

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

In the Matter of

UNION OIL COMPANY OF CALIFORNIA,  
  
a corporation.

**DOCKET NO. 9305**

**RESPONDENT'S FIRST SET OF REQUESTS FOR ADMISSION**

Respondent Union Oil Company of California ("Unocal"), pursuant to Rules 3.35(a)(1) and 3.37(a) of the Federal Trade Commission's ("FTC") Rules of Practice for Adjudicative Proceedings, hereby requests that Complaint Counsel serve upon Respondent a written response to the following interrogatories within thirty (30) days after service of these interrogatories.

**DEFINITIONS**

1. "Identify" means to specify in detail and to particularize the content of the answer to the question and not just to state the reply in summary or outline fashion. Specifically:

a. "Identify," when used in reference to a document, means to set forth (i) the name and address of the author of the document; (ii) the name and address of all recipients of a copy of the document, if any; (iii) the date of the document; and (iv) to identify and describe the content of the document in detail.

b. "Identify," when used in reference to a natural person, means to set forth that person's (i) name; (ii) present title or position and area of responsibility; (iii) present or last known business and home address; and (iv) present or last known employer. For any person identified, if any of the above information was different at the time with

which a particular interrogatory is concerned, supply both current information and such different information as applies to the time in question. Once a person has been identified properly, it shall be sufficient thereafter to identify the individual by name only.

c. "Identify," when used in reference to a corporation or any other entity, means to set forth the address of its principal place of business. Once an entity has been identified properly, it shall be sufficient thereafter to identify the entity by name only.

d. "Identify," when used in reference to an event, mean to state all relevant facts relating to that event.

2. The term "document" means the complete original or a true, correct and complete copy and any non-identical copies of any written or graphic matter, no matter how produced, recorded, stored or reproduced, including, but not limited to, any writing, letter, envelope, telegram, meeting minute, memorandum, statement, affidavit, declaration, book, record, survey, map, study, handwritten not; working paper, chart, index, tabulation, graph, tape, data sheet, data processing card, printout, microfilm, index, computer readable media or other electronically stored data, appointment book, diary, diary entry, calendar, desk pad, telephone message slip, note of interview or communication or any other data compilation in your possession, custody or control, including all drafts of all such documents. "Document" also includes every writing, drawing, graph, chart, photograph, phono record, tape and other data compilations from which information can be obtained, translated, if necessary, by the FTC though detection devices into reasonably usable form, and includes all drafts and all copies of every such writing or record that contain any commentary, notes, or marking whatsoever not appearing on the original.

3. "You," for purposes of these interrogatories, means the FTC or any of its present or former employees, agents, attorneys, consultants, and all other persons acting or purporting to act on its behalf.

4. "FTC" means the Federal Trade Commission and any bureau, division, office, or subpart thereof.

5. "Unocal," for purposes of these interrogatories, means the Union Oil Company of California, Unocal Corporation and any subsidiary or division thereof.

6. "CARS" means the California Air Resources Board and any bureau, division, office, or subpart thereof

7. "RFG" means reformulated gasoline.

8. "CARB Phase 2 RFG Regulations" means the regulations relating to low emission, reformulated gasoline adopted by CARB in November 1991 and the amendments thereto adopted by CARB in June 1994, as referenced in paragraphs 44 and 47 of the Complaint..

9. "Complaint" means the Complaint filed by the FTC in this matter against Respondent Unocal on or about March 4, 2003.

10. "Person" means natural persons, and without limitation, other entities such as corporations, partnerships, associations, government agencies, or other similar organizations.

11. "Relate" or "relating to" means in whole or in part constituting, containing, concerning, discussing, describing, analyzing, identifying or stating.

12. The use of the singular shall be deemed to include the plural and vice versa. The terms "and" and "or" shall be interpreted liberally as conjunctive, disjunctive, or both, depending on the context, so as to have their broadest meaning. Whenever necessary to bring within the scope of a request all the documents that might otherwise be construed to be outside

its scope, the use of a verb in any tense shall be construed as the use of the verb in all other tenses. The term "all" includes any and vice versa.

### INSTRUCTIONS

1. Each interrogatory shall be answered fully in writing under oath.
2. Each interrogatory shall be answered upon your entire knowledge from all sources, including all information in the possession, actual or constructive, of you or your attorney, you and your investigators, or persons working on your or their behalf
3. If, after exercising due diligence, you cannot answer the following interrogatories, so state and answer to the extent possible, specifying your inability to answer the remainder. State whatever information or knowledge you have concerning the unanswered portion, and detail what you did in attempting to secure the unknown information. Estimated dates should be given when, but only when, exact dates cannot be supplied. My estimates should be identified as such. The sources and means of derivation of each estimate should be specifically set forth.
4. If you object to a portion or an aspect of any interrogatory, state the grounds for your objection with specificity and answer the remainder of the interrogatory. If any information called for by any interrogatory is withheld because you claim that such information is protected under the attorney-client privilege, work product doctrine, or other privilege or doctrine, you are requested to so state, specifying for each such source of the information (i.e., document or communication) all applicable information required pursuant to Rule 3.38A of the FTC Rules of Practice, 16 C.F.R. § 3.38A.
5. The person or persons who provide information in answers to the interrogatories will each identify which answers have been provided and furnish his or her name,

address, and title. The answers are to be signed by the person making them, and any objections signed by the attorney making them.

6. These interrogatories are continuing in nature, and you are requested to supplement your responses when additional information responsive to these interrogatories subsequently becomes available, whether directly or indirectly.

### **REQUESTS FOR ADMISSION**

Please admit the following are true:

#### **REQUEST FOR ADMISSION NO. 1:**

The conduct of Unocal as alleged in the Complaint has increased incentives to innovate in the field of low-emissions, reformulated gasoline in California.

#### **REQUEST FOR ADMISSION NO. 2:**

Even with the alleged increased royalties and higher prices for reformulated gasoline, as alleged in paragraph 8 of the Complaint, CARB Phase 2-compliant California RFG is both cleaner-burning and cheaper than methanol.

#### **REQUEST FOR ADMISSION NO. 3:**

Information that constitutes “data” related to Unocal’s RFG research and “equations” that were derived from analysis of the data are two distinct bodies of knowledge.

#### **REQUEST FOR ADMISSION NO. 4:**

Unocal urged CARB not to adopt the Phase 2 RFG regulations that CARB ultimately adopted.

**REQUEST FOR ADMISSION NO 5:**

After CARB adopted its Phase 2 RFG regulations., Unocal urged CARB to delay the adoption of those regulations.

**REQUEST FOR ADMISSION NO 6:**

If CARB had adopted the regulatory approach advocated by Unocal during CARB's Phase 2 RFG rulemaking, the resulting regulations would not have "substantially overlapped with Unocal's" patent claims.

**REQUEST FOR ADMISSION NO 7:**

If CARB had adopted the regulatory approach advocated by Unocal during CARB's Phase 2 RFG rulemaking, the resulting regulations would not have conferred any competitive advantage on Unocal.

**REQUEST FOR ADMISSION NO 8:**

CARB never asked any participant in the CARB Phase 2 proceedings, including Unocal, to disclose any patents or patent applications that might be impacted by the CARB Phase 2 regulations.

**REQUEST FOR ADMISSION NO 9:**

No participant in the CARB Phase 2 proceedings made any public disclosure of any patents or patent applications that might be impacted by the CARB Phase 2 regulations.

**REQUEST FOR ADMISSION NO 10:**

Following Unocal's submission to CARB of the document produced by CARB as CARB-FTC 0060507, CARB did not seek any information from Unocal regarding any patent application that it may have and proceeded to complete its rulemaking by enacting a regulation.

**REQUEST FOR ADMISSION NO 11:**

CARB has never asked any participant in a rulemaking to disclose whether it possesses any patents or patent applications that may relate to the subject matter of the rulemaking.

**REQUEST FOR ADMISSION NO 12:**

As of the time of the completion of CARB's Phase 2 RFG rulemaking, CARB had never asked any participant in a rulemaking to disclose whether it possesses any patents or patent applications that may relate to the subject matter of the rulemaking.

**REQUEST FOR ADMISSION NO 13:**

Refiners appearing before CARB regularly designate submissions of confidential information to CARB with a notice that refers to the information as "proprietary."

**REQUEST FOR ADMISSION NO 14:**

No standard-setting organization in which members of the petroleum industry participated requires participants to disclose their ownership of patent applications.

**REQUEST FOR ADMISSION NO 15:**

As of the time of the completion of CARB's Phase 2 RFG rulemaking, no standard-setting organization in which members of the petroleum industry participated required participants to disclose their ownership of patent applications.

**REQUEST FOR ADMISSION NO 16:**

CARB employees met with representatives of other companies and organizations in connection with its 2 RFG rulemakings, both before and after the issuance of Notices of Proposed Rulemaking, in both private and public forums to receive views on policy issues.

**REQUEST FOR ADMISSION NO 17:**

CARB never communicated to participants in any RFG rulemaking that it was engaged in a "fact-finding."

**REQUEST FOR ADMISSION NO 18:**

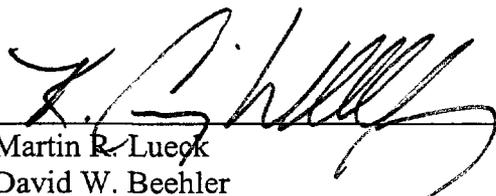
CARB never made any determinations that it designated as findings of fact in connection with any RFG rulemaking.

Dated: July 28 2003.

Respectfully submitted,

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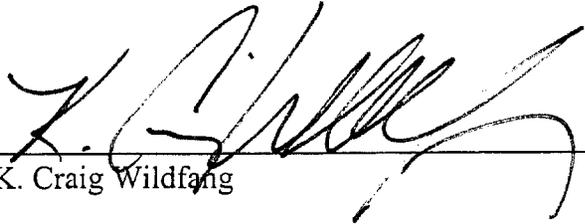
Attorneys for Respondent Union Oil Company of California

**CERTIFICATE OF SERVICE**

I hereby certify that on July 28, 2003, I caused a copy of Respondent's Second Set of Interrogatories and Respondent's First Set of Requests for Admission to be served upon the below listed persons via Federal Express:

J. Robert Robertson, Esq.  
Senior Litigation Counsel  
Federal Trade Commission  
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K. Craig Wildfang