

**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.	)	
	)	<b>JURY TRIAL DEMAND</b>
ASUSTEK COMPUTER, INC.	)	
	)	
Defendant.	)	
	)	

**PLAINTIFF’S FIRST SET OF INTERROGATORIES 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 answer each of the following interrogatories separately, fully, and under oath 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. “Complaint” or “Amended Complaint” means the most recent complaint filed in this lawsuit.

13. “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).

14. “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.

15. “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.

16. “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.

17. “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.

18. "This lawsuit" means the above-captioned action.

### **INSTRUCTIONS**

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

2. In responding to these Interrogatories, 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 Interrogatories 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.

3. In the event that any document called for by these Interrogatories 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.

4. If any documents responsive to these Interrogatories 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.

5. 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 Interrogatories 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.

6. The terms “and” and “or” are to be construed either disjunctively or conjunctively, whichever is appropriate, so as to bring within the scope of these Interrogatories any documents that might otherwise be considered beyond their scope.

7. 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 Interrogatories any documents or information that might otherwise be considered beyond their scope.

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

9. If you elect to avail yourself of the procedure authorized by Fed. R. Civ. P. 33(d) for answering interrogatories, Plaintiff requests that for each interrogatory so answered, you specify the particular documents (by production number) relating to the subject matter of that interrogatory, and the author and date of preparation of each such document if such information is not apparent or is incorrectly disclosed on the face of the document.

10. The interrogatories herein shall be deemed continuing, and it is requested that supplemental responses be provided as additional information becomes available, in accordance with Fed. R. Civ. P. 26(e).

## **INTERROGATORIES**

### **INTERROGATORY NO. 1:**

For each claim of the Patents-in-suit that you assert you do not infringe, describe in detail the factual and legal bases for your assertion, including providing a claim chart for each Accused ASUS Product showing on a limitation-by-limitation basis any limitations that you believe are not satisfied, further including, to the extent applicable, a description of each version of each Accused

ASUS Product and whether there is any difference between them with respect to your assertion that the version does not infringe, and identifying all evidence upon which you rely and the persons with relevant knowledge.

**INTERROGATORY NO. 2:**

Identify all Relevant MOSFET Technology Products made, used, sold, offered for sale by or for you in the United States or imported into the United States by or for you since June 7, 2007, including identifying the product name, model number, version number, and internal code name, and including identifying the persons with relevant knowledge and the documents reflecting these facts. Your response may take the form of a table or chart.

**INTERROGATORY NO. 3:**

State all factual and legal bases for all assertions, including the affirmative defenses found in your Answer, that relate to your assertion that Plaintiff's Complaint and demand for relief are barred by any statutory sections to the extent that you have cited or referred to such sections in your Answer, including but not limited to 35 U.S.C. §§ 286, 287, and/or 288, and identify the person(s) most knowledgeable about the response to this interrogatory, and locate and identify all documents which refer or relate to the facts and assertions in the response or which were reviewed in preparing the response to this interrogatory.

**INTERROGATORY NO. 4:**

State the volume of your sales and revenue related to the Accused ASUS Products within and/or to the United States by quarter from June 7, 2007, to present, including gross revenues, and identify the person(s) most knowledgeable about the response to this interrogatory, and locate and identify all documents which refer or relate to the facts and assertions in the response or which were reviewed in preparing the response to this interrogatory.

**INTERROGATORY NO. 5:**

Describe chronologically the design, development, implementation, introduction to the market, and improvement of the Accused ASUS Products, including the specific date the Accused ASUS Products were conceived, designed, developed, reduced to practice and introduced, and all facts supporting the same; whether or not you were aware of the Patents-in-suit either before or during the design of the Accused ASUS Products; any efforts made to avoid infringement of the Patents-in-suit or made as a result of your becoming aware of the Patents-in-suit (regardless of whether intended to avoid infringement thereof), and identify the person(s) most knowledgeable about the response to this interrogatory, and locate and identify all documents which refer or relate to the facts and assertions in the response or which were reviewed in preparing the response to this interrogatory.

**INTERROGATORY NO. 6:**

Describe in detail the ways in which the Accused ASUS Products are sold, distributed, or otherwise provided to others, including distributors, wholesalers, resellers, integrators, manufacturers, and end-users, including explaining what distribution mediums and channels are used where the Accused ASUS Products are delivered, any differences in pricing between different mediums, channels, or recipients, what other products, software, or services are bundled with each Accused ASUS Product, any additional licenses or fees required for use of features in the Accused ASUS Products, and including identifying the persons with relevant knowledge and the documents reflecting these facts.

**INTERROGATORY NO. 7:**

Identify and describe in detail all components, and the quantities of each needed to manufacture each Accused Product and each Relevant MOSFET Technology Product, including

the per-unit price for each such component, and how and to what extent, if at all, each such component contributes to the Relevant MOSFET Technology, and including identifying the persons with relevant knowledge and the documents reflecting these facts.

**INTERROGATORY NO. 8:**

Describe in detail all factual and legal bases for what you believe are the appropriate damages if infringement is found, including explaining what you believe is the appropriate royalty base, royalty rate, and elements of a comparable license, and further including identifying the persons with relevant knowledge and the documents reflecting these facts.

Respectfully submitted,

Dated: December 6, 2023

/s/ Joshua G. Jones  
Joshua G. Jones

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*Attorneys for Plaintiff  
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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 Interrogatories to Defendant by electronic mail on the following.

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