

EXHIBIT 2

1 Jaemin Chang (SBN 232612)
jchang@foxrothschild.com
2 FOX ROTHSCHILD LLP
345 California Street, Suite 2200
3 San Francisco, CA 94104-2670
Telephone: 415.364.5540
4 Facsimile: 415.391.4436

5 Attorneys for non-party Valve Corporation
6
7

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **OAKLAND DIVISION**

11 EPIC GAMES, INC. v. APPLE INC.

Case Nos. 4:20-CV-05640-YGR

12 CAMERON ET AL. v. APPLE INC.

4:19-CV-03074-YGR

4:11-CV-06714-YGR

13 IN RE APPLE IPHONE ANTITRUST
14 LITIGATION

**NON-PARTY VALVE CORPORATION'S
RESPONSE AND OBJECTION TO
SUBPOENA TO PRODUCE
DOCUMENTS, INFORMATION, OR
OBJECTS OR TO PERMIT INSPECTION
OF PREMISES IN A CIVIL ACTION
ISSUED BY APPLE INC.**

15
16
17
18 Pursuant to Federal Rule of Civil Procedure 45(d)(2)(B), Valve Corporation (“Valve”) objects to the production, inspection, or copying of the documents and materials designated in
19 the subpoena served by Defendant Apple Inc. (the “Subpoena”). Valve’s objections to the
20 Subpoena include, but are not necessarily limited to, the following:
21

22 **GENERAL OBJECTIONS**

23 1. Valve objects to the Subpoena’s instructions and definitions to the extent they
24 exceed the scope of appropriate third-party discovery under the Federal Rules of Civil Procedure,
25 and render the requests vague and ambiguous, overbroad, harassing and unduly burdensome.

26 2. Valve objects to the Subpoena to the extent it seeks the production of materials
27 that are in the possession, custody, or control of parties or persons other than Valve, and to the
28 extent the requested materials are equally or more readily available through party discovery

1 without imposing burden on a third party. Many of the documents sought by the Subpoena are
2 available from Apple Inc., Epic Games, Inc., Lawrence Plaintiffs and/or Cameron Plaintiffs
3 (collectively, “Parties”) and are more properly obtained from the Parties to the captioned actions.
4 There is no apparent need to discover these materials from non-party Valve, or a justification for
5 imposing burden on a third party when the materials are available through party discovery. *E.g.*,
6 *Va. Dep’t of Corr. v. Jordan*, 921 F.3d 180, 189 (4th Cir. 2019) (“Bystanders should not be
7 drawn into the parties’ dispute without some good reason. . . . For example, a party’s email
8 provider might well possess emails that would be discoverable from the party herself. But unless
9 the email provider can offer important information that cannot be obtained from the party
10 directly, there would be no cause for a subpoena against the provider.”), *cert. denied*, 140 S. Ct.
11 672 (2019); *Haworth, Inc. v. Herman Miller, Inc.*, 998 F.2d 975, 978 (Fed. Cir. 1993) (affirming
12 district court’s order requiring defendant “to seek discovery from its party opponent before
13 burdening the nonparty”); *Nidec Corp. v. Victor Co. of Japan*, 249 F.R.D. 575, 577 (N.D. Cal.
14 2007) (“There is simply no reason to burden nonparties when the documents sought are in
15 possession of the party defendant.”).

16 3. Valve objects to the Subpoena to the extent it seeks the production of materials
17 that are publicly available, e.g., on Steam or www.partner.steamgames.com. The Subpoena
18 imposes an undue burden on a third party when the materials are otherwise available directly to
19 Apple Inc.

20 4. Valve objects to the Subpoena on the grounds that its requests are overbroad as to
21 time and subject matter and would require Valve to conduct a time consuming and unduly
22 burdensome search, which will cause Valve to incur significant expense and disruption. The
23 Subpoena fails to compensate Valve for the time and expense required to respond to the overly
24 broad and burdensome document requests.

25 5. Valve objects to the Subpoena to the extent it seeks production of documents
26 protected by the attorney-client privilege, the work product doctrine, or any other applicable
27 doctrines or privileges.

28 6. Valve objects to the Subpoena to the extent it seeks to impose a duty on Valve to

1 create reports, analyses or compile information that Valve does not create, compile or keep in
2 immediately accessible format in the ordinary course of its business. Valve further objects to the
3 Subpoena to the extent it seeks to require Valve to provide any information beyond what is
4 available to Valve at the present time from a reasonable search of its own records and a
5 reasonable inquiry of its present employees, including information that is not within Valve's
6 possession, custody, or control.

7 7. Valve objects to the Subpoena to the extent it calls for the production of
8 documents that contain trade secrets or other highly confidential and proprietary research,
9 development, or commercial or financial information, or to the extent that the documents sought
10 by the Subpoena are subject to confidentiality agreements or obligations with others. Documents
11 sought by the Subpoena are confidential, including many that are highly confidential and should
12 be limited to outside attorneys' eyes only.

13 8. Valve objects to the Subpoena's definitions of PERSON, YOU, and YOUR
14 insofar as they include "attorneys" and would require responses from or production of
15 documents by Valve's attorneys. Valve objects to producing any communications, information,
16 documents, or other materials within its attorneys' possession. The definition of YOU and
17 YOUR also includes "predecessor," "successor," "agents," "representatives," "consultants,"
18 "accountants," and "corporate affiliates," which likely includes persons beyond the control of
19 Valve. The definition of PERSON includes "partner," "corporate parent," "subsidiary," and
20 "affiliate" which likely includes persons beyond the control of Valve. Accordingly, and subject
21 to these objections, Valve interprets the terms PERSON, YOU and YOUR in the Subpoena to
22 mean only Valve and its employees.

23 9. Valve objects to the Subpoena's definition of COMMUNICATION is vague,
24 ambiguous, overbroad and renders compliance with the Subpoena unduly burdensome,
25 particularly insofar as it purports to require any custodial email searches.

26 10. Valve objects to the Subpoena's definition of DOCUMENT and DOCUMENTS
27 is overbroad and renders compliance with the Subpoena unduly burdensome, particularly insofar
28 as it purports to require any custodial email searches.

1 11. Valve objects to the Subpoena’s definition of REPORTS, “any final reports,
2 research, papers, memoranda, presentations, reviews, statistical compilations, or other analyses,”
3 as overbroad and unduly burdensome. Accordingly, and subject to these objections, Valve
4 interprets the term REPORTS in the Subpoena to mean final reports, papers, memoranda or
5 statistical compilations generated as a result of formal analyses undertaken by Valve.

6 12. Valve objects to the Subpoena’s definition of STEAM LINK “YOUR APP for
7 any DEVICE” as unintelligible, vague and ambiguous, overbroad, and unduly burdensome,
8 particularly because Apple Inc. defines “APP” to include any Valve software.

9 13. Valve objects to the Subpoena to the extent that it calls for the search and
10 production of electronically stored information (ESI) that is not reasonably tailored to the needs
11 of the above-captioned actions. In circumstances where ESI is responsive to a particular request,
12 Valve will conduct a reasonable search pursuant to agreed upon or Court ordered parameters.

13 14. Valve objects to the Subpoena’s instruction no. 2 as it includes DOCUMENTS
14 and information from “YOUR present and former attorneys, investigators, accountants, agents,
15 representatives, or other PERSONS acting on YOUR behalf.” This instruction and the defined
16 terms used therein render the Subpoena impermissibly broad and unduly burdensome, including
17 seeking disclosure of documents and information protected by attorney-client privilege, work
18 product immunity, trade secrets and other doctrines. Based on its objections, Valve will produce
19 responsive materials only from Valve and its employees.

20 15. Valve objects to the Subpoena’s instruction no. 8 to the extent that it requires
21 information beyond Fed. R. Civ. P. Rule 45(e)(2).

22 16. Valve objects to the Subpoena’s instruction no. 11 as the relevant time period
23 (2008 to the present) is vastly overbroad, unduly burdensome, harassing and does not take
24 reasonable steps to avoid imposing undue burden and expense on Valve, as required by Fed. R.
25 Civ. P. Rule 45(d)(1).

26 17. Valve objects to the Subpoena’s instruction no. 12 as it reiterates the definition of
27 PERSON to include “attorneys.” Valve also incorporates its objections to instruction no. 8.

28 18. Valve objects to the Subpoena’s instruction no. 14 as Rule 26(e) of the Federal

1 Rules of Civil Procedure does not apply to Valve as it is a non-party.

2 19. Valve objects to the Subpoena as overly broad as to scope and unduly
3 burdensome insofar as it seeks information or materials regarding any operations or activities
4 outside the United States.

5 20. Valve objects to producing documents at the time and place requested by the
6 propounding party. Valve will make its responsive documents available for inspection or will
7 produce responsive documents at a time and date to be mutually agreed upon by counsel.

8 21. Valve reserves all other objections. Neither Valve's agreement to produce
9 documents nor its agreement to search for documents responsive to the Subpoena shall imply
10 that responsive documents exist within its possession, custody or control.

11 **SPECIFIC OBJECTIONS**

12 **REQUEST FOR PRODUCTION NO. 1:**

13 REPORTS comparing the distribution of APPS through any APP MARKETPLACE,
14 INCLUDING Google Play, the Samsung Galaxy Store, Android Market, DEFENDANT'S iOS
15 and Mac App Stores, the Amazon Appstore, Amazon Underground, the Microsoft Store for
16 Xbox, Windows Store, and Windows Phone Store, the Epic Games Store, Origin, and online
17 storefronts distributing games and digital content for Xbox, PlayStation, and Nintendo, and
18 YOUR APP MARKETPLACE(S), INCLUDING:

19 a. the past or present benefits or costs of distribution in each APP
20 MARKETPLACE;

21 b. past or present fees and commission rates charged by each APP
22 MARKETPLACE, INCLUDING how such fees and commission rates affect the attractiveness
23 of any APP MARKETPLACE to APP DEVELOPERS;

24 c. past or present security or privacy protections offered in each APP
25 MARKETPLACE;

26 d. past or present APP REVIEW and approval procedures and practices in each APP
27 MARKETPLACE;

28 e. past or present tools for APP DEVELOPERS in each APP MARKETPLACE;

1 f. past or present relative ease or difficulty of updating APPS in each APP
2 MARKETPLACE;

3 g. past or present market share calculations or estimates for APP
4 MARKETPLACES, INCLUDING the definitions used to perform those calculations;

5 h. past or present decision to distribute YOUR APPS on a particular APP
6 MARKETPLACE;

7 i. contemplated, planned, or actual distribution of YOUR APPS directly (i.e., not
8 through an APP MARKETPLACE); and

9 j. past or present APP maintenance activities in each APP MARKETPLACE.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

11 Subject to and in addition to General Objections, Valve objects to Request Nos. 1-3,
12 including their subparts, as overly broad in time and in scope, unduly burdensome and not
13 proportional to the needs of the cases. Valve further objects to these requests as overly broad and
14 unduly burdensome insofar as they would require Valve to create new documents, information,
15 or analyses that are not kept in the ordinary course of business or to provide information in a
16 form other than that kept in the ordinary course of business. Valve further objects to these
17 requests (particularly Request No. 1), as overly broad in scope and unduly burdensome insofar as
18 they seek information regarding Valve “APPS” shipped on Apple devices, which information is
19 already in Apple’s possession, see, e.g., <https://apps.apple.com/us/developer/valve/id495369751>.
20 Valve also objects to these requests to the extent they seek production of documents that are
21 protected by attorney-client and work product privileges or otherwise not relevant to the claims
22 and defenses at issue in the captioned actions. Valve further objects to these requests insofar as
23 they would call for Valve to produce any source code, which is highly confidential and which
24 Valve declines to do. Moreover, Valve objects to these requests to the extent that many or all of
25 the documents sought contain trade secrets or highly confidential, business, financial,
26 proprietary, or commercially sensitive information, particularly insofar as such information is
27 sought by a potential business competitor. Valve invites the propounding party to meet and
28 confer to identify with specificity the categories of documents it seeks and to narrow the scope of

1 these requests.

2 **REQUEST FOR PRODUCTION NO. 2:**

3 DOCUMENTS sufficient to show with respect to YOUR APP MARKETPLACE(S):

4 a. the total yearly amount remitted to YOU from sales of APPS and IN-APP
5 PRODUCTS (by APP and method of monetization, if available);

6 b. any estimates of or accounting for annual ADVERTISING revenue attributable to
7 YOUR MARKETPLACE (by APP, if available);

8 c. any estimates of or accounting for YOUR annual revenues from sales of
9 EXTERNAL PRODUCTS attributable to YOUR APP MARKETPLACE (by APP and method
10 of monetization, if available);

11 d. any estimates of or accounting for annual revenues (other than the foregoing)
12 attributable to YOUR APP MARKETPLACE (by APP and method of monetization, if
13 available); and

14 e. any estimates of or accounting for annual earnings, income, or profit (whether
15 gross or net) attributable to YOUR APP MARKETPLACE (by APP and method of
16 monetization, if available).

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

18 Subject to and in addition to General Objections, Valve objects to Request Nos. 1-3,
19 including their subparts, as overly broad in time and in scope, unduly burdensome and not
20 proportional to the needs of the cases. Valve further objects to these requests as overly broad and
21 unduly burdensome insofar as they would require Valve to create new documents, information,
22 or analyses that are not kept in the ordinary course of business or to provide information in a
23 form other than that kept in the ordinary course of business. Valve further objects to these
24 requests (particularly Request No. 1), as overly broad in scope and unduly burdensome insofar as
25 they seek information regarding Valve “APPS” shipped on Apple devices, which information is
26 already in Apple’s possession, see, e.g., <https://apps.apple.com/us/developer/valve/id495369751>.
27 Valve also objects to these requests to the extent they seek production of documents that are
28 protected by attorney-client and work product privileges or otherwise not relevant to the claims

1 and defenses at issue in the captioned actions. Valve further objects to these requests insofar as
2 they would call for Valve to produce any source code, which is highly confidential and which
3 Valve declines to do. Moreover, Valve objects to these requests to the extent that many or all of
4 the documents sought contain trade secrets or highly confidential, business, financial,
5 proprietary, or commercially sensitive information, particularly insofar as such information is
6 sought by a potential business competitor. Valve invites the propounding party to meet and
7 confer to identify with specificity the categories of documents it seeks and to narrow the scope of
8 these requests.

9 **REQUEST FOR PRODUCTION NO. 3:**

10 REPORTS CONCERNING YOUR contemplated, planned, or actual development and/or
11 operation of YOUR APP MARKETPLACE(S), INCLUDING:

- 12 a. , YOUR decision-to build each such APP MARKETPLACE;
- 13 b. YOUR decision to use a particular revenue model in each such APP
14 MARKETPLACE; and
- 15 c. YOUR decision to develop each such APP MARKETPLACE for specific
16 operating systems.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

18 Subject to and in addition to General Objections, Valve objects to Request Nos. 1-3,
19 including their subparts, as overly broad in time and in scope, unduly burdensome and not
20 proportional to the needs of the cases. Valve further objects to these requests as overly broad and
21 unduly burdensome insofar as they would require Valve to create new documents, information,
22 or analyses that are not kept in the ordinary course of business or to provide information in a
23 form other than that kept in the ordinary course of business. Valve further objects to these
24 requests (particularly Request No. 1), as overly broad in scope and unduly burdensome insofar as
25 they seek information regarding Valve “APPS” shipped on Apple devices, which information is
26 already in Apple’s possession, see, e.g., <https://apps.apple.com/us/developer/valve/id495369751>.
27 Valve also objects to these requests to the extent they seek production of documents that are
28 protected by attorney-client and work product privileges or otherwise not relevant to the claims

1 and defenses at issue in the captioned actions. Valve further objects to these requests insofar as
2 they would call for Valve to produce any source code, which is highly confidential and which
3 Valve declines to do. Moreover, Valve objects to these requests to the extent that many or all of
4 the documents sought contain trade secrets or highly confidential, business, financial,
5 proprietary, or commercially sensitive information, particularly insofar as such information is
6 sought by a potential business competitor. Valve invites the propounding party to meet and
7 confer to identify with specificity the categories of documents it seeks and to narrow the scope of
8 these requests.

9 **REQUEST FOR PRODUCTION NO. 4:**

10 REPORTS CONCERNING comparisons of the number, identity, genre, quality, and/or
11 popularity of APPS available for download from YOUR APP MARKETPLACE(S) and APPS
12 available for download from other APP MARKETPLACE(S) or available on different
13 DEVICES.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

15 Subject to and in addition to General Objections, Valve objects to this request to the
16 extent it seeks user-specific information or infringe on users' privacy or personal information
17 and/or invades any right to privacy under any applicable state or federal law or constitutional
18 provision. Valve further objects to this request as massively overbroad and unduly burdensome
19 insofar as it requires Valve to review millions of transactions and data from millions of user
20 accounts. Valve further objects to this request as overly broad and unduly burdensome as
21 phrased, and insofar as it would require Valve to create new documents, information, or analyses
22 that are not kept in the ordinary course of business or to provide information in a form other than
23 that kept in the ordinary course of business. Valve also objects to this request as unduly
24 burdensome insofar as they seek information that is publicly available. Valve further objects to
25 this request as overly broad in scope and unduly burdensome insofar as they seek information
26 regarding Valve "APPS" shipped on Apple devices, which information is already in Apple's
27 possession, see, e.g., <https://apps.apple.com/us/developer/valve/id495369751>. Valve also objects
28 to this request to the extent it seeks production of documents that are not relevant to the claims

1 and defenses at issue in the captioned actions and are not proportional to the needs of the cases.
2 Moreover, Valve objects to this request to the extent that many or all of the documents sought
3 contain trade secrets or highly confidential, business, financial, proprietary, or commercially
4 sensitive information, particularly insofar as such information is sought by a potential business
5 competitor. Valve invites the propounding party to meet and confer to identify with specificity
6 the categories of documents it seeks and to narrow the scope of this request.

7 **REQUEST FOR PRODUCTION NO. 5:**

8 REPORTS sufficient to show the percentage of APPS purchased directly from YOUR
9 APP MARKETPLACE(S) versus the percentage of APPS purchased from third parties,
10 INCLUDING from GAME KEYS.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

12 Subject to and in addition to General Objections, Valve objects to this request to the
13 extent it seeks user-specific information or infringe on users' privacy or personal information
14 and/or invades any right to privacy under any applicable state or federal law or constitutional
15 provision. Valve further objects to this request as massively overbroad and unduly burdensome
16 insofar as it requires Valve to review millions of transactions and data from millions of user
17 accounts. Valve further objects to this request as overly broad and unduly burdensome as
18 phrased, and insofar as it would require Valve to create new documents, information, or analyses
19 that are not kept in the ordinary course of business or to provide information in a form other than
20 that kept in the ordinary course of business. Valve also objects to this request as unduly
21 burdensome insofar as they seek information that is publicly available. Valve further objects to
22 this request as overly broad in scope and unduly burdensome insofar as they seek information
23 regarding Valve "APPS" shipped on Apple devices, which information is already in Apple's
24 possession, see, e.g., <https://apps.apple.com/us/developer/valve/id495369751>. Valve also objects
25 to this request to the extent it seeks production of documents that are not relevant to the claims
26 and defenses at issue in the captioned actions and are not proportional to the needs of the cases.
27 Moreover, Valve objects to this request to the extent that many or all of the documents sought
28 contain trade secrets or highly confidential, business, financial, proprietary, or commercially

1 sensitive information, particularly insofar as such information is sought by a potential business
2 competitor. Valve invites the propounding party to meet and confer to identify with specificity
3 the categories of documents it seeks and to narrow the scope of this request.

4 **REQUEST FOR PRODUCTION NO. 6**

5 DOCUMENTS CONCERNING STEAMOS INCLUDING the development of
6 STEAMOS, COMMUNICATIONS about and with DEVICE manufacturers CONCERNING
7 STEAMOS, and REPORTS sufficient to show STEAMOS utilization.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

9 Subject to and in addition to General Objections, Valve objects to this request the extent
10 it seeks user-specific information or infringes on users' privacy or personal information and/or
11 invades any right to privacy under any applicable state or federal law or constitutional provision.
12 Valve further objects to this request as massively overbroad and unduly burdensome insofar as it
13 requires Valve to review millions of transactions and data from millions of user accounts. Valve
14 objects to this request as overly broad and unduly burdensome as phrased, and insofar as it
15 would require Valve to create new documents, information, or analyses that are not kept in the
16 ordinary course of business or to provide information in a form other than that kept in the
17 ordinary course of business. Valve also objects to this request to the extent it seeks production of
18 documents that are not relevant to the claims and defenses at issue in the captioned actions and
19 are not proportional to the needs of the cases. Valve further objects to this request insofar as it
20 calls for production of any source code, which Valve declines to do as described above in its
21 General Objections. Moreover, Valve objects to this request to the extent that many or all of the
22 documents sought contain trade secrets or highly confidential, business, financial, proprietary, or
23 commercially sensitive information, particularly insofar as such information is sought by a
24 potential business competitor. Valve invites the propounding party to meet and confer to
25 identify with specificity the categories of documents it seeks and to narrow the scope of this
26 request.

27 //

28 //

REQUEST FOR PRODUCTION NO. 7:

DOCUMENTS and COMMUNICATIONS CONCERNING the availability and usage of YOUR APP MARKETPLACE(S), INCLUDING STEAM, and YOUR APP(S), INCLUDING STEAM LINK, on DEFENDANT’S iOS operating system, DEFENDANT’S DEVICES, and DEFENDANT’S APP MARKETPLACE, INCLUDING DOCUMENTS and COMMUNICATIONS CONCERNING the publication of STEAM LINK on DEFENDANT’S APP MARKETPLACE as summarized in a June 4, 2018 article, available at <https://www.reuters.com/article/us-apple-steam/apple-issues-new-app-store-rules-aimed-at-streaming-pc-based-games-idUSKCN1J034K>.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Subject to and in addition to General Objections, Valve objects to this request to the extent it seeks user-specific information or infringe on users’ privacy or personal information and/or invades any right to privacy under any applicable state or federal law or constitutional provision. Valve further objects to this request as massively overbroad and unduly burdensome insofar as it requires Valve to review millions of transactions and data from millions of user accounts. Valve further objects to this request as overly broad and unduly burdensome as phrased, and insofar as it would require Valve to create new documents, information, or analyses that are not kept in the ordinary course of business or to provide information in a form other than that kept in the ordinary course of business. Valve also objects to this request as unduly burdensome insofar as they seek information that is publicly available at <https://store.steampowered.com/steamlink/about/>, <https://store.steampowered.com/remoteplay> and <https://partner.steamgames.com/doc/features/remoteplay>. Valve further objects to this request as overly broad in scope and unduly burdensome insofar as they seek information regarding Valve “APPS” shipped on Apple devices, which information is already in Apple’s possession, see, e.g., <https://apps.apple.com/us/developer/valve/id495369751>. Valve also objects to this request to the extent it seeks production of documents that are not relevant to the claims and defenses at issue in the captioned actions and are not proportional to the needs of the cases. Moreover, Valve objects to this request to the extent that many or all of the documents sought

1 contain trade secrets or highly confidential, business, financial, proprietary, or commercially
2 sensitive information, particularly insofar as such information is sought by a potential business
3 competitor. Valve invites the propounding party to meet and confer to identify with specificity
4 the categories of documents it seeks and to narrow the scope of this request.

5 **REQUEST FOR PRODUCTION NO. 8:**

6 DOCUMENTS and COMMUNICATIONS CONCERNING the development,
7 distribution, and utilization of YOUR APP(S), INCLUDING STEAM LINK, and REPORTS
8 sufficient to show any tendency for consumers to download YOUR APP(S) on any DEVICES.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

10 Subject to and in addition to General Objections, Valve objects to this request as overly
11 broad and unduly burdensome as phrased, and insofar as it would require Valve to create new
12 documents, information, or analyses that are not kept in the ordinary course of business or to
13 provide information in a form other than that kept in the ordinary course of business. Valve
14 further objects to the phrase “tendency for consumers” as used in this request as vague,
15 ambiguous, overbroad, harassing and unduly burdensome. Valve also objects to this request to
16 the extent it seeks user-specific information or infringes on users’ privacy or personal
17 information and/or invades any right to privacy under any applicable state or federal law or
18 constitutional provision. Valve further objects to this request as massively overbroad and unduly
19 burdensome insofar as it requires Valve to review millions of transactions and data from millions
20 of user accounts. Valve also objects to these requests as unduly burdensome insofar as they seek
21 information that is publicly available, e.g., at <https://store.steampowered.com/steamlink/about/>,
22 <https://store.steampowered.com/remoteplay> or [https://partner.steamgames.com/doc/](https://partner.steamgames.com/doc/features/remoteplay)
23 [features/remoteplay](https://partner.steamgames.com/doc/features/remoteplay). Valve also objects to this request to the extent it seeks production of
24 documents that are not relevant to the claims and defenses at issue in the captioned actions and
25 are not proportional to the needs of the cases. Moreover, Valve objects to this request to the
26 extent that many or all of the documents sought contain trade secrets or highly confidential,
27 business, financial, proprietary, or commercially sensitive information, particularly insofar as
28 such information is sought by a potential business competitor. Valve invites the propounding

1 party to meet and confer to identify with specificity the categories of documents it seeks and to
2 narrow the scope of this request.

3 **REQUEST FOR PRODUCTION NO. 9:**

4 COMMUNICATIONS CONCERNING whether consumers are willing to purchase a DEVICE
5 with a different operating system or from a different DEVICE manufacturer than they already
6 own and any switching costs they may consider, INCLUDING the value of any APPS
7 previously purchased that the consumer cannot operate on the new DEVICE.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

9 Subject to and in addition to General Objections, Valve objects to this request to the
10 extent it seeks user-specific information or infringe on users' privacy or personal information
11 and/or invades any right to privacy under any applicable state or federal law or constitutional
12 provision. Valve further objects to this request as massively overbroad and unduly burdensome
13 insofar as it requires Valve to review millions of transactions and data from millions of user
14 accounts. Valve further objects to this request as overly broad and unduly burdensome as
15 phrased, and insofar as it would require Valve to create new documents, information, or analyses
16 that are not kept in the ordinary course of business or to provide information in a form other than
17 that kept in the ordinary course of business. Valve also objects to this request as unduly
18 burdensome insofar as they seek information that is publicly available at

19 <https://steamcommunity.com/games/221410/announcements/detail/1696055855739350561>.

20 Valve also objects to this request to the extent it seeks production of documents that are not
21 relevant to the claims and defenses at issue in the captioned actions and are not proportional to
22 the needs of the cases. Moreover, Valve objects to this request to the extent that many or all of
23 the documents sought contain trade secrets or highly confidential, business, financial,
24 proprietary, or commercially sensitive information, particularly insofar as such information is
25 sought by a potential business competitor. Valve invites the propounding party to meet and
26 confer to identify with specificity the categories of documents it seeks and to narrow the scope of
27 this request.

28 //

1 **REQUEST FOR PRODUCTION NO. 10:**

2 DOCUMENTS sufficient to show any efforts undertaken by YOU to attract or
3 incentivize APP DEVELOPERS to develop APPS for distribution to YOUR APP
4 MARKETPLACE.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

6 Subject to and in addition to General Objections, Valve objects to this request as overly
7 broad in time and in scope. Moreover, Valve objects to this request to the extent that many or
8 all of the documents sought contain trade secrets or highly confidential, business, financial,
9 proprietary, or commercially sensitive information, particularly insofar as such information is
10 sought by a potential business competitor. Valve invites the propounding party to meet and
11 confer to identify with specificity the categories of documents it seeks and to narrow the scope of
12 this request.

13 **REQUEST FOR PRODUCTION NO. 11:**

14 DOCUMENTS created by YOU CONCERNING competition between or among APP
15 MARKETPLACES, INCLUDING any DOCUMENTS describing competition regarding
16 STEAM, YOUR strategy related to actual or potential competitors to STEAM, and YOUR
17 assessment of the market share for STEAM, INCLUDING any analysis performed of any actual
18 or potential competitor to STEAM, such as analysis of any actual or potential competitor's
19 market share, APP pricing, commissions, product design, product functionality, APP promotion,
20 privacy or security policies, and/or APP REVIEW policies or procedures.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

22 Subject to and in addition to General Objections, Valve objects to this request as overly
23 broad and unduly burdensome as phrased, and insofar as it would require Valve to create new
24 documents, information, or analyses that are not kept in the ordinary course of business or to
25 provide information in a form other than that kept in the ordinary course of business. Valve also
26 objects to this request to the extent it seek production of documents that are protected by
27 attorney-client or work product privileges, or documents that are not relevant to the claims and
28 defenses at issue in the captioned actions and are not proportional to the needs of the cases.

1 Moreover, Valve objects to this request to the extent that many or all of the documents sought
2 contain trade secrets or highly confidential, business, financial, proprietary, or commercially
3 sensitive information, particularly insofar as such information is sought by a potential business
4 competitor. Valve invites the propounding party to meet and confer to identify with specificity
5 the categories of documents it seeks and to narrow the scope of this request.

6 **REQUEST FOR PRODUCTION NO. 12:**

7 DOCUMENTS and COMMUNICATIONS CONCERNING any security breaches or
8 privacy concerns relating to YOUR APP MARKETPLACE(S), INCLUDING those reported in
9 an November 11, 2011 BBC News article, available at [https://vwww.bbc.com/news/technology-](https://vwww.bbc.com/news/technology-15690187)
10 [15690187](https://vwww.bbc.com/news/technology-15690187), an May 31, 2018 Vice article available at,
11 [https://www.vice.com/en/article/9k8qv5/steam-exploit-left-users-](https://www.vice.com/en/article/9k8qv5/steam-exploit-left-users-vulnerable-for-10-years) vulnerable-for- 10-years, and
12 an August 9, 2019 Forbes article, available at
13 [https://www.forbes.com/site,s/daveywinder/2019/08/09/critical-steam-security-warning-issued-](https://www.forbes.com/site,s/daveywinder/2019/08/09/critical-steam-security-warning-issued-for-72-million-windows-10-gamersi?sh=56130b6e35e1)
14 [for-72-million-windows-10-gamersi?sh=56130b6e35e1](https://www.forbes.com/site,s/daveywinder/2019/08/09/critical-steam-security-warning-issued-for-72-million-windows-10-gamersi?sh=56130b6e35e1).

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

16 Subject to and in addition to General Objections, Valve objects to this request to the
17 extent that many or all of the documents sought contain trade secrets or confidential, business,
18 financial, proprietary, law enforcement, or commercially sensitive information, particularly
19 insofar as such information is sought by a potential business competitor. Valve further objects to
20 this request on the grounds that it seeks documents protected by attorney-client, work product,
21 common interest and/or litigation privileges. Valve also objects to this request to the extent it
22 seeks production of documents that are not relevant to the claims and defenses at issue in the
23 captioned actions and are not proportional to the needs of the cases. Valve objects to this request
24 to the extent it infringes on users' privacy or personal information and/or invades any right to
25 privacy under any applicable state or federal law or constitutional provision. Valve objects to
26 this request as overly broad in time and in scope and unduly burdensome as phrased, and insofar
27 as it would require Valve to create new documents, information, or analyses that are not kept in
28 the ordinary course of business or to provide information in a form other than that kept in the

1 ordinary course of business. Based on its objections, Valve will not produce documents in
2 response to this request.

3 **REQUEST FOR PRODUCTION NO. 13:**

4 DOCUMENTS sufficient to show YOUR agreements or contracts with APP
5 DEVELOPERS, INCLUDING any agreements or contracts with EPIC, effective during the
6 period that YOU have operated any APP MARKETPLACE, INCLUDING any contracts,
7 guidelines, or rules setting forth the terms and conditions under which APP DEVELOPERS may
8 distribute APPS through YOUR APP MARKETPLACE(S).

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

10 Subject to and in addition to General Objections, Valve objects to this request as overly
11 broad and unduly burdensome as phrased, and insofar as they would require Valve to create new
12 documents, information, or analyses that are not kept in the ordinary course of business or to
13 provide information in a form other than that kept in the ordinary course of business. Valve also
14 objects to this request as unduly burdensome insofar as they seek information that is publicly
15 available, e.g., on Steam or www.partner.steamgames.com. Valve further objects to this request
16 to the extent it seeks production of documents that are protected by attorney-client or work
17 product privileges, or documents that are not relevant to the claims and defenses at issue in the
18 captioned actions and are not proportional to the needs of the cases. Moreover, Valve objects to
19 this request to the extent that many or all of the documents sought contain trade secrets or highly
20 confidential, business, financial, proprietary, or commercially sensitive information, particularly
21 insofar as such information is sought by a potential business competitor. Valve invites the
22 propounding party to meet and confer to identify with specificity the categories of documents it
23 seeks and to narrow the scope of this request.

24 **REQUEST FOR PRODUCTION NO. 14:**

25 DOCUMENTS sufficient to show any annual fee(s) or registration fee(s) paid by APP
26 DEVELOPERS in order to develop and publish APPS in YOUR APP MARKETPLACE(S).

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

28 Subject to and in addition to General Objections, Valve objects to this request as overly

1 broad and unduly burdensome as phrased, and insofar as they would require Valve to create new
2 documents, information, or analyses that are not kept in the ordinary course of business or to
3 provide information in a form other than that kept in the ordinary course of business. Valve also
4 objects to this request as unduly burdensome insofar as they seek information that is publicly
5 available, e.g., on Steam or www.partner.steamgames.com. Valve further objects to this request
6 to the extent it seeks production of documents that are protected by attorney-client or work
7 product privileges, or documents that are not relevant to the claims and defenses at issue in the
8 captioned actions and are not proportional to the needs of the cases. Moreover, Valve objects to
9 this request to the extent that many or all of the documents sought contain trade secrets or highly
10 confidential, business, financial, proprietary, or commercially sensitive information, particularly
11 insofar as such information is sought by a potential business competitor. Valve invites the
12 propounding party to meet and confer to identify with specificity the categories of documents it
13 seeks and to narrow the scope of this request.

14 **REQUEST FOR PRODUCTION NO. 15:**

15 DOCUMENTS sufficient to show any commissions and/or transaction fees charged by
16 YOU when a user makes a purchase from YOUR APP MARKETPLACE(S) or from an APP
17 downloaded from the same, INCLUDING:

- 18 a. any commissions and/or transaction fees charged on the sale of APPS or IN-APP
19 PRODUCTS and any exemptions from or limitations on such commissions or fees; and
20 b. the impact on any commission rates and/or transaction fees charged by YOU
21 when a user makes a purchase through the use of any discount, virtual currency, or particular
22 payment method, INCLUDING any particular credit card.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

24 Subject to and in addition to General Objections, Valve objects to this request as overly
25 broad and unduly burdensome as phrased, and insofar as they would require Valve to create new
26 documents, information, or analyses that are not kept in the ordinary course of business or to
27 provide information in a form other than that kept in the ordinary course of business. Valve also
28 objects to this request as unduly burdensome insofar as they seek information that is publicly

1 available, e.g., on Steam or www.partner.steamgames.com. Valve further objects to this request
2 to the extent it seeks production of documents that are protected by attorney-client or work
3 product privileges, or documents that are not relevant to the claims and defenses at issue in the
4 captioned actions and are not proportional to the needs of the cases.

5 Valve also objects to this request to the extent it seeks user-specific information or
6 infringe on users' privacy or personal information and/or invades any right to privacy under any
7 applicable state or federal law or constitutional provision. Valve further objects to this request as
8 massively overbroad and unduly burdensome insofar as they require Valve to review millions of
9 transactions and data from millions of user accounts. Moreover, Valve objects to this request to
10 the extent that many or all of the documents sought contain trade secrets or highly confidential,
11 business, financial, proprietary, or commercially sensitive information, particularly insofar as
12 such information is sought by a potential business competitor. Valve invites the propounding
13 party to meet and confer to identify with specificity the categories of documents it seeks and to
14 narrow the scope of this request.

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

16 REPORTS CONCERNING YOUR decision to change any commission rates on APPS or
17 IN-APP PRODUCTS distributed through YOUR APP MARKETPLACE(S).

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

19 Subject to and in addition to General Objections, Valve objects to this request as overly
20 broad and unduly burdensome as phrased, and insofar as it would require Valve to create new
21 documents, information, or analyses that are not kept in the ordinary course of business or to
22 provide information in a form other than that kept in the ordinary course of business. Valve also
23 objects to this request to the extent it seek production of documents that are protected by
24 attorney-client or work product privileges, or documents that are not relevant to the claims and
25 defenses at issue in the captioned actions and are not proportional to the needs of the cases.
26 Moreover, Valve objects to this request to the extent that many or all of the documents sought
27 contain trade secrets or highly confidential, business, financial, proprietary, or commercially
28 sensitive information, particularly insofar as such information is sought by a potential business

1 competitor. Valve invites the propounding party to meet and confer to identify with specificity
2 the categories of documents it seeks and to narrow the scope of this request.

3 **REQUEST FOR PRODUCTION NO. 17:**

4 DOCUMENTS sufficient to show any rules or policies CONCERNING the price at
5 which APPS or IN-APP PRODUCTS may, be offered for, sale in YOUR APP.

6 MARKETPLACE(S), INCLUDING:

- 7 a. any requirements that prices end in a specific number (*e.g.*, “.99”);
8 b. any variations in pricing based on the use of payment methods by consumers
9 (*e.g.*, discounts); and
10 c. any requirements that prices for APPS in YOUR APP MARKETPLACE(S) be
11 linked to prices charged for the same APPS in other APP MARKETPLACES other than YOURS
12 (*e.g.*, “most favored nation” requirements).

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

14 Subject to and in addition to General Objections, Valve objects to this request as overly
15 broad and unduly burdensome as phrased, and insofar as they would require Valve to create new
16 documents, information, or analyses that are not kept in the ordinary course of business or to
17 provide information in a form other than that kept in the ordinary course of business. Valve also
18 objects to this request as unduly burdensome insofar as they seek information that is publicly
19 available, *e.g.*, on Steam or www.partner.steamgames.com. Valve further objects to this request
20 to the extent it seeks production of documents that are protected by attorney-client or work
21 product privileges, or documents that are not relevant to the claims and defenses at issue in the
22 captioned actions and are not proportional to the needs of the cases. Moreover, Valve objects to
23 this request to the extent that many or all of the documents sought contain trade secrets or highly
24 confidential, business, financial, proprietary, or commercially sensitive information, particularly
25 insofar as such information is sought by a potential business competitor. Valve invites the
26 propounding party to meet and confer to identify with specificity the categories of documents it
27 seeks and to narrow the scope of this request.

28 //

1 **REQUEST FOR PRODUCTION NO. 18:**

2 All DOCUMENTS and REPORTS CONCERNING YOUR decision that “Starting from
3 October 1, 2018 (i.e. revenues prior to that date are not included), when a game makes over \$10
4 million on Steam, the revenue share for that application will adjust to 75 percent/25 percent on
5 earnings beyond \$10M. At \$50 million, the revenue share will adjust to 80 percent/20 percent on
6 earnings beyond \$50M,” as described in a December 18, 2018 blog post, available at,
7 [https://www.vice.com/en/article/vbaxkb/fortnite-is-so-popular-it-could-end-steams-decade-long-](https://www.vice.com/en/article/vbaxkb/fortnite-is-so-popular-it-could-end-steams-decade-long-dominance)
8 [dominance.](https://www.vice.com/en/article/vbaxkb/fortnite-is-so-popular-it-could-end-steams-decade-long-dominance)

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

10 Subject to and in addition to General Objections, Valve objects to this request as overly
11 broad and unduly burdensome as phrased, and insofar as it would require Valve to create new
12 documents, information, or analyses that are not kept in the ordinary course of business or to
13 provide information in a form other than that kept in the ordinary course of business. Valve also
14 objects to this request to the extent it seek production of documents that are protected by
15 attorney-client or work product privileges, or documents that are not relevant to the claims and
16 defenses at issue in the captioned actions and are not proportional to the needs of the cases.
17 Moreover, Valve objects to this request to the extent that many or all of the documents sought
18 contain trade secrets or highly confidential, business, financial, proprietary, or commercially
19 sensitive information, particularly insofar as such information is sought by a potential business
20 competitor. Valve invites the propounding party to meet and confer to identify with specificity
21 the categories of documents it seeks and to narrow the scope of this request.

22 **REQUEST FOR PRODUCTION NO. 19:**

23 DOCUMENTS CONCERNING the amount and value of services provided by STEAM
24 to APP consumers, INCLUDING APP REVIEW, store curation and social networking.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

26 Subject to and in addition to General Objections, Valve objects to this request as overly
27 broad and unduly burdensome as phrased, and insofar as it would require Valve to create new
28 documents, information, or analyses that are not kept in the ordinary course of business or to

1 provide information in a form other than that kept in the ordinary course of business. Valve also
2 objects to the phrases “the amount and value”, unspecified “services provided by STEAM to
3 APP consumers,” “store curation” and “social networking” as used in this request as vague,
4 ambiguous, overbroad, unduly burdensome. Valve further objects to this request as overly broad
5 in time and in scope and unduly burdensome insofar as it would require Valve to create new
6 documents, information, or analyses that are not kept in the ordinary course of business or to
7 provide information in a form other than that kept in the ordinary course of business. Valve also
8 objects to these requests as unduly burdensome insofar as they seek information that is publicly
9 available, e.g., at <https://store.steampowered.com/> or <https://help.steampowered.com/en/>. Valve
10 also objects to this request to the extent it seeks production of documents that are not relevant to
11 the claims and defenses at issue in the captioned actions and are not proportional to the needs of
12 the cases. Valve further objects to this request insofar as it calls for production of any source
13 code, which Valve declines to do as described above in its General Objections. Moreover, Valve
14 objects to these requests to the extent that many or all of the documents sought contain trade
15 secrets or highly confidential, business, financial, proprietary, or commercially sensitive
16 information, particularly insofar as such information is sought by a potential business competitor.
17 Valve invites the propounding party to meet and confer to identify with specificity the categories
18 of documents it seeks and to narrow the scope of this request.

19 **REQUEST FOR PRODUCTION NO. 20:**

20 DOCUMENTS sufficient to show any marketing, services, assistance, or support YOU
21 provide for APP DEVELOPERS, INCLUDING APP development tools, application
22 programming interfaces (“APIs”), programming tools, technical support, opportunities for testing
23 APPS before they are released to the consumers, marketing, payment processing, refund
24 processing, and security measures.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

26 Subject to and in addition to General Objections, Valve objects to this request as overly
27 broad and unduly burdensome as phrased, and insofar as they would require Valve to create new
28 documents, information, or analyses that are not kept in the ordinary course of business or to

1 provide information in a form other than that kept in the ordinary course of business. Valve also
2 objects to this request as unduly burdensome insofar as they seek information that is publicly
3 available, e.g., on Steam or www.partner.steamgames.com. Valve further objects to this request
4 to the extent it seeks production of documents that are protected by attorney-client or work
5 product privileges, or documents that are not relevant to the claims and defenses at issue in the
6 captioned actions and are not proportional to the needs of the cases. Moreover, Valve objects to
7 this request to the extent that many or all of the documents sought contain trade secrets or highly
8 confidential, business, financial, proprietary, or commercially sensitive information, particularly
9 insofar as such information is sought by a potential business competitor. Valve invites the
10 propounding party to meet and confer to identify with specificity the categories of documents it
11 seeks and to narrow the scope of this request.

12 **REQUEST FOR PRODUCTION NO. 21:**

13 DOCUMENTS sufficient to show, for each year since 2010, any costs, you incurred to
14 process payments for purchases of APPS and IN-APP PRODUCTS in YOUR APP
15 MARKETPLACE(S).

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

17 Subject to and in addition to General Objections, Valve objects to this request as overly
18 broad and unduly burdensome as phrased, particularly insofar as it includes a ten year time
19 frame, and insofar as it would require Valve to create new documents, information, or analyses
20 that are not kept in the ordinary course of business or to provide information in a form other than
21 that kept in the ordinary course of business. Valve also objects to this request to the extent it
22 seeks production of documents that are not relevant to the claims and defenses at issue in the
23 captioned actions and are not proportional to the needs of the cases. Moreover, Valve objects to
24 this request to the extent that many or all of the documents sought contain trade secrets or highly
25 confidential, business, financial, proprietary, or commercially sensitive information, particularly
26 insofar as such information is sought by a potential business competitor. Valve invites the
27 propounding party to meet and confer to identify with specificity the categories of documents it
28 seeks and to narrow the scope of this request.

1 **REQUEST FOR PRODUCTION NO. 22:**

2 DOCUMENTS sufficient to show YOUR policies, practices, and/or procedures for
3 handling and processing payments for the sale of IN-APP PRODUCTS in APPS distributed
4 through YOUR APP MARKETPLACE, INCLUDING DOCUMENTS sufficient to show
5 whether YOU require APPS distributed through YOUR APP MARKETPLACE to use a
6 payment and purchase functionality provided by YOU to facilitate purchases of IN-APP
7 PRODUCTS, and if so, whether YOU have ever departed from such requirement with respect to
8 EPIC APPS or any other APP DEVELOPER'S APPS.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

10 Subject to and in addition to General Objections, Valve objects to this request as
11 disjunctive, compound, unintelligible, overly broad in time and in scope and unduly burdensome
12 as phrased, and insofar as it would require Valve to create new documents, information, or
13 analyses that are not kept in the ordinary course of business or to provide information in a form
14 other than that kept in the ordinary course of business. Valve also objects to this request as
15 unduly burdensome insofar as it seeks information that is publicly available, e.g., on Steam or
16 www.partner.steamgames.com. Valve also objects to this request to the extent it seeks
17 production of documents are not relevant to the claims and defenses at issue in the captioned
18 actions and are not proportional to the needs of the cases. Moreover, Valve objects to this
19 request to the extent that many or all of the documents sought contain trade secrets or highly
20 confidential, business, financial, proprietary, or commercially sensitive information, particularly
21 insofar as such information is sought by a potential business competitor. Valve invites the
22 propounding party to meet and confer to identify with specificity the categories of documents it
23 seeks and to narrow the scope of this request.

24 **REQUEST FOR PRODUCTION NO. 23:**

25 DOCUMENTS, INCLUDING COMMUNICATIONS with EPIC, CONCERNING
26 EPIC's submission of *Fortnite* for distribution through YOUR APP MARKETPLACE.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

28 Subject to and in addition to General Objections, Valve objects to this request as seeking

1 discovery from a non-party that is equally or more readily available through party discovery
2 without imposing burden on a third party, as further described in Valve’s General Objection No.
3 2, which is incorporated here by reference. Valve objects to this request as overly broad insofar
4 as it seeks communications regarding matters not at issue in these cases, e.g., technical
5 communications. Valve invites the propounding party to meet and confer to identify with
6 specificity the categories of documents it seeks and to narrow the scope of this request.

7 **REQUEST FOR PRODUCTION NO. 24:**

8 DOCUMENTS sufficient to show, for STEAM and any other services that offer access to
9 APPS that YOU offer to U.S. users on any DEVICE:

- 10 a. the dates during which the service was available to U.S. consumers;
11 b. for each year that the service was available, the number U.S. consumers who
12 subscribed to or otherwise used it;
13 c. the method(s) used to monetize the service, INCLUDING, but not limited to,
14 ADVERTISING and subscriptions;
15 d. YOUR decision to monetize the service, INCLUDING why YOU chose the
16 monetization strategy YOU did, and whether that strategy changed over time; and
17 e. YOUR annual revenues from the service (by type of monetization, if available).

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

19 Subject to and in addition to General Objections, Valve objects to this request as overly
20 broad and unduly burdensome as phrased, and insofar as it would require Valve to create new
21 documents, information, or analyses that are not kept in the ordinary course of business or to
22 provide information in a form other than that kept in the ordinary course of business. Valve
23 further objects to these requests as overly broad in scope and unduly burdensome insofar as they
24 seek information regarding Valve “APPS” shipped on Apple devices, which information is
25 already in Apple’s possession, see, e.g., [https://apps.apple.com/us/ developer/valve/id495369751](https://apps.apple.com/us/developer/valve/id495369751).
26 Valve also objects to this request to the extent it seeks production of documents that are not
27 relevant to the claims and defenses at issue in the captioned actions and are not proportional to
28 the needs of the cases. Moreover, Valve objects to this request to the extent that many or all of

1 the documents sought contain trade secrets or highly confidential, business, financial,
2 proprietary, or commercially sensitive information, particularly insofar as such information is
3 sought by a potential business competitor. Subject to and without waiving the foregoing
4 objections, Valve cannot comply with portions of this request seeking information or documents
5 related to advertising as it does not advertise on Steam or in any Valve games. Valve invites the
6 propounding party to meet and confer to identify with specificity the categories of documents it
7 seeks and to narrow the scope of this request.

8 **REQUEST FOR PRODUCTION NO. 25:**

9 DOCUMENTS sufficient to describe YOUR efforts to REVIEW APPS made through
10 YOUR APP MARKETPLACE(S) or any other source, INCLUDING:

- 11 a. guidelines, policies, and/or procedures for REVIEWING APPS;
12 b. separately by year and operating system, any costs YOU incurred or resources
13 YOU expended in REVIEWING APPS;
14 c. the efficacy of any such REVIEW of APPS, INCLUDING the number of
15 instances of MALWARE YOU detected, the number of instances of MALWARE YOUR
16 REVIEW failed to detect, and consumer and APP DEVELOPER COMMUNICATIONS
17 regarding any such REVIEW; and
18 d. actual or intended efforts to communicate to users that YOU have REVIEWED
19 such APPS.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

21 Subject to and in addition to General Objections, Valve objects to this request as overly
22 broad and unduly burdensome as phrased, and insofar as it would require Valve to create new
23 documents, information, or analyses that are not kept in the ordinary course of business or to
24 provide information in a form other than that kept in the ordinary course of business. Valve also
25 objects to this request to the extent it seeks production of documents that are protected by
26 attorney-client or work product privileges, or documents that are not relevant to the claims and
27 defenses at issue in the captioned actions and are not proportional to the needs of the cases.
28 Valve also objects to this request as unduly burdensome insofar as they seek information that is

1 publicly available, e.g., on Steam. Moreover, Valve objects to this request to the extent that
2 many or all of the documents sought contain trade secrets or highly confidential, business,
3 financial, proprietary, or commercially sensitive information, particularly insofar as such
4 information is sought by a potential business competitor. Valve invites the propounding party to
5 meet and confer to identify with specificity the categories of documents it seeks and to narrow
6 the scope of this request.

7 **REQUEST FOR PRODUCTION NO. 26:**

8 DOCUMENTS describing the organizational structure of, and/or listing personnel
9 working within any division or unit of YOUR business that is responsible for APP distribution
10 and/or YOUR APP MARKETPLACE(S) (INCLUDING APP REVIEW), INCLUDING any
11 organizational charts or employee directories pertaining to such business unit(s) or division(s).

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

13 Subject to and in addition to General Objections, Valve objects to this request as overly
14 broad and unduly burdensome insofar as it would require Valve to create new documents,
15 information, or analyses that are not kept in the ordinary course of business or to provide
16 information in a form other than that kept in the ordinary course of business. Valve also objects
17 to this request as unduly burdensome insofar as they seek information that is publicly available,
18 e.g., at www.valvesoftware.com/en/people. Subject to and without waiving the foregoing, Valve
19 cannot comply with this request as it does not maintain organizational charts or employee
20 directories.

21 **REQUEST FOR PRODUCTION NO. 27:**

22 DOCUMENTS sufficient to show the following per-user averages for consumers
23 associated with YOUR APP MARKETPLACE separately for each year since 2010:

- 24 a. annual spending on APPS and IN-APP PRODUCTS;
- 25 b. annual amounts received by YOU due to ADVERTISING shown to the user;
- 26 c. the portion of annual spending that is attributable to credits, discounts, or virtual
27 currencies, INCLUDING gift cards, promotional codes, or the use of any particular credit card.

28 //

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

2 Subject to and in addition to General Objections, Valve objects to this request as overly
3 broad and unduly burdensome as phrased, and insofar as it would require Valve to create new
4 documents, information, or analyses that are not kept in the ordinary course of business or to
5 provide information in a form other than that kept in the ordinary course of business. Valve
6 further objects to this request as massively overbroad and unduly burdensome insofar as it
7 requires Valve to review millions of transactions and data from millions of user accounts.
8 Moreover, Valve objects to this request to the extent that many or all of the documents sought
9 contain trade secrets or highly confidential, business, financial, proprietary, or commercially
10 sensitive information, particularly insofar as such information is sought by a potential business
11 competitor. Subject to and without waiving the foregoing objections, Valve cannot comply with
12 portions of this request seeking information or documents related to advertising as it does not
13 advertise on Steam or in any Valve games. Valve invites the propounding party to meet and
14 confer to identify with specificity the categories of documents it seeks and to narrow the scope of
15 this request.

16 **REQUEST FOR PRODUCTION NO. 28:**

17 REPORTS CONCERNING the existence of MALWARE, INCLUDING any efforts to
18 measure or quantify the number of APPS that contained MALWARE, the number of downloads
19 of APPS that, contained MALWARE and the impact of such MALWARE in:

- 20 a. APPS offered by YOUR APP MARKETPLACE(S); and
21 b. APPS offered by APP MARKETPLACES other than YOUR APP

22 MARKETPLACE(S).

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

24 Subject to and in addition to General Objections, Valve objects to this request as overly
25 broad and unduly burdensome as phrased, and insofar as it would require Valve to create new
26 documents, information, or analyses that are not kept in the ordinary course of business or to
27 provide information in a form other than that kept in the ordinary course of business. Valve also
28 objects to this request to the extent it seek production of documents that are protected by

1 attorney-client or work product privileges, or documents that are not relevant to the claims and
2 defenses at issue in the captioned actions and are not proportional to the needs of the cases.
3 Moreover, Valve objects to this request to the extent that many or all of the documents sought
4 contain trade secrets or highly confidential, business, financial, proprietary, or commercially
5 sensitive information, particularly insofar as such information is sought by a potential business
6 competitor. Valve invites the propounding party to meet and confer to identify with specificity
7 the categories of documents it seeks and to narrow the scope of this request.

8 **REQUEST FOR PRODUCTION NO. 29:**

9 DOCUMENTS sufficient to show, for each NAMED CONSUMER PLAINTIFF:

10 a. the number of APPS downloaded by the NAMED CONSUMER PLAINTIFF
11 from YOUR APP MARKETPLACE(S);

12 b. for each APP downloaded by the NAMED CONSUMER PLAINTIFF from
13 YOUR APP MARKETPLACE(S):

14 i. the identity of the APP;

15 ii. the date of download;

16 iii. the price paid for the download;

17 iv. the date that any IN-APP PRODUCT associated with the APP was
18 purchased and the price paid for the IN-APP PRODUCT;

19 v. whether the APP uses a third party services for ADVERTISING; and

20 vi. to the extent the APP is available for use on a time-of-use basis, the
21 number of minutes of usage of such APP.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

23 Subject to and in addition to General Objections, Valve objects to Request Nos. 29 and
24 30 as overbroad and unduly burdensome as phrased and insofar as they would require Valve to
25 create new documents, information, or analyses that are not kept in the ordinary course of
26 business or to provide information in a form other than that kept in the ordinary course of
27 business. Valve also objects insofar as these requests seek user-specific information or infringes
28 on users' privacy or personal information and/or invades any right to privacy under any

1 applicable state or federal law or constitutional provision. Subject to and without waiving its
2 objections, Valve cannot comply with these requests without further identifying information for
3 the persons named in each request, including email address used on their Steam accounts and
4 Steam ID or account name and (for developers) the name(s) under which each named developer
5 plaintiff submitted software for distribution via Steam.

6 **REQUEST FOR PRODUCTION NO. 30:**

7 DOCUMENTS sufficient to show, for each NAMED DEVELOPER PLAINTIFF:

8 a. whether the NAMED DEVELOPER PLAINTIFF has published APPS on YOUR
9 APP MARKETPLACE(S);

10 b. any identification or account number associated with the NAMED DEVELOPER
11 PLAINTIFF; and

12 c. for each APP published by the NAMED DEVELOPER PLAINTIFF on YOUR
13 APP MARKETPLACE(S):

14 i. the name of the APP;

15 ii. the date range during which the APP was available for download on
16 YOUR APP MARKETPLACE(S);

17 iii. the number of times the APP has been downloaded from YOUR APP
18 MARKETPLACE(S) each year;

19 iv. the price of the APP and any IN-APP PRODUCT associated with the APP
20 on YOUR APP MARKETPLACE(S), INCLUDING any changes to such
21 pricing over time;

22 v. the total amount of money remitted by YOU to the NAMED
23 DEVELOPER PLAINTIFF for purchases of such APP or associated IN-
24 APP PRODUCT(S);

25 vi. whether the APP uses any third party service for ADVERTISING; and

26 vii. to the extent the APP is available for use on a time-of-use basis, the
27 number of minutes of usage of such APP.

28 //

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

2 Subject to and in addition to General Objections, Valve objects to Request Nos. 29 and
3 30 as overbroad and unduly burdensome as phrased and insofar as they would require Valve to
4 create new documents, information, or analyses that are not kept in the ordinary course of
5 business or to provide information in a form other than that kept in the ordinary course of
6 business. Valve also objects insofar as these requests seek user-specific information or infringes
7 on users' privacy or personal information and/or invades any right to privacy under any
8 applicable state or federal law or constitutional provision. Subject to and without waiving its
9 objections, Valve cannot comply with these requests without further identifying information for
10 the persons named in each request, including email address used on their Steam accounts and
11 Steam ID or account name and (for developers) the name(s) under which each named developer
12 plaintiff submitted software for distribution via Steam.

13 **REQUEST FOR PRODUCTION NO. 31:**

14 DOCUMENTS (INCLUDING data) sufficient to show, for each month since 2010:

- 15 a. whether EPIC has published APPS on YOUR APP MARKETPLACE(S);
- 16 b. any identification or account number associated with EPIC;
- 17 c. for each APP published by EPIC on YOUR APP MARKETPLACE(S):
- 18 i. the name of the APP;
- 19 ii. the date range during which the APP was available for download on
20 YOUR APP MARKETPLACE(S);
- 21 iii. the number of times the APP has been downloaded from YOUR APP
22 MARKETPLACE(S) each year;
- 23 iv. the price of the APP and any IN-APP PRODUCT associated with the APP
24 on YOUR APP MARKETPLACE(S), INCLUDING any changes to such
25 pricing over time;
- 26 v. the total value in U.S. dollars of IN-APP PRODUCTS sold through EPIC
27 APPS downloaded from YOUR APP MARKETPLACE;
- 28

- 1 vi. the total value in U.S. dollars of EPIC APPS downloaded from YOUR
2 APP MARKETPLACE;
- 3 vii. the amount that YOU earned in commissions from each download of any
4 EPIC APP, and the effective commission rate on each such transaction;
- 5 viii. the amount that YOU earned in commissions from each sale of any IN-
6 APP PRODUCT through EPIC APPS, and the effective commission rate
7 on each such transaction;
- 8 ix. whether the APP uses any third party service for ADVERTISING; and
- 9 x. to the extent the APP is available for use on a time-of-use basis, the
10 number of minutes of usage of such APP.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

12 Subject to and in addition to General Objections, Valve objects to this request insofar as
13 it seeks discovery from a non-party that is equally or more readily available through party
14 discovery without imposing burden on a third party, as further described in Valve's General
15 Objection No. 2, which is incorporated here by reference. Valve objects to this request as overly
16 broad and unduly burdensome as phrased, and insofar as it would require Valve to create new
17 documents, information, or analyses that are not kept in the ordinary course of business or to
18 provide information in a form other than that kept in the ordinary course of business. Valve
19 further objects to this request insofar as it calls for information that is publicly available, e.g.,
20 through Steam or through Apple's own examination of Epic's software. Moreover, Valve
21 objects to this request to the extent that many or all of the documents sought contain trade secrets
22 or highly confidential, business, financial, proprietary, or commercially sensitive information,
23 particularly insofar as such information is sought by a potential business competitor. Valve
24 invites the propounding party to meet and confer to identify with specificity the categories of
25 documents it seeks and to narrow the scope of this request.

26 **REQUEST FOR PRODUCTION NO. 32:**

27 DOCUMENTS (INCLUDING data) sufficient to show, for each month since 2010 for
28 each APP published on YOUR APP MARKETPLACE(S):

- 1 a. the name of the APP;
- 2 b. the date range during which the APP was available for download on YOUR APP
- 3 MARKETPLACE(S); and
- 4 c. the price of the APP and any IN-APP PRODUCT associated with the APP on
- 5 YOUR APP MARKETPLACE(S), INCLUDING any changes to such pricing over time.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

7 Subject to and in addition to General Objections, Valve objects to this request as

8 massively overbroad in scope and time and unduly burdensome as there have been tens of

9 thousands of games available on Steam during the requested time period. Valve also objects to

10 this request as overly broad and unduly burdensome insofar as the request requires Valve to

11 create new documents, information, or analyses that are not kept in the ordinary course of

12 business or to provide information in a form other than that kept in the ordinary course of

13 business. Valve further objects to this request insofar as it calls for information that is publicly

14 available, e.g., through Apple's own review of the Steam store. Valve also objects to this request

15 to the extent it seeks production of documents that are not relevant to the claims and defenses at

16 issue in the captioned actions and are not proportional to the needs of the cases.

17 **REQUEST FOR PRODUCTION NO. 33:**

18 DOCUMENTS sufficient to show the name of each APP, INCLUDING *Counter-Strike,*

19 *Day of Defeat, Dota, Half-Life, Left 4 Dead, Portal, and Team Fortress,* that YOU have

20 published in any APP MARKETPLACE, INCLUDING Google Play, the Samsung Galaxy Store,

21 Android Market, DEFENDANT'S iOS and Mac App Stores, the Amazon Appstore, Amazon

22 Underground, the Microsoft Store for Xbox, Windows Store, and Windows Phone Store, the

23 Epic Games Store, Origin, and other online storefronts distributing games and digital content,

24 and YOUR APP MARKETPLACE(S), and for each such APP:

- 25 a., the dates during which, the APP WAS available for download by U.S.
- 26 consumers from each APP MARKETPLACE;
- 27 b. for each year that the APP was available, the number of times that the APP was
- 28 downloaded by U.S. consumers from each APP MARKETPLACE;

1 c. the method(s) used (if any) to monetize the APP, INCLUDING, but not limited
2 to, whether the APP charges for APP downloads, sells IN-APP PRODUCTS, permits use of
3 EXTERNAL PRODUCTS, features ADVERTISING, or uses any other method(s) or some
4 combination of the above;

5 d. YOUR decision to monetize the APP, INCLUDING why YOU chose the
6 monetization strategy YOU did, and whether that strategy changed over time;

7 e. YOUR annual revenues from APP downloads and IN-APP PRODUCTS
8 attributable to such distribution (by APP and by type of monetization, if available); and

9 f. the number of minutes of usage of such APP that took place via a time-based APP
10 MARKETPLACE.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

12 Subject to and in addition to General Objections, Valve objects to this request as overly
13 broad and unduly burdensome as phrased, and insofar as it would require Valve to create new
14 documents, information, or analyses that are not kept in the ordinary course of business or to
15 provide information in a form other than that kept in the ordinary course of business. Valve
16 further objects to this request as vague and ambiguous as to whether “APP MARKETPLACE” as
17 used in this request is limited to digital distribution, and interprets this request to exclude brick
18 and mortar distributors. Valve further objects to this request as overly broad in scope and unduly
19 burdensome insofar as it seeks information regarding Valve “APPS” shipped on Apple devices,
20 which information is already in Apple’s possession, see, e.g.,
21 <https://apps.apple.com/us/developer/valve/id495369751>. Valve also objects to this request to the
22 extent it seeks production of documents that are not relevant to the claims and defenses at issue
23 in the captioned actions and are not proportional to the needs of the cases. Moreover, Valve
24 objects to this request to the extent that many or all of the documents sought contain trade secrets
25 or highly confidential, business, financial, proprietary, or commercially sensitive information,
26 particularly insofar as such information is sought by a potential business competitor. Valve
27 invites the propounding party to meet and confer to identify with specificity the categories of
28 documents it seeks and to narrow the scope of this request.

1 **REQUEST FOR PRODUCTION NO. 34:**

2 DOCUMENTS sufficient to show the name of each APP (if any) that YOU have made
3 available for direct distribution (i.e., not through an APP MARKETPLACE) to HANDHELD
4 DEVICE users, and for each such APP:

5 a. the dates during which the APP was available for direct download to such
6 consumers;

7 b. for each year that the APP was available, the number of times that the APP was
8 downloaded by consumers;

9 c. the method(s) used (if any) to monetize the APP, INCLUDING, but not limited
10 to, whether the APP charges for APP downloads, sells IN-APP PRODUCTS, permits use of
11 EXTERNAL PRODUCTS, features ADVERTISING, or uses any other method(s) or some
12 combination of the above;

13 d. YOUR decision to monetize the APP, INCLUDING why YOU chose the revenue
14 model YOU did and whether that strategy changed over time; and

15 e. YOUR annual revenues from APP downloads and IN-APP PRODUCTS
16 attributable to such distribution (by APP and by type of monetization, if available).

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

18 Subject to and in addition to General Objections, Valve objects to Request Nos. 34 and
19 35 as overly broad and unduly burdensome as phrased, and insofar as it would require Valve to
20 create new documents, information, or analyses that are not kept in the ordinary course of
21 business or to provide information in a form other than that kept in the ordinary course of
22 business. Valve further objects to these requests as vague and ambiguous as to whether “direct
23 distribution” as used in these requests is limited to digital distribution, and interprets these
24 requests to exclude brick and mortar distributors. Valve further objects to these requests as overly
25 broad in scope and unduly burdensome insofar as they seek information regarding Valve “APPS”
26 shipped on Apple devices, which information is already in Apple’s possession, see, e.g.,
27 <https://apps.apple.com/us/developer/valve/id495369751>. Valve also objects to these requests to
28 the extent they seeks production of documents that are not relevant to the claims and defenses at

1 issue in the captioned actions and are not proportional to the needs of the cases. Moreover,
2 Valve objects to these requests to the extent that many or all of the documents sought contain
3 trade secrets or highly confidential, business, financial, proprietary, or commercially sensitive
4 information, particularly insofar as such information is sought by a potential business competitor.
5 Valve invites the propounding party to meet and confer to identify with specificity the categories
6 of documents it seeks and to narrow the scope of these requests.

7 **REQUEST FOR PRODUCTION NO. 35:**

8 DOCUMENTS sufficient to show the name of each APP (if any) that YOU have made
9 available for direct distribution (i.e., not through an APP MARKETPLACE) to NON-
10 HANDHELD DEVICE users, and for each such APP:

- 11 a. the dates during which the APP was available for direct download to such
12 consumers;
- 13 b. for each year that the APP was available, the number of times that the APP was
14 downloaded by consumers;
- 15 c. the method(s) used (if any) to monetize the APP, INCLUDING, but not limited
16 to, whether the APP charges for APP downloads, sells IN-APP PRODUCTS, permits use of
17 EXTERNAL PRODUCTS, features ADVERTISING, or uses any other method(s) or some
18 combination of the above;
- 19 d. YOUR decision to monetize the APP, INCLUDING why YOU chose the revenue
20 model YOU did, and whether that strategy changed over time; and
- 21 e. YOUR annual revenues from APP downloads and IN-APP PRODUCTS
22 attributable to such distribution (by APP and by type of monetization, if available).

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

24 Subject to and in addition to General Objections, Valve objects to Request Nos. 34 and
25 35 as overly broad and unduly burdensome as phrased, and insofar as it would require Valve to
26 create new documents, information, or analyses that are not kept in the ordinary course of
27 business or to provide information in a form other than that kept in the ordinary course of
28 business. Valve further objects to these requests as vague and ambiguous as to whether “direct

1 distribution” as used in these requests is limited to digital distribution, and interprets these
2 requests to exclude brick and mortar distributors. Valve further objects to these requests as overly
3 broad in scope and unduly burdensome insofar as they seek information regarding Valve “APPS”
4 shipped on Apple devices, which information is already in Apple’s possession, see, e.g.,
5 <https://apps.apple.com/us/developer/valve/id495369751>. Valve also objects to these requests to
6 the extent they seeks production of documents that are not relevant to the claims and defenses at
7 issue in the captioned actions and are not proportional to the needs of the cases. Moreover,
8 Valve objects to these requests to the extent that many or all of the documents sought contain
9 trade secrets or highly confidential, business, financial, proprietary, or commercially sensitive
10 information, particularly insofar as such information is sought by a potential business competitor.
11 Valve invites the propounding party to meet and confer to identify with specificity the categories
12 of documents it seeks and to narrow the scope of these requests.

13 **REQUEST FOR PRODUCTION NO. 36:**

14 DOCUMENTS sufficient to describe YOUR decision to prohibit or allow:

- 15 a. “cross-play” (*i.e.*, the extent to which users of an APP can interact with or play
16 against other users of the APP while on different DEVICES), for any particular APP; and/or
17 b. IN-APP PRODUCTS or EXTERNAL PRODUCTS purchased on one DEVICE to
18 be applied to the same APP on another DEVICE.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

20 Subject to and in addition to General Objections, Valve objects to Request No. 36 as
21 overly broad and unduly burdensome as phrased, and insofar as it would require Valve to create
22 new documents, information, or analyses that are not kept in the ordinary course of business or to
23 provide information in a form other than that kept in the ordinary course of business. Valve also
24 objects to this request to the extent it seeks production of documents that are not relevant to the
25 claims and defenses at issue in the captioned actions and are not proportional to the needs of the
26 cases. Moreover, Valve objects to this request to the extent that many or all of the documents
27 sought contain trade secrets or highly confidential, business, financial, proprietary, or
28 commercially sensitive information, particularly insofar as such information is sought by a

1 potential business competitor. Valve invites the propounding party to meet and confer to
2 identify with specificity the categories of documents it seeks and to narrow the scope of this
3 request.

4 **REQUEST FOR PRODUCTION NO. 37**

5 For each of YOUR APPS, DOCUMENTS sufficient to show the extent to which game
6 progress achieved on one DEVICE can be applied to the same game on another DEVICE.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

8 Subject to and in addition to General Objections, Valve objects to Request No. 37 insofar
9 as it calls for production of any source code, which Valve declines to do as described above in its
10 General Objections. Valve also objects to this request as overly broad and unduly burdensome as
11 phrased, and insofar as it would require Valve to create new documents, information, or analyses
12 that are not kept in the ordinary course of business or to provide information in a form other than
13 that kept in the ordinary course of business. Valve also objects to this request as unduly
14 burdensome insofar as it seeks information that is publicly available, e.g., through use of Valve's
15 games, which are all readily accessible via Steam, or at

16 https://support.steampowered.com/kb_article.php?ref=6736-QEIG-8941. Valve also objects to
17 this request to the extent it seeks production of documents that are not relevant to the claims and
18 defenses at issue in the captioned actions and are not proportional to the needs of the cases.

19 Moreover, Valve objects to this request to the extent that many or all of the documents sought
20 contain trade secrets or highly confidential, business, financial, proprietary, or commercially
21 sensitive information, particularly insofar as such information is sought by a potential business
22 competitor. Valve invites the propounding party to meet and confer to identify with specificity
23 the categories of documents it seeks and to narrow the scope of this request.

24 **REQUEST FOR PRODUCTION NO. 38:**

25 ALL COMMUNICATIONS between YOU and any NAMED CONSUMER
26 PLAINTIFF.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

28 Subject to and in addition to General Objections, Valve objects to Request Nos. 38 and

1 39 as seeking discovery from a non-party that is equally or more readily available through party
2 discovery without imposing burden on a third party, as further described in Valve's General
3 Objection No. 2, which is incorporated here by reference. Valve further objects to these requests
4 as overly broad in time and in scope. Valve also objects to these requests to the extent they seek
5 production of documents that are not relevant to the claims and defenses at issue in the captioned
6 actions and are not proportional to the needs of the cases. Valve invites the propounding party to
7 meet and confer to identify with specificity the categories of documents it seeks and to narrow
8 the scope of these requests.

9 **REQUEST FOR PRODUCTION NO. 39:**

10 ALL COMMUNICATIONS between YOU and any NAMED DEVELOPER
11 PLAINTIFF.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

13 Subject to and in addition to General Objections, Valve objects to Request Nos. 38 and
14 39 as seeking discovery from a non-party that is equally or more readily available through party
15 discovery without imposing burden on a third party, as further described in Valve's General
16 Objection No. 2, which is incorporated here by reference. Valve further objects to these requests
17 as overly broad in time and in scope. Valve also objects to these requests to the extent they seek
18 production of documents that are not relevant to the claims and defenses at issue in the captioned
19 actions and are not proportional to the needs of the cases. Valve invites the propounding party to
20 meet and confer to identify with specificity the categories of documents it seeks and to narrow
21 the scope of these requests.

22 **REQUEST FOR PRODUCTION NO. 40:**

23 ALL COMMUNICATIONS between YOU and any APP DEVELOPER, INCLUDING
24 EPIC CONCERNING:

25 a. the DEFENDANT'S iOS App Store, INCLUDING any guidelines, policies, and
26 procedures for the DEFENDANT'S iOS App Store;

27 b. policies, practices, and/or procedures for handling and processing payments for
28 the sale of.IN APP PRODUCTS; and

1 c. the following ongoing litigation, INCLUDING declarations, anticipated oral
2 testimony, or documentary evidence relating to the same:

- 3 i. *Pepper v. Apple Inc.*, Case No. 4:11-cv-06714-YGR (N.D. Cal.);
4 ii. *Lawrence v. Apple Inc.*, Case No. 4:19-cv-02852-YGR (N.D. Cal.);
5 iii. *Cameron v. Apple Inc.*, Case No. 4:19-cv-03074-YGR (N.D. Cal.);
6 iv. *Sermons v. Apple Inc.*, Case No. 4:19-cv-03796-YGR (N.D. Cal.); and
7 v. *Epic Games, Inc. v. Apple Inc.*, Case No. 4:20-cv-05640-YGR (N.D. Cal.).

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

9 Subject to and in addition to General Objections, Valve objects to this request as seeking
10 discovery from a non-party that is equally or more readily available through party discovery
11 without imposing burden on a third party, as further described in Valve’s General Objection No.
12 2, which is incorporated here by reference. Valve also objects to this request as overly broad in
13 time and in scope and unduly burdensome insofar as the request purports to require Valve to
14 search for “ALL COMMUNICATIONS” with any developer of the tens of thousands of games
15 available on Steam for multiple topics. Valve also objects to this request to the extent it seeks
16 production of documents that are not relevant to the claims and defenses at issue in the captioned
17 actions and are not proportional to the needs of the cases. Valve invites the propounding party to
18 meet and confer to identify with specificity the categories of documents it seeks and to narrow
19 the scope of this request.

20 **REQUEST FOR PRODUCTION NO. 41:**

21 ALL COMMUNICATIONS between YOU and any DEVICE manufacturer or
22 telecommunications provider (INCLUDING Verizon Wireless, AT&T Mobility, T-Mobile U.S.,
23 or Sprint Corporation) CONCERNING:

- 24 a. the presence or risk of any APPS with MALWARE in any APP
25 MARKETPLACE;
26 b. any APPS rejected, removed, or hidden from any APP MARKETPLACE;
27 b. any APP DEVELOPER for whom YOU have in any way restricted their/its
28 ability to publish APPS in YOUR APP MARKETPLACE;

1 d. any discussion or agreement regarding pre-installation of APPS or APP
2 MARKETPLACES on DEVICES; and

3 e. any relationship between the ability to install or use a given APP
4 MARKETPLACE on a DEVICE and the attractiveness to consumers of such DEVICE.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

6 Subject to and in addition to General Objections, Valve objects to this request as overly
7 broad in time and in scope and unduly burdensome insofar as the request purports to require
8 Valve to search for “ALL COMMUNICATIONS” with numerous manufacturers and
9 telecommunications providers over several years regarding multiple topics. Valve also objects to
10 this request to the extent it seeks production of documents that are not relevant to the claims and
11 defenses at issue in the captioned actions and are not proportional to the needs of the cases.
12 Moreover, Valve objects to this request to the extent that many or all of the documents sought
13 contain trade secrets or highly confidential, business, financial, proprietary, or commercially
14 sensitive information, particularly insofar as such information is sought by a potential business
15 competitor. Valve invites the propounding party to meet and confer to identify with specificity
16 the categories of documents it seeks and to narrow the scope of this request.

17 **REQUEST FOR PRODUCTION NO. 42:**

18 ALL COMMUNICATIONS or DOCUMENTS exchanged between YOU and any
19 federal, state, or local governmental entity, either foreign or domestic, INCLUDING any U.S. or
20 state agency, attorney general’s office, or congressional committee, CONCERNING any APP
21 MARKETPLACE(S) or the DEFENDANT.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

23 Subject to and in addition to General Objections, Valve objects to Request No. 42 and 43
24 as overly broad in time and in scope and unduly burdensome, particularly insofar as they seek
25 production of “ALL COMMUNICATIONS or DOCUMENTS.” Valve also objects to these
26 requests insofar as they seek information beyond the United States as further described in
27 Valve’s General Objection No. 19, which is incorporated here by reference. Valve further
28 objects to these requests to the extent that many or all of the documents sought contain trade

1 secrets or confidential, business, financial, proprietary, law enforcement, or commercially
2 sensitive information, particularly insofar as such information is sought by a potential business
3 competitor. Valve also objects to these requests to the extent it seeks production of documents
4 that are not relevant to the claims and defenses at issue in the captioned actions and are not
5 proportional to the needs of the cases. Valve objects to this request to the extent it calls for user-
6 specific information, infringes on users' privacy or personal information and/or invades any right
7 to privacy under any applicable state or federal law or constitutional provision. Valve objects to
8 this request as overly broad in time and in scope and unduly burdensome as phrased, and insofar
9 as it would require Valve to create new documents, information, or analyses that are not kept in
10 the ordinary course of business or to provide information in a form other than that kept in the
11 ordinary course of business. Based on its objections, Valve will not produce documents in
12 response to this request.

13 **REQUEST FOR PRODUCTION NO. 43:**

14 Any rulings, judgments, or findings of fact or law made by any federal, state, or local
15 governmental entity, either foreign or domestic, INCLUDING any U.S. or state agency, attorney
16 general's office, or congressional committee, CONCERNING YOUR APP MARKETPLACE(S)
17 and any allegations or suspicion of any anti-competitive conduct or behavior.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

19 Subject to and in addition to General Objections, Valve objects to Request No. 42 and 43
20 as overly broad in time and in scope and unduly burdensome, particularly insofar as they seek
21 production of "ALL COMMUNICATIONS or DOCUMENTS." Valve also objects to these
22 requests insofar as they seek information beyond the United States as further described in
23 Valve's General Objection No. 19, which is incorporated here by reference. Valve further
24 objects to these requests to the extent that many or all of the documents sought contain trade
25 secrets or confidential, business, financial, proprietary, law enforcement, or commercially
26 sensitive information, particularly insofar as such information is sought by a potential business
27 competitor. Valve also objects to these requests to the extent it seeks production of documents
28 that are not relevant to the claims and defenses at issue in the captioned actions and are not

1 proportional to the needs of the cases. Valve objects to this request to the extent it calls for user-
2 specific information, infringes on users' privacy or personal information and/or invades any right
3 to privacy under any applicable state or federal law or constitutional provision. Valve objects to
4 this request as overly broad in time and in scope and unduly burdensome as phrased, and insofar
5 as it would require Valve to create new documents, information, or analyses that are not kept in
6 the ordinary course of business or to provide information in a form other than that kept in the
7 ordinary course of business. Based on its objections, Valve will not produce documents in
8 response to this request.

9
10 Dated: December 23, 2020

FOX ROTHSCHILD LLP

11
12 By: 

13 Jaemin Chang
14 Attorneys for non-party Valve Corporation
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **PROOF OF SERVICE**

2 I am employed in the County of San Francisco, State of California. I am over the age of
3 eighteen years and not a party to this action. My business address is: Fox Rothschild LLP, 345
4 California Street, Suite 2200, San Francisco, CA 94104-2670.

5 On the date shown below, I served the following document(s):

6 **NON-PARTY VALVE CORPORATION'S RESPONSE AND OBJECTION TO**
7 **SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR**
8 **TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION ISSUED BY**
9 **APPLE INC.**

10 on the interested party(ies) in this action as follows:

11 **SEE ATTACHED SERVICE LIST**

12 **BY EMAIL:** I electronically served the above document(s) to the email address of the
13 addressee(s) listed above.

14 I declare under penalty of perjury that the foregoing is true and correct and that I am
15 employed in the office of a member of the bar of this Court at whose direction the service was
16 made. Executed on December 23, 2020 at San Francisco, California.

17 
18 _____
19 Elisabeth Paulsen
20
21
22
23
24
25
26
27
28

SERVICE LIST

1
2
3 THEODORE J. BOUTROUS JR. (SBN 132099)

tboutrous@gibsondunn.com

4 RICHARD J. DOREN (SBN 124666)

rdoren@gibsondunn.com

5 DANIEL G. SWANSON (SBN 116556)

dswanson@gibsondunn.com

6 JAY P. SRINIVASAN (SBN 181471)

jsrinivasan@gibsondunn.com

7 JASON C. LO

jlo@gibsondunn.com

8 **GIBSON, DUNN & CRUTCHER LLP**

333 South Grand Avenue

9 Los Angeles, CA 90071-3197

10 Telephone: 213.229.7000

Facsimile: 213.229.7520

11 VERONICA S. LEWIS (*pro hac vice*)

vlewis@gibsondunn.com

12 **GIBSON, DUNN & CRUTCHER LLP**

13 2001 Ross Avenue, Suite 1100

Dallas, TX 75201

14 Telephone: 214.698.3100

Facsimile: 214.571.2936

15 CYNTHIA E. RICHMAN (*pro hac vice*)

crichman@gibsondunn.com

16 ANNA L. CASEY (*pro hac vice*)

acasey@gibsondunn.com

17 MARK A. PERRY

mperry@gibsondunn.com

18 **GIBSON, DUNN & CRUTCHER LLP**

19 1050 Connecticut Avenue, N.W.

Washington, DC 20036-5306

20 Telephone: 202.955.8500

Facsimile: 202.467.0539

21 ETHAN D. DETTMER

edettmer@gibsondunn.com

22 **GIBSON, DUNN & CRUTCHER LLP**

23 555 Mission Street, Suite 3000

San Francisco, CA 94105

24 Telephone: 415-393-8200

Facsimile: 415-986-5309

25 **Attorneys for Apple, Inc.**

PAUL J. RIEHLE (SBN 115199)

paul.riehle@faegredrinker.com

**FAEGRE DRINKER BIDDLE & REATH
LLP**

Four Embarcadero Center, 27th Floor

San Francisco, California 94111

Telephone: (415) 591-7500

Facsimile: (415) 591-7510

Attorneys for Epic Games, Inc.

CHRISTINE A. VARNEY (*pro hac vice*)

cvarney@cravath.com

13 KATHERINE B. FORREST (*pro hac vice*)

kforrest@cravath.com

14 GARY A. BORNSTEIN (*pro hac vice*)

gbornstein@cravath.com

15 YONATAN EVEN (*pro hac vice*)

yeven@cravath.com

16 LAUREN A. MOSKOWITZ (*pro hac vice*)

lmoskowitz@cravath.com

17 M. BRENT BYARS (*pro hac vice*)

mbyars@cravath.com

18 JOE WESLEY EARNHARDT (*pro hac vice*)

wearnhardt@cravath.com

19 JOHN I. KARIN (*pro hac vice*)

jkarin@cravath.com

CRAVATH, SWAINE & MOORE LLP

20 825 Eighth Avenue

New York, New York 10019

21 Telephone: (212) 474-1000

Facsimile: (212) 474-3700

Attorneys for Epic Games, Inc.

HANNAH CANNOM

hcannom@wscllp.com

24 BETHANY M. STEVENS

bstevens@wscllp.com

WALKER STEVENS CANNON LLP

500 Molino Street, Suite 118

Los Angeles, CA 90012

25 Telephone: 213-337-9972

Attorneys for Apple Inc.

1 E. JOSHUA ROSENKRANZ (*pro hac vice*)
jrosenkranz@orrick.com
2 **ORRICK, HERRINGTON &**
3 **SUTCLIFFE LLP**
4 51 West 52nd Street
New York, NY 10019-6142
Telephone: 212.506.5000
5 Facsimile: 212.506.5151

6 WILLIAM F. STUTE (*pro hac vice*)
wstute@orrick.com
7 **ORRICK, HERRINGTON &**
8 **SUTCLIFFE LLP**
9 1152 15th Street, N.W.
Washington, DC 20005-1706
Telephone: 202.339.8400
10 Facsimile: 202.339.8500

11 **Attorneys for Apple Inc.**

12
13 DAVID R. EBERHART
deberhart@omm.com
14 ANNA TRYON PLETCHER
apletcher@omm.com
15 **O'MELVENY & MYERS LLP**
16 Two Embarcadero Center, 28th Floor
San Francisco, CA 94111
Telephone: 415-984-8700
17 Facsimile: 415-984-8701

18 KATRINA M. ROBSON
krobson@omm.com
19 EVAN N. SCHLOM
eschlom@omm.com
20 ELENA ZARABOZO
ezarabozo@omm.com
21 **O'MELVENY & MYERS LLP**
22 1625 Eye Street, N.W.
Washington, DC 20006
Telephone: 202-220-5052
23 Facsimile: 202-383-5414

24 SCOTT A. SCHAEFFER
sschaeffer@omm.com
25 **O'MELVENY & MYERS LLP**
26 Plaza 66, 37th Floor
1266 Nanjing Road West
Shanghai 200040, China
27 Telephone: 213-430-6000

28 **Attorneys for Apple, Inc.**

KAREN HOFFMAN LENT
Karen.lent@skadden.com
SKADDEN ARPS SLATE MEACHER
FLOM LLP
One Manhattan West
New York, NY 10001
Telephone: 212-735-3000

Attorneys for Apple, Inc.

JOHN J. CALANDRA
jcalandra@mwe.com
NICOLE LAUREN CASTLE
ncastle@mwe.com
PETER JOHN SACRIPANTI
psacripanti@mwe.com
MCDERMOTT WILL & EMERY LLP
340 Madison Avenue
New York, NY 10173
Telephone: 212-547-5489
Facsimile: 212-547-5444

MICHELLE S. LOWERY
mslowery@mwe.com
MCDERMOTT WILL & EMERY LLP
2049 Century Park East, Suite 3200
Los Angeles, CA 90067-3206
Telephone: 310-551-9309

ELIZABETH A. RODD
erodd@mwe.com
MCDERMOTT WILL & EMERY LLP
200 Clarendon Street, Floor 58
Boston, MA 02116
Telephone: 617-535-4040
Facsimile: 617-535-3800

Attorneys for Apple, Inc.

1 BENJAMIN HANS DIESSEL (*pro hac vice*)
bdiessel@wiggin.com
2 **WIGGIN AND DANA LLP**
One Century Tower
3 P. O. Box 1832
New Haven, CT 06508
4 Telephone: 203-498-4400
Facsimile: 203-782-2889
5

ROBERT F. LOPEZ
robl@hbsslaw.com
HAGENS BERMAN SOBOL SHAPIRO
LLP
1301 Second Avenue, Suite 2000
Seattle, WA 98101
Telephone: 206-623-7292
Facsimile: 206-623-0594

Attorney for Donald Cammeron (interested party)

6
7 ROBERT SETH HOFF (*pro hac vice*)
rhoff@wiggin.com
8 **WIGGIN AND DANA LLP**
281 Tresser Boulevard
Stamford, CT 06901
9 Telephone: 203-363-7626

10 **Attorneys for Epic Games, Inc.**
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28