

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FORCE MOS TECHNOLOGY, CO., LTD,)	
)	
Plaintiff,)	Civil Action No. 2:22-cv-00460 - JRG
)	
v.)	
)	JURY TRIAL DEMAND
ASUSTEK COMPUTER, INC.)	
)	
Defendant.)	
)	

**PLAINTIFF’S FIRST SET OF REQUESTS FOR PRODUCTION TO ASUSTEK
COMPUTER, INC.**

Plaintiff Force MOS Technology Co., Ltd. (“Force MOS” or “Plaintiff”), pursuant to Rule 34 of the Federal Rules of Civil Procedure, hereby request Defendant ASUSTek Computer, Inc. (“ASUS” or “Defendant”) to produce the documents and things requested herein, within thirty (30) days of service.

DEFINITIONS

To the extent used herein, the following terms shall have the meanings set forth below unless specifically indicated:

1. “Force MOS” refers to Plaintiff Force MOS Technology Cp., Ltd., its predecessors, successors, assigns, parents, subsidiaries, branches, departments, divisions, affiliates, partners, and all past and present directors, officers, employees, agents, and representatives (including consultants and attorneys) of any of the foregoing.
2. “ASUS” or “Defendant” refers to Defendant ASUSTek Computer, Inc., its predecessors, successors, assigns, parents, subsidiaries, branches, departments, divisions,

affiliates, partners, and all past and present directors, officers, employees, agents, and representatives (including consultants and attorneys) of any of the foregoing.

3. “Accused ASUS Products” means ASUS products incorporating trenched MOSFETs with trenched source contacts, including but not limited the ASUS products containing the 2N7002KDW, 2N7002K, PJX138, QM3016AM, and PE616BA components, and ASUS products incorporating trenched MOSFETs with trenched source contacts incorporating components with similar functionality.

4. “Patents-in-Suit” shall collectively mean U.S. Patent Nos. 7,629,634 (“the ’634 Patent”), 7,847,346 (“the ’346 Patent”), and 7,812,409 (“the ’409 Patent”).

5. “Relevant MOSFET Technology” means trenched MOSFETS with trenched source contacts.

6. “Relevant MOSFET Technology Products” means any product that incorporates the Relevant MOSFET Technology.

7. “Asserted Claim(s)” means collectively all of the claims of the Patents-in-Suit that Force MOS alleges have been infringed by ASUS.

8. “All documents” means any and all documents that might reasonably be located through a search of all locations reasonably likely to contain documents called for by these Requests for Production.

9. “And” and “or” shall be construed conjunctively or disjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside of its scope.

10. “Answer” means the most recent answer filed in this lawsuit.

11. “Any” refers to any and all documents, persons, or entities inclusively, not the option of responding as to some but not to others.

12. “Communication” means any transmission or conveyance of information, knowledge, ideas, facts, data, proposals, or other matter by one or more persons and/or between two or more persons by any means, including, without limitation:

- A. Written contact, whether by letter, memoranda, e-mail, telegram, telex, or other document;
- B. Oral contact, whether by face-to-face meetings, telephone conversations or otherwise; and
- C. Nonverbal acts intended to communicate or convey any meaning, understanding or other message.

13. “Complaint” or “Amended Complaint” means the most recent complaint filed in this lawsuit.

14. “Document” shall be given meaning in the broadest sense, as contemplated by the FED. R. CIV. P. 34(a)(1)(A), including any kind of written, recorded printed or graphic matter, whether produced, reproduced or stored on paper, cards, film, audio or video tapes, electronic facsimile, computer storage device, or any other media, or any kind or description, whether sent or received or neither, including without limitation: papers, books, letters, electronic mail messages electronic files or data, photographs, objects, tangible things, correspondence, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews, conferences, or other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, newspaper accounts, statistical records, desk calendars,

appointment books, diaries, lists, tabulations, summaries, sound recordings, computer printouts, data processing input and output, microfilms, all other records kept by electronic, photographic or mechanical means, and things similar to the foregoing however denominated by you, in the possession, custody or control of you, of any officer, agent, employee, representative, counsel, or other person acting or purporting to act for or on behalf of you or in concert with you. This term specifically includes documents which exist only in electronic form. This includes also the original writings of every kind and, if the original is not available, then any copies of the original and each non-identical copy (including those which are non-identical by reason of notations or markings).

15. “You,” “your,” “ASUS” refers collectively to ASUS, its predecessors and successors, assigns, parents, subsidiaries, branches, departments, divisions, affiliates, and partners, including without limitation, any organization or entity in which the party has management or controlling interests, together with all present and former directors, officers, employees, agents, representatives (including consultants and attorneys) or any other persons acting, or purporting to act, on behalf of the above identified persons or entities.

16. “Identify,” “identification,” or “identity” when used in reference to:

A. A natural person: his or her full name and address and last known address present or last known position or business affiliations and its address.

B. A document:

1. Title of the document;
2. The general subject matter of such document;
3. The general nature, a description, or type of document (i.e., whether it is a letter, memorandum, sound recording, drawing, etc., noting the number of pages of which it consists);

4. The date appearing on such document; and if no date appears thereon, give the date or approximate date such document was prepared;
 5. The author(s) or the name(s) of the person(s) who signed such document and, if it was not signed, give the name(s) of the person(s) who prepared such document, the name(s) of the person(s) to whom such document was addressed, and the name of each person other than such addressee(s) to whom such document or copies thereof was given or sent;
 6. The name of the person having custody, possession or control of such document and its present location; and
 7. If any such document is claimed to be privileged, state the basis on which the claim of privilege is asserted and describe the subject matter covered in the document.
- C. A legal opinion: With respect to a legal opinion or legal advice, “identify” also means to specify:
1. The date on which the opinion or legal advice was sought;
 2. The identity of each person who requested the opinion or legal advice; and
 3. If the opinion is embodied in a document, all the information identifying that document.
- D. An oral communication:
1. The date and place where the communication occurred;
 2. The identity of each person to whom such communication was made, each person by whom such communication was made, and each person who was present when such communication was made; and

3. The subject matter of such communication.

17. “Person” or “Entity” means any natural person (alive or deceased), any firm, corporation, proprietorship, joint venture, trust or estate, business, association, partnership, or other form of legal entity unless the context indicates otherwise.

18. “Prior Art” means any publication, disclosure, event, invention, sale, advertisement or other Things falling within the bounds of Section 102 or 103 of Title 35 of the United States Code.

19. “Possession” refers to all documents actually within your possession, custody or control, including any employee, consultant, aide or other representative (including without limitation attorneys and accountants) and any other person acting or purporting to act on your behalf or in concert with you, and includes any temporary placing of possession, custody or control in any third party by any of the foregoing persons.

20. “Relating to,” “relate(s) to,” “related to,” or “referring to” mean, in addition to its customary and usual meaning, discussing, connected with, identifying, pertaining to, reflecting, showing, defining, describing, mentioning, analyzing, explaining, commenting on, comprising, consisting of, containing, embodying, resulting from, regarding, responding to, recording, having as its subject matter, directly or indirectly, expressly or implicitly, the subject matter of the specific request, or having any logical or factual connection with the subject matter in question.

21. “This lawsuit” means the above-captioned action.

INSTRUCTIONS

1. Each Request for Production is to be read, construed, and responded to separately and independently without reference to or being limited by any other Request for Production.

2. All documents that respond, in whole or in part, to any portion of the requests below are to be produced in their entirety, including all attachments and enclosures.

3. In responding to these Requests for Production, you are requested to furnish all documents available to you, including documents in the possession of your attorneys, agents, accountants, bankers, advisors, and all persons acting on your behalf, and not merely such documents known to you of your direct or personal knowledge. If you cannot respond to any of these Requests for Production in full after exercising due diligence to secure the information, you are required to so state and answer to the extent possible, specifying your inability to respond to the remainder, stating what documents you have concerning the portions to which no response is given and why you are unable to respond thereto.

4. In the event that any document called for by these Requests has been destroyed or discarded, that document is to be identified as follows:

- A. Each addressor and addressee;
- B. Each indicated or blind copy;
- C. The document's date, subject matter, number of pages and attachments or appendices;
- D. All persons to whom the document was distributed, shown or explained;
- E. Its date of destruction or discard, manner of destruction or discard, and reason for discard or destruction; and
- F. The person who authorized such destruction or discard.

5. If any documents responsive to these Requests for Production are withheld from production, please furnish a list of all such documents withheld, which list should contain a complete identification of each such document (as defined above) and a statement of the ground(s)

upon which it is being withheld, stated in sufficient detail to permit a ruling on the validity of the withholding.

6. For any information withheld on the ground that it is embodied in communications or documents protected by the attorney-client privilege, attorney work product privilege, or any other claim of privilege, provide within 35 days of receipt of service of these requests for production a written statement setting forth, at a minimum:

- A. An identification of each communication or document embodying the allegedly protected information by author, date, and title;
- B. The identity of all person(s) from and to whom the information has been communicated;
- C. A brief description of the subject matter of the information; and
- D. The legal and factual ground(s) upon which you rely in withholding the information, including but not limited to the nature of the privilege or immunity asserted, in sufficient detail so that the Court may make a determination on your claim of privilege.

7. If no documents are responsive to a particular request, you are to state that no responsive documents exist.

8. In accordance with Fed. R. Civ. P. 34(b), all documents shall be produced either in the order and in the manner that they are kept in the usual course of business, or shall be organized and labeled to correspond to the requests. All documents produced pursuant to these requests shall be the original documents. The documents shall be produced in their original file folder, binder or other cover or container unless that is not possible. Whenever a document or group of documents is removed from a file folder, binder, file drawer, file box, notebook, or other cover or container,

a copy of the label or other means of identification of such cover or other container shall be attached to or included with the document. For example, documents stored in electronic format shall be produced in a medium that preserves the original file structure where the document resided.

9. The singular form of a word is to be interpreted as plural and the plural form of a word shall be interpreted as singular, whichever is appropriate, so as to bring within the scope of these requests any documents that might otherwise be considered beyond their scope.

10. Wherever possible or necessary to render a given request more inclusive than it otherwise might be, any verb tense should be construed to include other tenses.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Documentation relating to any Accused ASUS Product or products incorporating the Relevant MOSFET Technology, including but not limited to product and/or technical documents relating to the operation of said products and functional specifications, technical specifications, design specifications, schematics, developer's guides, user manuals, flow charts, logical diagrams, administrator manuals, developer manuals, operation manual, technical manuals, and written descriptions of their operation.

REQUEST FOR PRODUCTION NO. 2:

Documentation relating to the design, development, functions, and operation of any Accused ASUS Product or products incorporating the Relevant MOSFET Technology.

REQUEST FOR PRODUCTION NO. 3:

Product specifications, product requirements documents, testing protocols, design specifications, and conceptual specifications for each of the Accused ASUS Products or products incorporating the Relevant MOSFET Technology.

REQUEST FOR PRODUCTION NO. 4:

Testing and quality assurance documents for each Accused ASUS Product or products incorporating the Relevant MOSFET Technology.

REQUEST FOR PRODUCTION NO. 5:

Technical documents related to the Accused ASUS Products or products incorporating the Relevant MOSFET Technology, sufficient to describe the function, structure, and operation of each Accused ASUS Product or products incorporating the Relevant MOSFET Technology and show how each Accused ASUS Product or products incorporating the Relevant MOSFET Technology work.

REQUEST FOR PRODUCTION NO. 6:

Non-publicly available operation manuals, product literature, schematics, flow charts, and specifications for each of the Accused ASUS Products or products incorporating the Relevant MOSFET Technology.

REQUEST FOR PRODUCTION NO. 7:

Documentation relating to use by ASUS's customers of any Accused ASUS Product or products incorporating the Relevant MOSFET Technology, either alone or in combination with any other product.

REQUEST FOR PRODUCTION NO. 8:

Documents sufficient to show the instructions provided to customers, potential customers, or the public for using each of the Accused ASUS Products, or products incorporating the Relevant MOSFET Technology, or components thereof, including any user manuals, articles, instructions, frequently asked questions, data sheets, or product specifications.

REQUEST FOR PRODUCTION NO. 9:

Documents sufficient to show the identity and location of each person involved in designing, developing, implementing, testing, or maintaining each version of any Accused ASUS Product or products incorporating the Relevant MOSFET Technology.

REQUEST FOR PRODUCTION NO. 10:

Product documentation and marketing literature provided to customers, distributors, salespeople, wholesalers, resellers, third-party support organizations, third parties, and end-users of any Accused ASUS Product or products incorporating the Relevant MOSFET Technology.

REQUEST FOR PRODUCTION NO. 11:

Documents sufficient to show the types and forms of advertising or promotional materials used in connection with any of the Accused ASUS Products or products incorporating the Relevant MOSFET Technology including any advertisements or advertising campaigns, advertising budgets and expenditures, brochures, pamphlets, catalogs, or price lists.

REQUEST FOR PRODUCTION NO. 12:

Documents referring or relating to any of the Patents-in-Suit or this lawsuit, including but not limited to your first awareness of each of the Patents-in-Suit.

REQUEST FOR PRODUCTION NO. 13:

Documents relating to any action taken by you in response to your first awareness of each of the Patents-in-Suit.

REQUEST FOR PRODUCTION NO. 14:

Documents and communications between ASUS and any third party relating to Force MOS.

REQUEST FOR PRODUCTION NO. 15:

Documents and communications between ASUS and any of ASUS's suppliers relating to Force MOS, the Patents-in-Suit, the Accused ASUS Products, and the technology in the Patents-in-Suit.

REQUEST FOR PRODUCTION NO. 16:

Documents and communications between ASUS and inergy Technology relating to Force MOS, the Patents-in-Suit, the Accused ASUS Products, and the technology in the Patents-in-Suit.

REQUEST FOR PRODUCTION NO. 17:

Documents and communications between ASUS and PANJIT International Inc. relating to Force MOS, the Patents-in-Suit, the Accused ASUS Products, and the technology in the Patents-in-Suit.

REQUEST FOR PRODUCTION NO. 18:

Documents and communications between ASUS and UBIQ Semiconductor Corp. relating to Force MOS, the Patents-in-Suit, the Accused ASUS Products, and the technology in the Patents-in-Suit.

REQUEST FOR PRODUCTION NO. 19:

Documents and communications between ASUS and Niko Semiconductor Co., Ltd. relating to Force MOS, the Patents-in-Suit, the Accused ASUS Products, and the technology in the Patents-in-Suit.

REQUEST FOR PRODUCTION NO. 20:

Documents and communications between ASUS and Advanced Power Electronics Corp. relating to Force MOS, the Patents-in-Suit, the Accused ASUS Products, and the technology in the Patents-in-Suit.

REQUEST FOR PRODUCTION NO. 21:

Documents and communications between ASUS and Excelliance MOS Co., Ltd. relating to Force MOS, the Patents-in-Suit, the Accused ASUS Products, and the technology in the Patents-in-Suit.

REQUEST FOR PRODUCTION NO. 22:

Any pre-litigation communications between ASUS and Force MOS regarding the technology in the Patents-in-Suit.

REQUEST FOR PRODUCTION NO. 23:

Documents relating to the valuation or desirability of the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 24:

Documents relating to Force MOS, this lawsuit, any of the Patents-in-Suit, or any related patents, including, but not limited to, opinions of counsel regarding the Patents-in-Suit, documents evidencing your pre-lawsuit knowledge of the Patents-in-Suit, and documents evidencing or related to any actions taken or communications made by you related to the Patents-in-Suit or this lawsuit.

REQUEST FOR PRODUCTION NO. 25:

Documents that refer to the Patents-in-Suit, any of the patent application(s) to which the Patents-in-Suit claim priority, or any of the named inventors of the Patents-in-Suit.

REQUEST FOR PRODUCTION NO. 26:

Documents relating to any past, current, or future effort by you to design around or otherwise avoid any claim(s) of any of the Patents-in-Suit.

REQUEST FOR PRODUCTION NO. 27:

Documents relating to any claim for indemnification arising out of or otherwise relating to this litigation.

REQUEST FOR PRODUCTION NO. 28:

Documents and things that constitute or relate to any infringement analyses, inspections, or investigations of any of the Patents-in-Suit, whether internally performed or not, including, without limitation, infringement analyses, inspections, investigations, or testing involving any Accused ASUS Product with respect to any of the Patents-in-Suit.

REQUEST FOR PRODUCTION NO. 29:

Documents and things pertaining to any searches, investigations, or evaluations as to novelty, patentability, validity, enforceability, scope, state of the art, or other searches, investigations, or analyses pertaining to the subject matter disclosed or claimed in any of the Patents-in-Suit, any related patents, or related applications, including domestic or foreign patents, or other published materials.

REQUEST FOR PRODUCTION NO. 30:

Documents and things relating to any investigation of Force MOS or any of the Patents-in-Suit and the Accused ASUS Products conducted by ASUS and any conclusions that ASUS reached with regard to such investigation.

REQUEST FOR PRODUCTION NO. 31:

Documents sufficient to identify each customer or any other third party that has purchased, licensed, or otherwise acquired from you any Accused ASUS Products since June 2007.

REQUEST FOR PRODUCTION NO. 32:

Documents sufficient to show the number of each Accused ASUS Product made, used, sold, distributed, licensed, or imported by you or on your behalf on a monthly basis since June 2007.

REQUEST FOR PRODUCTION NO. 33:

Documents sufficient to show the sales volume, gross revenue, costs of goods sold, gross profits, operating costs, operating profits, and net profits for each Accused ASUS Product made, used, sold, distributed, licensed, or imported by you or on your behalf on a monthly basis since June 2007.

REQUEST FOR PRODUCTION NO. 34:

Documents sufficient to show sales figures for the Accused ASUS Products including unit volume per time period for each of the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 35:

Documents sufficient to show the marketing, offers to sell, sales, revenues, fixed and variable costs, and net and gross profits associated with each of the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 36:

Any documents that reflect customer demand for the Accused ASUS Products created prior to June 2007.

REQUEST FOR PRODUCTION NO. 37:

Documents sufficient to show how each Accused ASUS Product is licensed, sold, distributed, or provided to any third party.

REQUEST FOR PRODUCTION NO. 38:

Documents sufficient to show the marketing, offers to sell, sales, revenues, fixed and variable costs, and net and gross profits associated with each of the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 39:

Documents Relating to your contentions concerning damages alleged by Force MOS.

REQUEST FOR PRODUCTION NO. 40:

Documents relating to any internal use of any Accused ASUS Product, including but not limited to testing of any Accused ASUS Product.

REQUEST FOR PRODUCTION NO. 41:

Documents relating to your projected sales volume, gross revenue, costs of goods sold, gross profits, operating costs, operating profits, and net profits for each Accused ASUS Product.

REQUEST FOR PRODUCTION NO. 42:

Documents sufficient to show all products sold or services offered together or with the Accused ASUS Products, including but not limited to other accessories sold or offered for sale with the Accused ASUS Products, and sufficient to show the units sold and revenue generated for such products, on an annual and quarterly basis.

REQUEST FOR PRODUCTION NO. 43:

Documents sufficient to show all ASUS customers or end-users of the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 44:

Press releases, investor presentations, company-sponsored event presentations, and any other publicly released documents relating to the Accused ASUS Products, including all advertising, marketing, and promotional materials.

REQUEST FOR PRODUCTION NO. 45:

Internal communications, presentations, and reports that contain or reflect ASUS's sales representatives' and marketing staff's discussions about consumers' comments and feedback on any feature or function of the Accused ASUS Products or feedback on the quality or design of the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 46:

Industry reports and market reports (including publicly available reports, subscription-based reports, purchased reports, and commissioned reports) directed to the market for Accused ASUS Products or showing the market share of any Accused ASUS Product.

REQUEST FOR PRODUCTION NO. 47:

Consumer surveys and customer surveys (including publicly available surveys, subscription-based surveys, purchased surveys, and commissioned surveys) directed to the market for the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 48:

Business plans proposals and product development plans and proposals for each Accused ASUS Product.

REQUEST FOR PRODUCTION NO. 49:

Documents and communications relating to business plans, models, proposals, product roadmaps, marketing analysis, product positioning, competitive analysis, or market studies relating to any Accused ASUS Product.

REQUEST FOR PRODUCTION NO. 50:

Documents and communications relating to any analyses or comparisons relating to the Accused MOSFET Technology, including comparisons between products incorporating the Accused MOSFET Technology with other products.

REQUEST FOR PRODUCTION NO. 51:

Documents that reflect your internal discussions or evaluations of any competitors' products and services related to the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 52:

Documents that reflect your internal discussions or evaluations of any competitors' patents or patent portfolios that relate to the Accused ASUS Products, including all patents or lists of patent that are believed to cover or relate to those products.

REQUEST FOR PRODUCTION NO. 53:

Marketing plans, reports, tests, studies, evaluations, analyses, white papers, and white papers for each Accused ASUS Product.

REQUEST FOR PRODUCTION NO. 54:

Pricing plans and studies for each Accused ASUS Product.

REQUEST FOR PRODUCTION NO. 55:

Documents sufficient to identify the date of first manufacture, first use and first sale or license for each Accused ASUS Product, including when each version of each Accused ASUS Product first became available for sale.

REQUEST FOR PRODUCTION NO. 56:

Documents sufficient to identify when each Accused ASUS Product was discontinued, including when each version of each Accused ASUS Product was discontinued.

REQUEST FOR PRODUCTION NO. 57:

Documents referring or relating to any patent licensing policies you have or have had in effect, including both ASUS patents and third-party patents.

REQUEST FOR PRODUCTION NO. 58:

Agreements containing a patent license for any Accused ASUS Product or a covenant not to assert a patent against any Accused ASUS Product.

REQUEST FOR PRODUCTION NO. 59:

Documents relating to any licenses or sublicenses entered into by ASUS relating to any Accused ASUS Product, including any supporting documentation, discussion, royalty reports, or related materials.

REQUEST FOR PRODUCTION NO. 60:

Documents relating to any licenses or sublicenses relating to the Relevant MOSFET Technology, including any supporting documentation, discussion, royalty reports, or related materials.

REQUEST FOR PRODUCTION NO. 61:

Any license agreements upon which you will rely for any purpose in this lawsuit.

REQUEST FOR PRODUCTION NO. 62:

Documents that support or contradict any assertion that any ASUS license agreement with any third party disclosed is a comparable license in this lawsuit.

REQUEST FOR PRODUCTION NO. 63:

Any demand letter, cease and desist letters, letters providing notice, and letters alleging infringement with any third party relating to the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 64:

Documents describing the licensed technology in any agreement relating to the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 65:

Documents related to obtaining or attempting to obtain a license covering any Accused ASUS Product, including but not limited to, communications with any person regarding royalty rates, licensing fees, and license agreements.

REQUEST FOR PRODUCTION NO. 66:

Documents identified in, referring or relating to, supporting, or consulted in preparing your denials, answers, affirmative defenses and claims to Plaintiff's Complaint or Plaintiff's Amended Complaint whether the document supports your contention or not.

REQUEST FOR PRODUCTION NO. 67:

Documents relating to any contention that you do not infringe any of the Patents-in-Suit, whether literally or under the doctrine of equivalents, whether the document supports your contention or not.

REQUEST FOR PRODUCTION NO. 68:

Documents relating to any contention that the Patents-in-Suit, or any claims therein, are invalid or unenforceable, including any alleged prior art, whether the document supports your contention or not.

REQUEST FOR PRODUCTION NO. 69:

Documents that support or contradict Your contentions of invalidity.

REQUEST FOR PRODUCTION NO. 70:

Documents in which any Person asserts that any claim in any of the Patents-in-Suit is infringed, valid, and/or enforceable.

REQUEST FOR PRODUCTION NO. 71:

Documents relating to any contention that Force MOS's claims for relief are barred by any equitable defenses, including the doctrines of unclean hands, patent misuse, waiver, equitable estoppel, and inequitable conduct, whether the document supports your contention or not.

REQUEST FOR PRODUCTION NO. 72:

Documents relating to any contention that Force MOS's claims for relief are barred by any damages limitations, including 35 U.S.C. §§ 286 and 287, whether the document supports your contention or not.

REQUEST FOR PRODUCTION NO. 73:

Documents relating to any contention that you have regarding the existence of any acceptable non-infringing alternatives to the inventions claimed in the Patents-in-Suit, whether the document supports your contention or not.

REQUEST FOR PRODUCTION NO. 74:

To the extent not already requested, documents constituting, describing, identifying, referring to, or relating to Force MOS's damages in this case, including the royalty rate or rates that you contend would constitute a reasonable royalty under 35 U.S.C. § 284, assuming infringement of the Patents-in-Suit, including, for example:

a. Documents relating to any facts, circumstances, legal contentions, and other factors upon which you base your contention, including any or all factors to be considered under a *Georgia-Pacific* analysis;

b. Documents relating to the relevant time period(s) during which the rate or rates should be applied; and

c. Documents relating to any assumptions, estimates, circumstances, and calculations upon which you base such contention(s).

REQUEST FOR PRODUCTION NO. 75:

Documents relating to the legal and factual bases for each and every defense alleged by you in this litigation, whether the document supports your contention or not.

REQUEST FOR PRODUCTION NO. 76:

Documents relating to any contention that you have that your infringement of the Patents-in-Suit is not willful and that enhanced damages should not be awarded, whether the document supports your contention or not.

REQUEST FOR PRODUCTION NO. 77:

Documents relating to any contention that you lack or lacked, during any period of time after September 14, 2022, sufficient intent or knowledge to be liable for inducing infringement of

any of the Patents-in-Suit is not willful and that enhanced damages should not be awarded, whether the document supports your contention or not.

REQUEST FOR PRODUCTION NO. 78:

Documents relating to any contention that you do not or did not induce infringement of any of the Patents-in-Suit pursuant to 35 U.S.C. § 271(b), during any period of time after September 14, 2022, whether the document supports your contention or not.

REQUEST FOR PRODUCTION NO. 79:

Documents relating to any contention that you lack or lacked, during any period of time after September 14, 2022, sufficient intent or knowledge to be liable for contributory infringement of any of the Patents-in-Suit is not willful and that enhanced damages should not be awarded, whether the document supports your contention or not.

REQUEST FOR PRODUCTION NO. 80:

Documents relating to any contention that you do not or did not contributorily infringe of any of the Patents-in-Suit pursuant to 35 U.S.C. § 271(c).

REQUEST FOR PRODUCTION NO. 81:

Documents and things that constitute and/or are sufficient to disclose your present and past organizational structure and to identify the names, job titles, and duties of each person having or at any time having had responsibility for, duties related to, involvement with the conception, research, development, design, development, testing, operation, maintenance, training, patent clearance and/or use of the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 82:

Documents sufficient to show the conception, design, and development of the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 83:

Testing and quality assurance documents for each Accused ASUS Product.

REQUEST FOR PRODUCTION NO. 84:

Documents sufficient to identify and describe your past and present procedures and policies for generating, maintaining, retaining, and disposing of documents, whether maintained in paper form or by other storage methods, including but not limited to any and all formal document retention policies.

REQUEST FOR PRODUCTION NO. 85:

Documents that you intend to introduce or rely upon during any hearing or trial for any reason.

REQUEST FOR PRODUCTION NO. 86:

Documents relating to ASUS's vendor selection and competitive evaluation processes for MOSFETs and MOSFET suppliers since June 2007, including requirements specifications, requests-for-quote, requests-for-proposal, proposals, quotes, candidate vendor lists, candidate product lists, vendor offers, demo documentation, evaluations, internal deliberative communications, communications with proposed vendors, and proposed or executed contracts or purchase orders.

REQUEST FOR PRODUCTION NO. 87:

Documents showing all components supplied by inergy Technology.

REQUEST FOR PRODUCTION NO. 88:

Documents showing all components supplied by PANJIT International Inc.

REQUEST FOR PRODUCTION NO. 89:

Documents showing all components supplied by UBIQ Semiconductor Corp.

REQUEST FOR PRODUCTION NO. 90:

Documents showing all components supplied by Niko Semiconductor Co., Ltd.

REQUEST FOR PRODUCTION NO. 91:

Documents showing all components supplied by Advanced Power Electronics Corp.

REQUEST FOR PRODUCTION NO. 92:

Documents showing all components supplied by Excelliance MOS Co., Ltd.

REQUEST FOR PRODUCTION NO. 93:

Documents showing all component costs for UBIQ Semiconductor Corp. related to the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 94:

Documents showing all component costs for Niko Semiconductor Co., Ltd. related to the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 95:

Documents showing all component costs for Advanced Power Electronics Corp. related to the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 96:

Documents showing all component costs for Excelliance MOS Co., Ltd. related to the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 97:

Documents relating to the valuation or desirability of the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 98:

Documents relating to the valuation or desirability of the Relevant MOSFET technology.

REQUEST FOR PRODUCTION NO. 99:

Documents sufficient to compare the costs of ASUS products incorporating the Relevant MOSFET Technology with ASUS products from the same product lines or product categories prior to the incorporation of the Relevant MOSFET Technology, including any bills of materials.

REQUEST FOR PRODUCTION NO. 100:

Documents sufficient to compare the features, functionalities, and specifications of ASUS products incorporating the Relevant MOSFET Technology with ASUS products from the same product lines or product categories prior to the incorporation of the Relevant MOSFET Technology, including product specifications, feature lists, and advertisements.

REQUEST FOR PRODUCTION NO. 101:

All contracts with inergy Technology related to the Accused ASUS Products or the Relevant MOSFET technology.

REQUEST FOR PRODUCTION NO. 102:

All contracts with PANJIT International Inc. related to the Accused ASUS Products or the Relevant MOSFET technology.

REQUEST FOR PRODUCTION NO. 103:

All contracts with UBIQ Semiconductor Corp. related to the Accused ASUS Products or the Relevant MOSFET technology.

REQUEST FOR PRODUCTION NO. 104:

All contracts with Niko Semiconductor Co., Ltd. related to the Accused ASUS Products or the Relevant MOSFET technology.

REQUEST FOR PRODUCTION NO. 105:

All contracts with Advanced Power Electronics Corp. related to the Accused ASUS Products or the Relevant MOSFET technology.

REQUEST FOR PRODUCTION NO. 106:

All contracts with Excelliance MOS Co., Ltd. related to the Accused ASUS Products or the Relevant MOSFET technology.

REQUEST FOR PRODUCTION NO. 107:

Documents showing all component costs for Inergy Technology related to the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 108:

Documents showing all component costs for Panjit International, Inc. related to the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 109:

All bills of materials for each version of each Accused Asus Product and any product incorporating the Relevant MOSFET Technology, including, without limitation, manufacturing bills of materials, configurable bills of materials (and documentation related configuration rules and options), and modular bills of materials.

REQUEST FOR PRODUCTION NO. 110:

All bills of materials for each version of each of the Asus E410M, Asus ZenBook, Asus EX-B760M-V5 D4, ASUS TUF Gaming Z490 Plus, ASUS DUAL-RTX3060-O8G, and ASUS PH-GTX 1660S O6G, including, without limitation, manufacturing bills of materials, configurable bills of materials (and documentation related configuration rules and options), and modular bills of materials.

REQUEST FOR PRODUCTION NO. 111:

Documents relating to comparisons of any products or services (including but not limited to the Accused ASUS Products) to any product or service offered by Force MOS, the Patents-in-Suit, any patent owned or licensed by ASUS, or any related patents.

REQUEST FOR PRODUCTION NO. 112:

Documents received by ASUS in response to any subpoenas propounded in this case.

REQUEST FOR PRODUCTION NO. 113:

Documentation relating to any Accused ASUS Product as implemented by any customer, including but not limited to all product and/or technical documents relating to the operation of said products and all functional specifications, technical specifications, design specifications, schematics, developer's guides, user manuals, flow charts, logical diagrams, administrator manuals, developer manuals, operation manual, technical manuals, and written descriptions of their operation.

REQUEST FOR PRODUCTION NO. 114:

Documents cited or referenced in ASUS's response to any Interrogatory, any expert disclosure or testimony submitted by ASUS (including any expert declaration or affidavit), or any of ASUS's pleadings in this case.

REQUEST FOR PRODUCTION NO. 115:

Documents and things related to any ASUS policy, practice, custom, guideline, or procedure for licensing patents or any intellectual property.

REQUEST FOR PRODUCTION NO. 116:

Licenses for any ASUS product or service.

REQUEST FOR PRODUCTION NO. 117:

Documents sufficient to show ASUS's revenues, profits, expenses, and costs since the date it was formed, including, without limitation, annual, monthly, and quarterly reports, projections, and estimates of revenues, profits, expenses, and costs.

REQUEST FOR PRODUCTION NO. 118:

Documents sufficient to show ASUS's corporate structure from 2007-Present, including organization charts, corporate organizational materials and documents filed by ASUS with local, state, or federal government agencies.

REQUEST FOR PRODUCTION NO. 119:

Documents and things that ASUS may seek to mark as exhibits or use to impeach any witness at a deposition or the trial in this litigation.

REQUEST FOR PRODUCTION NO. 120:

Documents relating to the legal and factual bases for each and every claim asserted by you in this litigation, whether the document supports your counterclaim or not.

REQUEST FOR PRODUCTION NO. 121:

Documents relating to the presence or absence of noninfringing uses or acceptable substitutes for ASUS's products and services.

REQUEST FOR PRODUCTION NO. 122:

Documents sufficient to show the sales, revenue, cost, and profits for ASUS's products and services.

REQUEST FOR PRODUCTION NO. 123:

Documents sufficient to show ASUS's competitors for its products and services.

REQUEST FOR PRODUCTION NO. 124:

Documents reflecting customer feedback ASUS's competitors for its products and services.

REQUEST FOR PRODUCTION NO. 125:

Requirements analyses related to MOSFETs for the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 126:

Marketing analyses related to ASUS's selection of MOSFETs.

REQUEST FOR PRODUCTION NO. 127:

Documents sufficient to show the thickness, structure, and arrangement of any trench source contacts in the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 128:

Documents sufficient to show the thickness, structure, and arrangement of any trench gates in the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 129:

Documents sufficient to show the thickness, structure, and arrangement of metal layers used in the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 130:

Documents sufficient to show the thickness, structure, and arrangement of any oxide film layers used in the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 131:

Documents related to your marketing of any advantages of the Accused ASUS Products due to the structure or arrangements of MOSFETs in the Accused ASUS Products.

REQUEST FOR PRODUCTION NO. 132:

Documents related to any ASUS policy, procedure, practice, strategy or plan, whether formal, informal, written or unstated, with regard to patents, exploiting patents or patented technology, patent acquisition, licensing of patents or patented technology, or patent enforcement.

REQUEST FOR PRODUCTION NO. 133:

Documents sufficient to show any industry licensing group, standards group, or other licensing group ASUS participates in.

Dated: December 6, 2023

Respectfully submitted,
/s/ Joshua G. Jones
Joshua G. Jones

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CERTIFICATE OF SERVICE

I certify that on December 6, 2023, I caused to be served a true and accurate copy of Plaintiff's First Set of Requests for Production to Defendant by electronic mail on the following.

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