a discovery request, state that affirmatively *in lieu* of your answer.

16 18. If you object to answering only part of a discovery request, specify the part to which you
17 object and answer the remainder.

18 19. These discovery requests require that you provide all responsive information in your
19 possession, custody, or control regardless of whether the responsive information originated with you or
20 is admissible under the Federal Rules of Evidence.

21 20. These discovery requests are continuing in nature and you are requested to promptly
22 amend and supplement your responses, including as required by Fed. R. Civ. P. 26(e), if you obtain
23 additional information requested by any discovery request, whether the newly obtained information
24 would support, negate, or require amendment of your prior response.

25 REQUESTS FOR PRODUCTION

26 REQUEST FOR PRODUCTION NO. 1: The prosecution histories for the patents related to the
patent-in-suit.

RESPONSE:

1 REQUEST FOR PRODUCTION NO. 2: All prior art cited in the patents and prosecution
2 histories from RFP No. 1.

3 RESPONSE:

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6 REQUEST FOR PRODUCTION NO. 3: All documents regarding Sound Transit's alleged
7 infringement of the patent-in-suit.

8 RESPONSE:

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11 REQUEST FOR PRODUCTION NO. 4: All documents regarding Sound Transit's systems,
12 services, equipment, technology, sales, or finances.

13 RESPONSE:

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16 REQUEST FOR PRODUCTION NO. 5: To the extent not previously produced, all documents,
17 data compilations, and tangible things specified by FRCP 26(a).

18 RESPONSE:

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20 REQUEST FOR PRODUCTION NO. 6: All litigation files (including but not limited to
21 correspondence, discovery, deposition transcripts, document productions, pleadings, expert reports,
22 other court filings, settlement agreements, and mediation submissions) related to patent litigation by or
23 on behalf of Plaintiffs (*see Definitions*) regarding the patent-in-suit and related patents.

24 RESPONSE:

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REQUEST FOR PRODUCTION NO. 7: All license agreements (whether in draft, final, or executed form) entered into by or on behalf of Plaintiffs.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: All settlement agreements (whether in draft, final, or executed form) entered into by or on behalf of Plaintiffs.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: All royalties or other payments paid to or received by or on behalf of Plaintiffs.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: All documents related to or reflecting negotiations concerning the patent-in-suit or any related patent or patent application.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: All documents related to or reflecting a settlement agreement concerning the patent-in-suit or any related patent or patent application.

RESPONSE:

1 REQUEST FOR PRODUCTION NO. 12: All documents related to or reflecting Plaintiffs' pre-
2 filing investigation, including the documents used to arrive at Plaintiffs' determination that Sound
3 Transit had infringed the patent-in-suit.

4 RESPONSE:

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7 REQUEST FOR PRODUCTION NO. 13: All prior art identified by third parties in licensing
8 negotiations involving the patent-in-suit.

9 RESPONSE:

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12 REQUEST FOR PRODUCTION NO. 14: All prior art, not disclosed in ArrivalStar's patent
13 applications/prosecution histories, that has been identified by third parties in licensing negotiations
14 involving the patent-in-suit.

15 RESPONSE:

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18 REQUEST FOR PRODUCTION NO. 15: All prior art identified by third parties in other
19 litigations involving the patent-in-suit.

20 RESPONSE:

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22 REQUEST FOR PRODUCTION NO. 16: All prior art, not disclosed in ArrivalStar's patent
23 applications/prosecution histories, that has been identified by third parties in other litigations involving
24 the patent-in-suit.

25 RESPONSE:

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REQUEST FOR PRODUCTION NO. 17: All prior art, not disclosed in ArrivalStar’s patent applications/prosecution histories, identified by third parties as being relevant to the patent-in-suit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18:

Documents sufficient to show Plaintiffs’ policies and procedures relating to:

- (A). the retention or destruction of documents;
- (B). Plaintiffs’ electronic data and media back-up procedures; and
- (C). automatic or periodic deletion or destruction of information or data as well as the steps

taken to prevent deletion or destruction of information.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19:

Each insurance policy applicable to any or all counterclaims asserted in this action.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20:

All documents and things concerning any information used by you in answering or responding to Defendant’s discovery requests.

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REQUEST FOR PRODUCTION NO. 21:

All documents that refer or relate to all persons whom Plaintiffs intends to call as a witness during this litigation including, but not limited to, all reports prepared by such persons concerning the subject matter of this proceeding.

RESPONSE:

REQUEST FOR PRODUCTION NO. 22:

All documents and things that refer or relate to Plaintiffs’ procurement, notification, or enforcement of intellectual property rights.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23:

All documents and things that refer or relate to Plaintiffs’ or Defendant’s allegations, admissions, or denials in the pleadings.

RESPONSE:

REQUEST FOR PRODUCTION NO. 24:

All correspondence to or from third parties related to the patent-in-suit and related patents.

RESPONSE:

REQUEST FOR PRODUCTION NO. 25:

All correspondence to third parties alleging or asserting infringement, or related to a third

1 parties' alleged infringement, of the patent-in-suit and related patents.

2 RESPONSE:

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5 REQUEST FOR PRODUCTION NO. 26:

6 All correspondence from third parties responding to allegations of infringement, or related to a
7 third parties' alleged infringement, of the patent-in-suit and related patents.

8 RESPONSE:

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11 REQUEST FOR PRODUCTION NO. 27:

12 All documents related to your practice or implementation of, or attempts to practice or
13 implement, the patent-in-suit and related patents.

14 RESPONSE:

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17 REQUEST FOR PRODUCTION NO. 28:

18 All documents related to your marketing of the patent-in-suit and related patents to third parties.

19 RESPONSE:

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21 REQUEST FOR PRODUCTION NO. 29:

22 All documents related to the valuation of systems or methods of implementing the patent-in-suit
23 and related patents.

24 RESPONSE:

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REQUEST FOR PRODUCTION NO. 30:

All documents related to the value to individual transit-system riders of systems or methods of implementing the patent-in-suit and related patents.

RESPONSE:

REQUEST FOR PRODUCTION NO. 31:

All documents and correspondence related to Plaintiff’s acquisition from third-party patent holders of patent or patent rights related to the patent-in-suit and related patents.

RESPONSE:

DATED this 17th day of August, 2012.

Respectfully submitted,

STOEL RIVES LLP

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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 August 17, 2012, I caused the foregoing document to be served by the method indicated below on the parties listed below:

Anthony Dowell
Geoffrey D. Smith
DOWELL BAKER P.C.
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Email: gsmith@dowellbaker.com

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

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

Executed on August 17, 2012, at Seattle, Washington.

/s/ Brian C. Park
Brian C. Park