

UNITED STATES DISTRICT COURT

for the
District of Delaware

Intellectual Ventures I LLC and Intellectual Ventures II LLC
Plaintiff

AT&T Mobility LLC; AT&T Mobility II LLC; New Cingular Wireless Services, Inc.;
SBC Internet Services, Inc.; Wayport, Inc.; T-Mobile USA, Inc.; T-Mobile US, Inc.;
Nextel Operations, Inc.; Sprint Spectrum L.P.; and United States Cellular Corporation
Defendant

Civil Action No.

12-cv-193 (LPS); 13-cv-1631 (LPS); 13-cv-1632 (LPS); 13-cv-1633 (LPS);
13-cv-1634 (LPS); 13-cv-1635 (LPS); 13-cv-1636 (LPS); 13-cv-1637 (LPS)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: The Internet Society, 1775 Wiehle Ave Ste 201, Reston, VA 20190

(Name of person to whom this subpoena is directed)

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following
documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the
material: See Exhibit A

Table with 2 columns: Place and Date and Time. Place: Gibson, Dunn & Crutcher LLP c/o Brian M. Buroker, 1050 Connecticut Ave NW, Washington, DC 20036-5306. Date and Time: 06/30/2015 9:00 am

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or
other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party
may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Table with 2 columns: Place and Date and Time. Both fields are currently empty.

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance;
Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to
respond to this subpoena and the potential consequences of not doing so.

Date: 06/09/2015

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Eric T. Syu
Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party)
T-Mobile USA, Inc. & T-Mobile US, Inc., who issues or requests this subpoena, are:
Eric Syu, Gibson, Dunn & Crutcher LLP, 3161 Michelson Dr, Irvine, CA 92612, esyu@gibsondunn.com, 949-451-4190

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the
inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before
it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 12-cv-193 (LPS); 13-cv-1631 (LPS); 13-cv-1632 (LPS); 13-cv-1633 (LPS);
13-cv-1634 (LPS); 13-cv-1635 (LPS); 13-cv-1636 (LPS); 13-cv-1637 (LPS)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____ .

I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____
_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

DEFINITIONS

The following definitions and instructions apply to the requests below and should be considered as part of each such request.

1. “You/your” shall mean the subpoenaed party.
2. “Document” shall have the same meaning and scope as the term “documents or electronically stored information” in Rule 34 of the Federal Rules of Civil Procedure, and shall include any handwritten, printed, recorded, or graphic matter, data or data compilations, or information stored in electronic forms (including emails) that is or has been in your actual or constructive possession or control, regardless of the medium on which it is produced, reproduced, or stored, including, without limitation, anything that can be classified as a “writing,” “original,” or “duplicate.” Any document bearing marks, including, without limitation, initials, stamped indicia, comments or notations not part of the original text or photographic reproduction thereof, is a separate document.
3. “And” and “or” shall be construed conjunctively or disjunctively as necessary to make the document request inclusive rather than exclusive.
4. “Any” and “each” shall be construed to include and encompass “all.”
5. “Including” shall not be construed as limiting any request, and shall mean the same as “including, but not limited to.”
6. “Person” shall include, without limitation, natural persons, corporations, partnerships, business trusts, associations, and business or other entities, and any officer, director, employee, partner, corporate parent, subsidiary, affiliate, agent, representative, attorney, or principal thereof.

7. “Communication” shall include, without limitation, any written or oral communication, including any conversation in person, by telephone, or by any other means. A document or thing transferred, whether temporarily or permanently, from one person to another shall be deemed to be a communication between such persons whether or not such document or thing was prepared or created by the transferor or addressed to the transferee.

8. References to any natural person shall include, in addition to the natural person, any agent, employee, representative, attorney, superior, or principal thereof.

9. References to any entity shall include, in addition to the entity, any officer, director, employee, partner, corporate parent, subsidiary, affiliate, agent, representative, attorney, or principal thereof.

10. “The” shall not be construed as limiting the scope of any document request.

11. The use of the singular shall also include the plural, and vice-versa.

INSTRUCTIONS

1. In responding to these document requests, please furnish all information that is available to you or subject to your control, including information in the possession, custody, or control of your officers, directors, employees, representatives, consultants, agents, servants, attorneys, accountants, or any person who has served in any such role at any time, as well as corporate parents, subsidiaries, affiliates, divisions, predecessor companies or proprietorships, any joint venture to which you are a party, and other persons acting on your behalf.

2. Pursuant to Federal Rule of Civil Procedure 34(b), please produce the requested documents as they are kept in the usual course of business or organize and label them to correspond to the categories in each request.

3. If you withhold any document responsive to any of these requests based on a claim of any privilege or immunity from disclosure, please identify the following information for each document so withheld:

- a. The type of document (e.g., letter, memorandum, email, email chain, etc.);
- b. The date the document was prepared, and the date of any meeting or conversation reflected or referred to in the document;
- c. The name of each author, co-author, or preparer of the document and the name of each recipient or addressee, including each recipient of a copy of the document;
- d. If the document reflects or refers to a meeting or conversation, the name of each person who was present at or was a party to the meeting or conversation;
- e. The general subject matter of the document;
- f. The length of the document;
- g. The nature of the privilege or immunity asserted; and
- h. A brief explanation of why the document is believed to be privileged or immune from production.

4. If you cannot fully comply with any document request, comply to the maximum extent possible and explain: (a) what information you refuse to produce and (b) why full compliance is not possible. If you object to any request or subpart of a request, state with specificity the grounds for each such objection.

5. Each document produced by you in response to these requests should include a unique production number.

6. To the extent that any document is responsive to more than one request, you are only required to produce one copy of such document.

7. If, in responding to these requests, you encounter any ambiguities when construing a request, instruction, or definition, in your response set forth the matter deemed ambiguous and the construction used in answering.

8. If any document requested herein has been destroyed or discarded, the document should be identified to the extent possible by describing: (a) all authors and addressees; (b) all recipients; (c) the document's date, subject matter, number of pages and attachments or appendices; (d) all persons to whom the document was distributed, shown, or explained; (e) the date the document was destroyed or discarded and the reasons for such destruction or discard; and (f) the persons authorizing and carrying out such destruction or discard.

REQUESTS FOR PRODUCTION

REQUEST NO. 1:

A true and correct copy of K. Toyoda *et al.*, RFC 2305, A Simple Mode of Facsimile Using Internet Mail (Mar. 1998), located at <https://tools.ietf.org/pdf/rfc2305>.

REQUEST NO. 2:

A true and correct copy of L. Masinter *et al.*, RFC 2532, Extended Facsimile Using Internet Mail (Mar. 1999), located at <https://tools.ietf.org/pdf/rfc2532>.

REQUEST NO. 3:

A true and correct copy of L. Masinter, RFC 2542, Terminology and Goals for Internet Fax (Mar. 1999), located at <https://tools.ietf.org/pdf/rfc2542>.

REQUEST NO. 4:

A true and correct copy of P. Faltstrom, Internet-Draft, E.164 number and DNS (Oct. 20, 1999), located at <https://tools.ietf.org/id/draft-faltstrom-e164-04.txt>.

REQUEST NO. 5:

A true and correct copy of C. Malamud *et al.*, RFC 1530, Principles of Operation for the TPC.INT Subdomain: General Principles and Policy (Oct. 1993), located at <https://tools.ietf.org/pdf/rfc1530>.

REQUEST NO. 6:

A true and correct copy of P. Faltstrom, Internet-Draft, Where to terminate a phone call (June 1998), located at <https://tools.ietf.org/id/draft-faltstrom-e164-00.txt>.

REQUEST NO. 7:

A true and correct copy of RFC 791, Internet Protocol, DARPA Internet Program, Protocol Specification (Sept. 1981), located at <https://tools.ietf.org/pdf/rfc791>.

REQUEST NO. 8:

A true and correct copy of R. Atkinson, RFC 1825, Security Architecture for the Internet Protocol (Aug. 1995), located at <https://tools.ietf.org/pdf/rfc1825>.

REQUEST NO. 9:

A true and correct copy of R. Atkinson, RFC 1826, IP Authentication Header (Aug. 1995), located at <https://tools.ietf.org/pdf/rfc1826>.

REQUEST NO. 10:

A true and correct copy of R. Atkinson, RFC 1827, IP Encapsulating Security Payload (ESP) (Aug. 1995), located at <https://tools.ietf.org/pdf/rfc1827>.

REQUEST NO. 11:

A true and correct copy of S. Kent, RFC 2401, Security Architecture for the Internet Protocol (Nov. 1998), located at <https://tools.ietf.org/pdf/rfc2401>.

REQUEST NO. 12:

A true and correct copy of S. Kent, RFC 2402, IP Authentication Header (Nov. 1998), located at <https://tools.ietf.org/pdf/rfc2402>.

REQUEST NO. 13:

A true and correct copy of C. Madson, RFC 2403, The Use of HMAC-MD5-96 within ESP and AH (Nov. 1998), located at <https://tools.ietf.org/pdf/rfc2403>.

REQUEST NO. 14:

A true and correct copy of C. Madson, RFC 2404, The Use of HMAC-SHA-1-96 within ESP and AH (Nov. 1998), located at <https://tools.ietf.org/pdf/rfc2404>.

REQUEST NO. 15:

A true and correct copy of S. Kent, RFC 2405, The ESP DES-CBC Cipher Algorithm With Explicit IV (Nov. 1998), located at <https://tools.ietf.org/pdf/rfc2405>.

REQUEST NO. 16:

A true and correct copy of S. Kent, RFC 2406, IP Encapsulating Security Payload (ESP) (Nov. 1998), located at <https://tools.ietf.org/pdf/rfc2406>.

REQUEST NO. 17:

A true and correct copy of D. Piper, RFC 2407, Security Architecture for the Internet Protocol (Nov. 1998), located at <https://tools.ietf.org/pdf/rfc2407>.

REQUEST NO. 18:

Documents showing the authenticity and public availability of the documents requested above, including the date such documents were first made publicly available and the manner in which they were made publicly available.