

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MYW SEMITECH, LLC,)	
)	C.A. No. 25-504-RGA-EGT
Plaintiff,)	
)	JURY TRIAL DEMANDED
v.)	
)	PUBLIC VERSION
APPLE INC.,)	
)	
Defendant.)	

**DEFENDANT APPLE INC.’S RESPONSIVE LETTER
TO JUDGE ANDREWS REGARDING DISCOVERY DISPUTES**

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Dear Judge Andrews,

Plaintiff MYW Semitech, LLC (“Semitech”)’s motion should be denied and Semitech should be ordered to properly meet and confer with Defendant Apple Inc. (“Apple”) to resolve any outstanding issues in Semitech’s Brief (“Br.”).¹ Contrary to Semitech’s complaints, Apple completed its core technical production by the required deadline, producing over 500,000 pages, including a high volume of documents responsive to RFPs, and making source code available that Semitech has spent less than a half day reviewing. Apple continues to search and diligently supplement its financial and technical production in accordance with the Scheduling Order.² *See, e.g.,* Br. Ex. 4, at 2; Ex. H. Semitech now requests unreasonably broad relief on issues for which it has not completed a proper meet and confer process with Apple.

Apple has not refused to produce any documents during meet and confers and has instead confirmed that it is continuing to search for and produce documents. In addition, given the overbreadth of Semitech’s requests, which include a high number of irrelevant documents, Apple sought clarification on the scope of and justification for those requests. Semitech refused to respond. *See* Br. Ex. 1 at 2; Ex. D at 1; Br. Ex. 4 at 1-2.

Semitech’s motion goes beyond the prior discussions and seeks to compel: (1) technical information that appears to be either already in Semitech’s possession or in the process of being collected, and financial documents that were not the subject of the meet and confers; (2) discovery regarding Taiwanese company TSMC unrelated to the case; and (3) discovery prior to the first asserted patent’s issuance. These issues have not “been the subject of a productive meet and confer by the parties”—“any request for judicial relief is premature.” *Kirchner et al v. Wyndham Vacation Resorts, Inc.* C.A. No. 20-436-RGA-JLH, D.I. 79 (D. Del. July, 14, 2022) (Ex. E). Fact discovery is open until November. Apple remains committed to diligently supplementing its production with relevant, responsive information and continuing to try to work with Semitech to resolve outstanding discovery disputes. Court intervention is premature and not warranted at this time.

1. Apple Has Made and Continues to Make Substantial Technical Productions and Is Producing Financial Information

The parties have not reached an impasse on technical and financial discovery. Br. Ex. 1, 4.

As to *technical discovery*, Semitech lists several categories of documents that Apple has already told Semitech it is diligently investigating and will get back to Semitech. *See* Br Ex. 1, at 2, 4-6. Apple has since determined that several of these documents have already been produced, and is actively collecting others to be produced. However, Apple cannot collect all documents Semitech identified without further clarification from Semitech. Indeed, Semitech’s ambiguous requests appear to seek information that has already been produced as part of Apple’s source code and document production. Semitech has not articulated what else it is missing.

Apple already produced full source code layouts for every accused product, organized by folders labeled using the same product names Semitech used in its identification of accused products. Tellingly, Semitech spent less than a half day reviewing that code. Apple also produced

¹ Perhaps prompting its premature motion, Semitech raised these same issues in parallel IPR proceedings on February 2—the same day Semitech contacted the Court about this dispute. *See* Exs. A-C (discretionary denial briefs focused on district court discovery disputes).

² In contrast, Semitech has not produced *even a single document* in response to Apple’s requests.

extensive documents including [REDACTED], and other documents that provide a complete layout description of the accused products, as well as details about the process for making them. These materials include information covering most, if not all, of the relevant information Semitech appears to seek in Br. Ex. 1 at 5-6. Together, these provide more than sufficient detail about every feature identified in Semitech's infringement contentions.

Semitech does not articulate what non-cumulative information it contends is missing. Nor can it at this time, having spent so little time with Apple's source code. Semitech's infringement contentions, served in January 2026 (over two months after the code was produced), repeatedly state that Semitech will supplement its contentions "once it has had a chance to review source code"; it has had that opportunity since November 7, 2025. *See, e.g.*, Ex. F. Semitech's Brief demonstrates that Semitech has not fully reviewed Apple's technical production either—incorrectly claiming that Apple "did not include anything correlating internal product code names with each of Apple's accused chips." As Apple already explained to Semitech, its source code production (a) places complete layout code for each accused product in a folder labeled with the accused product name; and (b) has files labeled with "code names" within each folder. *See* Ex. 4, at 2. Indeed, it has now been three months since Apple made its code available and weeks since Apple supplemented its Interrogatories to include the same information, and Semitech still has not further reviewed Apple's code. That code, plus the produced documents including [REDACTED] provide ample relevant detail about the accused products. Semitech should review what was already produced before demanding production of cumulative information.

Moreover, as Semitech acknowledges, Apple's general search and production efforts beyond its core technical production are ongoing. Apple's most recent supplement of 40 documents includes documents identified by Semitech in Br. Ex. 1, at 5-6, and spans over 2,000 pages of technical information.³ If additional non-cumulative responsive information is identified, Apple will supplement its production.

As to *financial discovery*, Apple already explained to Semitech that it is producing financial information related to the accused technology during the life of the patents, and Semitech previously agreed to wait until that production to follow up on this issue; no Court intervention is needed on this issue. *See* Br. Ex. 4, at 2; Ex. 1, at 8. Semitech's Brief nonetheless demands for the first time that, arbitrarily within two weeks, Apple must produce "all damages-related documents" responsive to requests seeking, e.g., "[a]ny and all agreements relating to the licensing, purchase, sale, offer for sale, importation, and/or distribution of accused chips," "License Agreements" without restrictions, and documents identifying all "Apple Customers"—which encompasses, e.g., anyone who bought an iPhone—over 14 years. *See* Br. at 2; Br. Ex. 6 at 41-45, 50-52, 80-81 (objections to RFPs 30, 32, 33, 38, 39, 65); Br. Ex. 1, at 3-4. These requests are overbroad and, especially with respect to identifying individual customers, implicate privacy and third-party confidentiality law issues that prevent Apple from complying with Semitech's demand.

As to pre-2021 financial discovery, the earliest asserted patent issued in 2021. *See* D.I. 18-1. Semitech has refused to offer more clarity on why it believes this this earlier financial information is relevant. *See* Electronic Discovery Default Standard, ¶ 4(e) ("a showing of good cause" required for discovery more than six years back); *U.S. v. Gilead Scis., Inc. et al.*, No. 19-

³ Semitech states that Apple's produced documents are "illegible and incomplete," but it has not previously raised this issue with Apple or identified the particular problems. A review Apple's production reflects that Apple has produced legible, high-resolution documents. *See, e.g.*, Ex. H.

2103-MN-CJB, D.I. 247 (D. Del. Dec. 21, 2021) (Ex. G) (attorney argument alone insufficient to show good cause for earlier discovery). The parties should meet and confer to reach agreement on reasonably-tailored requests prior to Court intervention.

2. Apple Is Producing TSMC Documents Relevant to the Dispute in Apple's Possession; Semitech's Requests for More TSMC Documents Are Overbroad

As a preliminary matter, Semitech did not declare an impasse on the broad TSMC-related discovery addressed in its Brief; the only issue Semitech previously raised related to TSMC agreements. *See* Br. Ex. 1, at 4. Regardless, as to technical information, Apple is already producing all relevant and responsive TSMC technical information in its possession. *See, e.g.*, Ex. H. [REDACTED] Semitech has not identified what, if any, additional TSMC technical information Apple has that it purports to need.

As to information about the Apple-TSMC relationship, Apple is searching for and identifying whether any of Apple's agreements with TSMC are relevant to this case—if they are relevant and responsive, Apple will produce them. Beyond this information, Semitech has not articulated the relevance of additional information related to TSMC it seeks. The accused products implicate only one facet of the broad, long-standing Apple-TSMC commercial relationship. And the accused functionalities are only one facet of those products. Semitech is not entitled to discovery into all aspects of that relationship particularly as most have nothing to do with this case.⁴ Again, given Semitech's failure to meet and confer on these requests and to demonstrate good cause, the motion should be denied.

3. Semitech Has Not Shown Good Cause for Global Discovery Prior to 2021

Despite Apple's efforts, Semitech has refused to establish the relevance of or a reasonable scope for discovery pre-dating the asserted patents' issuance. Semitech's positions as to the relevant time period have been inconsistent and Semitech refused to clarify its position before contacting the Court. During the parties' oral meet and confer, Semitech stated that the relevant time period began in 2015. Br. Ex. 1, at 8. Semitech then wrote in correspondence that, across all requests, "[t]he proper time period should begin from at least September 2012." Br. Ex. 1, at 10. Apple requested clarification about what Semitech contended were the relevant dates and why; Semitech did not respond. Br. Ex. 1, at 7-8; Ex. A; Ex. 4, at 1.

Regardless, as to technical documents, Apple has not imposed any date limitations and has produced relevant documents dating back to at least [REDACTED] *See* Ex. H. Apple is thus already producing the technical information about the accused products Semitech seeks. As to financial documents, Apple is willing to produce relevant, responsive documents—Semitech has not explained the basis for their relevance and therefore Apple has not searched for and provided it.

4. Conclusion

The Court should deny Semitech's motion and order Semitech to meaningfully meet and confer before raising further disputes with the Court.

⁴ Apple's counsel never stated that it "does not have any contact with TSMC." Regardless, TSMC is a non-party, and Apple cannot and need not produce documents out of its possession and control. *See* Fed. R. Civ. P. 34. That TSMC is an IPR co-petitioner is not relevant, but also unsurprising since Semitech's Complaint expressly accuses TSMC technology. *See, e.g.*, D.I. 18, ¶¶ 22-24.

Respectfully,

/s/ David E. Moore

David E. Moore

DEM:rms/126919018/12209.00061

cc: Clerk of the Court (via hand delivery)
Counsel of Record (via electronic mail)