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6 For Plaintiffs



7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA

9  
10 **CV 13-00024 PSH/PJA** CASE NO.

11 Booloon, Inc., a Delaware Corporation, and  
12 Qin Zhang, an individual,

13 Plaintiffs,

14 vs.

15 Google Inc., a Delaware Corporation,  
16 Nick Mote, an individual,  
17 Bostwick & Jassy, LLP., a California Limited  
18 Partnership,  
19 Gary Bostwick, an individual,  
20 Jean-Paul Jassy, an individual,  
21 Kevin Vick, an individual,  
22 Rita Miller, an individual,  
23 Richard D. Aldrich, an individual,  
24 H. Walter Croskey, an individual,  
25 Patti S. Kitching, an individual,

26 and DOES 1 through 10, Inclusive.

27 Defendants.

COMPLAINT

AND DEMAND FOR JURY TRIAL

28 COMPLAINT

1 **JURISDICTION AND VENUE**

2 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331 and 1343(3),  
3 and 28 U.S.C. §§ 2201. The Jurisdiction of this Court is invoked to secure protection of and  
4 to redress deprivation of rights secured by the fourteenth amendment to the Constitution of  
5 the United States of America and 42 U.S.C. § 1983, and 42 U.S.C. § 1988, and providing  
6 redress for the deprivation of any rights, privileges, or immunities secured by the  
7 Constitution and laws of the United States of America.

8 2. This Court has supplemental jurisdiction over the state law claims pursuant to  
9 28 U.S.C. § 1367(a) as those claims are so related to the federal claims in this action that  
10 they form part of the same case or controversy.

11 3. Venue is proper in the county of Los Angeles as a substantial part of the  
12 events or omissions giving rise to the claim occurred in this district.

13 **THE PARTIES**

14 4. Plaintiff Booloon, Inc. (“Booloon”) is a Delaware corporation.

15 5. Plaintiff Qin Zhang (“Zhang”) is, and at all times herein mentioned was, a  
16 resident of the County of Los Angeles, in the State of California.

17 6. Defendant Google Inc. (“Google”) is a Delaware corporation with its principal  
18 place of business in the State of California.

19 7. Plaintiffs are informed and believe and thereon allege that Defendant Nick  
20 Mote (“Mote”) is, and at all times herein mentioned was, a resident of the County of Los  
21 Angeles, in the State of California.

22 8. Plaintiffs are informed and believe and thereon allege that Defendant  
23 Bostwick & Jassy LLP (“B & J”) is, and at all times herein mentioned was, a Limited  
24 Partnership, in the State of California.

25 **COMPLAINT**

1           9.       Plaintiffs are informed and believe and thereon allege that Defendant Gary  
2 Bostwick (“Bostwick”) is, and at all times herein mentioned was, a resident of the County  
3 of Los Angeles, in the State of California.

4           10.       Plaintiffs are informed and believe and thereon allege that Defendant Jean-  
5 Paul Jassy (“Jassy”) is, and at all times herein mentioned was, a resident of the County of  
6 Los Angeles, in the State of California.

7           11.       Plaintiffs are informed and believe and thereon allege that Defendant Kevin  
8 Vick (“Vick”) is, and at all times herein mentioned was, a resident of the County of Los  
9 Angeles, in the State of California.

10          12.       Plaintiffs are informed and believe and thereon allege that Defendant Rita  
11 Miller (“Miller”) is, and at all times herein mentioned was, a resident of the County of  
12 Los Angeles, in the State of California.

13          13.       Plaintiffs are informed and believe and thereon allege that Defendant Richard  
14 D. Aldrich (“Aldrich”) is, and at all times herein mentioned was, a resident of the County  
15 of Los Angeles, in the State of California.

16          14.       Plaintiffs are informed and believe and thereon allege that Defendant H.  
17 Walter Croskey (“Croskey”) is, and at all times herein mentioned was, a resident of the  
18 County of Los Angeles, in the State of California.

19          15.       Plaintiffs are informed and believe and thereon allege that Defendant Patti S.  
20 Kitching (“Kitching”) is, and at all times herein mentioned was, a resident of the County  
21 of Los Angeles, in the State of California.

22          16.       Plaintiffs are ignorant of the true names and capacities of defendants sued  
23 herein as DOES 1 through 100, inclusive, and therefore sue these defendants by fictitious  
24 names. Plaintiffs will amend this complaint to allege their true names and capacities  
25 when ascertained.

26          17.       Plaintiffs are informed and believe and thereon allege that at all times herein  
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1 mentioned defendant Mote was the agent and employee of defendant Google and was at  
2 all times acting within the purpose and scope of such agency and employment.  
3

4 **GENERAL ALLEGATIONS**

5  
6 Misappropriation of Confidential Information  
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8 18. The allegations of this complaint stated on information and belief are likely to  
9 have evidentiary support after a reasonable opportunity for further investigation or discovery.  
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11 19. Plaintiff Qin Zhang developed technology in language processing system that  
12 can be used for internet search.

13 20. Plaintiff Qin Zhang and Hong Zhang formed Plaintiff Booloon, Inc., which  
14 was licensed to use and implement the technology.

15 21. Plaintiff Qin Zhang talked to Kai He, a family friend, about helping to  
16 implement the technology, and Kai He suggested that his friend defendant Nick Mote,  
17 who works for defendant Google, might also be able to help.

18 22. Prior to meeting defendant Mote, plaintiff Qin Zhang communicated through  
19 their mutual friend Kai He to defendant Mote that the information to be disclosed was  
20 confidential and whether there would be a conflict and whether Google had a policy  
21 prevent him to attend such meeting, and through their mutual friend Kai He defendant  
22 Mote communicated to Qin Zhang that defendant Mote can attend the meeting as there  
23 was no conflict because Defendant Nick Mote was not working in search engine group.

24 23. On June 1, 2008, plaintiff Qin Zhang, Hong Zhang and Kai He, defendant  
25 Nick Mote met at a coffee shop at Santa Monica, California, to discuss the Technology  
26 that Booloon was implementing and whether Kai He and defendant Nike Mote could help  
27 to further implement the technology.  
28

1           24.     In the beginning of the meeting, plaintiff Qin Zhang informed defendant Nike  
2 Mote and Kai He that the information to be disclosed is confidential. Defendant Nike  
3 Mote and Kai He agreed and promised to keep the information confidential.

4           25.     Plaintiff Qin Zhang and Hong Zhang showed to defendant Nick Mote and Kai He  
5 a demo software program to illustrate what the technology can do. The confidential  
6 information disclosed to defendant Nick Mote included oral expression during the meeting.

7           26.     Defendant Nike Mote was very interested in the demo, and he expressed his  
8 interests.

9           27.     During the conversation, Plaintiff Qin Zhang asked what defendant Nick Mote  
10 was doing in Google, defendant Nick Mote stated that he's specialty is in machine learning  
11 (one of the current developing field in Artificial Intelligent technology) and his  
12 responsibilities including giving suggestions to various groups on how to improve their  
13 technologies (including search engine group). Plaintiffs Qin Zhang at this point stated that  
14 there seemed to be some overlap of his work with the technology that were discussed at the  
15 meeting, and asked defendant Nick Mote to confirm that he would not use the confidential  
16 information, and defendant Nick Mote assured plaintiff Qin Zhang that he would not do so.

17           28.     Defendant Nike Mote and Kai He agreed to have a meeting with plaintiff Qin  
18 Zhang and Hong Zhang about a week later, to sign the confidential agreement and discuss the  
19 next step.

20           29.     On this note, defendant Nike Mote wanted to know more about how the demo  
21 program worked.

22           30.     Based on defendant Nick Mote's agreement and promise to keep it confidential,  
23 plaintiff Qin Zhang showed the display related to the database structure for search term  
24 categorizations, and explained what other types of categorizations are possible.

25           31.     The following week, plaintiff Qin Zhang first called Kai He to ask about the  
26 meeting that was agreed on, Kai He told her to call defendant Nick Mote. Plaintiff Qin  
27 Zhang then called defendant Nike Mote. Defendant Nike Mote first acted as if he did not  
28 know her, then he impatiently and abruptly told her he would call her later, but he never did.

1           32.     A few months later, plaintiff Qin Zhang and Hong Zhang started to see changes in  
2 Google's website related to local business search and people search, and other changes in  
3 general searches.

4           33.     On or about January, 2010, plaintiff Qin Zhang noticed that the local business  
5 search related webpages in Google's website displayed the same types of categorization as  
6 oral disclosed by Plaintiff Zhang to defendant Mote (when Plaintiffs referred to this matter in  
7 later court proceeding, the webpages were changed), and method of categorization resemble  
8 the type of categorization disclosed in Plaintiffs' Confidential Information, and this type of  
9 categorization was not disclosed in any of Google's patents and patent applications.  
10 Plaintiffs found no patents and patent applications disclosed the method used in the later  
11 changes.

12           34.     Plaintiffs were informed that the defendant Mote was hired as an intern at Google  
13 on November 14, 2006, and converted as Software Engineer II on June 4, 2007, and was  
14 promoted to Software Engineer III on November 17, 2008.

15           35.     Plaintiffs are informed, believe and allege thereon that the defendant Google had  
16 developed local business search feature on and about year 2005, but did not make significant  
17 change and official launch and incorporate this feature in general search results until after the  
18 meeting between Plaintiffs and Defendant Mote.

19           36.     Plaintiffs are informed, believe and allege thereon that the defendant Google  
20 officially launch and incorporate the local business search feature in general search results  
21 after the meeting between plaintiffs and defendant Mote.

22           37.     Plaintiffs are informed, believe and allege thereon that plaintiffs' confidential  
23 information was disclosed by defendant Mote to defendant Google and defendant Google  
24 knew the source of the confidential information.

25           38.     Plaintiffs are informed, believe and allege thereon that the information plaintiffs  
26 disclosed to defendant Nike Mote is used by defendant Google in local business search and  
27 people search features, and in other related features to improve and develop these features.

28           39.     Plaintiffs are informed, believe and allege thereon that the Confidential

1 Information plaintiffs disclosed to defendant Nike Mote benefited defendant Google  
2 significantly.

3  
4 First Lawsuit in California State Courts

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6 40. On May 28, 2010, Plaintiffs Booloon and Zhang filed in the Superior Court of  
7 California, County of Los Angeles, against defendants Google and Mote, a complaint  
8 entitled Booloon Inc., vs. Google Inc., Case No. BC8806, in which Plaintiffs herein sought  
9 relief for breach of confidence, breach of oral contract, breach of implied-in-fact contract,  
10 fraud, constructive fraud, unjust enrichment, constructive trust.

11 41. Honorable Ernest Hiroshige was assigned as Presiding Judge for this case.

12 42. On July 15, 2010, Defendants Google and Mote filed Preemptory Affidavit of  
13 Prejudice. On July 16, 2010, Defendants Google and Mote's Section 170.6 affidavit for  
14 disqualification Judge Ernest Hiroshige was granted, Defendant Rita Miller later became the  
15 Presiding judge for this case.

16 43. On August 11, 2010, defendants Google and Nick Mote filed Demurrer to each  
17 cause of action in the Original Complaint, and motion to strike, motion to disqualify, and  
18 notice of order re assigning case.

19 44. Plaintiffs filed a First Amended Complaint on September 29, 2010. Plaintiffs'  
20 First Amended Complaint includes eight causes of action: breach of confidence, breach of  
21 oral contract, breach of implied-in-fact contract, fraud, constructive fraud, unjust enrichment,  
22 constructive trust, and invasion of privacy. The court is hereby requested to take judicial  
23 notice of the complaint, a copy is attached hereto as Exhibits A, and made a part hereof.

24 45. Defendants Google and Mote filed Demurrer to the First Amended Complaint on  
25 October 29, 2010.

26 46. Defendant Miller partially granted respondents' Demurrer without leave to amend  
27 on December 2, 2010, the surviving causes of action are fraud, constructive fraud, and  
28 constructive trust. Defendant Miller denied defendants Google and Mote's motion to

COMPLAINT

1 disqualify Qin Zhang as attorney of the case, but indicated that she would not sanction  
2 defendants.

3 47. On December 10, 2010, Defendants Google and Mote filed answer to First  
4 Amended Complaint. The court is hereby requested to take judicial notice of the answer  
5 therein filed, a copy of each of which is attached hereto as Exhibit B, and made a part hereof.

6 48. On December 13, Plaintiffs Booloon and Zhang filed motion for reconsideration,  
7 including request to leave to amend the First Amended Complaint for adding two new causes  
8 of action: breach of implied-in-fact contract, negligent misrepresentation.

9 49. On February 4, 2011, Defendant Miller denied the motion for reconsideration and  
10 did not allow Plaintiffs adding two new claims.

11 50. On March 3, 2011, Plaintiffs applied for ex parte application for leave to amend,  
12 defendant Miller accepted it as a motion for leave to amend, and set a hearing date on April  
13 6, 2011. During the ex Parte proceeding, defendant Miller suggested that she would allow  
14 the motion.

15 51. On April 6, 2011, Appellants' Motion to Leave to Amend for adding two new  
16 causes of action was denied. Defendant Miller did not provide a clear reason for denying the  
17 motion, and stated that she did not find the claims as shame claims. See Exhibit C.

18 52. Defendants Google and Mote's Motion to Compel Further Responses to Form  
19 Interrogatories and Requests for Admission, Motion to Compel Further Responses to  
20 Requests for Productions, Motion to Compel Further Responses to Special Interrogatories  
21 were heard on April 22, 2011, April 25, 2011, and April 28, 2011 respectively.

22 53. Plaintiffs provided confidential information to defendants in discovery responses  
23 following court orders, and the court orders failed to protect plaintiffs' confidential  
24 information that is not closely related to the lawsuit.

25 54. Defendant Google refused to provide information through discovery responses to  
26 Plaintiffs based on California Code of Civil Procedure Section 2019.210, "In any action  
27 alleging the misappropriation of a trade secret under the Uniform Trade Secrets Act (Title 5  
28 (commencing with Section 3426) of Part 1 of Division 4 of the Civil Code), before



1 commencing discovery relating to the trade secret, the party alleging the misappropriation  
2 shall identify the trade secret with reasonable particularity subject to any orders that may be  
3 appropriate under Section 3426.5 of the Civil Code.”

4 55. Defendants Nick Mote verified several responses to discovery requests for  
5 Google, including responses for request for admission, form interrogatories and special  
6 interrogatories. See example, Exhibit D. In plaintiffs’ discovery requests, plaintiffs asked  
7 numerous questions regarding search divisions, including local search features, and other  
8 related matters, including Special Interrogatory No. 25 to Google, “[d]escribe all discussions  
9 conducted for the creation of ideas used in Local Business Search”, Special Interrogatory No.  
10 26 to Google, “IDENTIFY ALL PERSONS who participated the discussions as in SPECIAL  
11 INTERROGATORY NO. 25.” Defendant Mote verified: “I am an authorized representative  
12 of Defendant Google Inc., and am authorized to make this verification for and on its behalf,  
13 and I make this verification for that reason. I have read the above document,  
14 DEFENDANTS GOOGLE INC.’S OBJECTIONS AND RESPONSES TO PLAINTIFF  
15 BOOLOON, INC.’S FIRST SET OF SPECIAL INTERROGATORIES, and know its  
16 contents. I am informed and believe and on that ground allege that the matters atated in it are  
17 true. I declare under penalty of perjury under the laws of the State of California that the  
18 following is true and correct.”

19 56. Plaintiffs’ Motion to Compel Further Responses to Requests for Productions,  
20 Motion to Compel Further Responses to Requests for Admission, Motion to Compel Further  
21 Responses to Form Interrogatories, and Motion to Compel Further Responses to Special  
22 Interrogatories were heard on August 2, 2011, August 3, 2011, August 4, 2011, and August  
23 12, 2011. Defendant Miller ruled that the matter is to be continued on September 2, 2011,  
24 and requested Plaintiffs to provide Trade Secret Statement to Defendants Google and Mote.

25 57. Plaintiffs provided Trade Secret Statement required for the hearing on September  
26 2. 2011. But the hearing was vacated after defendant Miller granted defendant Google and  
27 Mote’s motion for summary judgment on August 25, 2011.

28 58. In support of Defendants Google and Mote’s Summary Judgment Motion,

1 Defendants Google and Mote claimed that Defendant Google “independently created” all  
2 local business search features, people search features and related features. Defendants  
3 provided Declarations of Nick Mote, Elizabeth Reid, Jonathan Carter Maslan, Bryan Horling,  
4 David Bau. The court is hereby requested to take judicial notice of the Declarations, copies  
5 of them are attached hereto as Exhibit E to I respectively and made parts hereof. None of the  
6 Declarations provided the names of persons who actually created local business search  
7 features, people search features and related features, and none of the Declarations provided  
8 any explanation about changes in Google’s website after the meeting between Plaintiffs and  
9 Defendant Mote. All of the Declarations claimed that Defendant Mote worked at  
10 “advertising” side in Google, not “search” side of Google, and that Google distinguishes  
11 between employees working on the “advertising” side and those working on the search  
12 engine (“search”) side.

13 59. In Defendants’ responses to Plaintiffs’ discovery requests, no information was  
14 provided regarding the persons making the Declarations in support of Summary Judgment  
15 Motion, and Plaintiffs were prevented to conduct any discoveries related to Declarations  
16 provided by Defendants in supporting Defendants’ Summary Judgment Motion, due to  
17 defendants’ refusal to provide any responses to Plaintiffs’ discovery requests, based on  
18 California Code of Civil Procedure Section 2019.210.

19 60. On August 25, 2011, Defendant Miller granted respondents’ motion for summary  
20 judgment. The case was dismissed by Defendant Miller on October 6, 2011, and Defendant  
21 Miller awarded defendants cost. The court is hereby requested to take judicial notice of the  
22 judgment, a copy of which is attached hereto as Exhibit J and made a part hereof.

23 61. Plaintiff Booloon and Zhang filed Notice of Appeal (Case No. B236734) on  
24 October 18, 2011.

25 62. The appeal was assigned to Division Three of the Second District of California  
26 Court of Appeal. On September 25, 2011, defendants Aldrich, Croskey, Kitching reached  
27 decision on plaintiffs’ appeal, affirmed lower court’s ruling. The court is hereby requested  
28 to take judicial notice of the judgment, a copy of which is attached hereto as Exhibit K and

1 made a part hereof.

2  
3 Second Lawsuit in California State Courts  
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5 63. Plaintiffs Booloon Zhang filed a complaint against defendants Google Inc. (herein  
6 after “Google”) and Nick Mote with the two claims of Breach of Implied-in-fact Contract  
7 and Negligent Misrepresentation (Case No. SC112586) on May 11, 2011 on the western  
8 district court in Santa Monica.

9 64. Defendants moved the case to Central district in Los Angeles to Defendant Miller.

10 65. Plaintiffs filed Section 170.6 preemptory disqualification affidavit on defendant  
11 Miller, but was ruled against.

12 66. Defendants filed demurrer and in alternative motion to strike on August 15, 2011.  
13 On October 28, 2011, defendants filed answer and “amended demurrer” and in alternative  
14 motion to strike, and motion to sanction Qin Zhang as attorney under CCP section 128.7 on  
15 October 28, 2011.

16 67. The lower court sustained the demurrer and Sanctioned plaintiffs \$10,982.00.  
17 The lower court’s rulings for sustaining the demurrer and sanctioning the plaintiffs are based  
18 on the facts that plaintiffs had filed motion to leave to amend to add the two current causes of  
19 action in a prior case No. BC438806.

20 68. Plaintiffs filed appeal on the ruling on sanction (Case No. B24009).

21  
22 **COUNT ONE**  
23 **CIVIL RIGHTS ACTION UNDER 42 U.S.C. § 1983**  
**(Against Defendant Miller)**

24 69. Paragraphs 1 through 68 are incorporated by reference as if fully set forth  
25 herein.

26 70. Defendant Google and Mote refused to provide discovery responses based on  
27 California Code of Civil Procedure Section 2019.210.

28 71. Plaintiffs Booloon and Zhang already provided Confidential Information to  
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1 defendant Google and Mote as requested by defendants Google and Mote, and as directed  
2 by the court by Defendant Miller, including information that was not disclosed to  
3 defendant Mote in the meeting between Plaintiffs and defendant Mote as in Paragraph 23.

4 72. Defendant Miller requested Plaintiffs Booloon and Zhang to provide a Trade  
5 Secret Statement and set a hearing date on September 2, 2011 to decide matters under  
6 California Code of Civil Procedure Section 2019.210. Plaintiffs provided Trade Secret  
7 Statement to Defendants accordingly.

8 73. Defendant Miller granted defendants Google and Mote's motion for summary  
9 judgment on August 25, 2011, and dismissed Plaintiffs' First Lawsuit.

10 74. Plaintiffs Booloon and Zhang disclosed confidential information for the  
11 purpose of obtaining discovery responses from defendants Google and Mote, but  
12 Defendant Google disclosed no information related to Plaintiffs' discovery request.

13 75. Defendant Miller's application of California Code of Civil Procedure Section  
14 2019.210 and California Code of Civil Procedure Section 437c in Plaintiffs' first lawsuit  
15 at California State Court case BC 438806 is unconstitutional insofar as that under color of  
16 law, it deprived plaintiffs' property without any reasonable justification thus violated  
17 Substantive Due Process of Law as required by the fourteenth amendment to the  
18 Constitution of the United States.

19 76. Plaintiffs have exhausted all State Court appeals, and no relief was available  
20 to Plaintiffs.

21  
22 **COUNT TWO**  
23 **CIVIL RIGHTS ACTION UNDER 42 U.S.C. § 1983**  
24 **(Against All Named Defendants)**

25 77. Paragraphs 1 through 68 are incorporated by reference as if fully set forth  
26 herein.

27 78. Due to Defendants Google and Mote's refusal to provide responses to  
28 discovery requests based on Section 2019.210, Plaintiffs were prevented from taking

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1 depositions of persons providing affidavits related to the claim of independent creation.

2 79. Defendant Miller's application of California Code of Civil Procedure Section  
3 2019.210 and California Code of Civil Procedure Section 437c in Plaintiffs' first lawsuit  
4 at California State Court case BC438806 is unconstitutional insofar as that under color of  
5 law, it deprived plaintiffs' rights for petition government for the redress of grievances  
6 without any reasonable justification thus violated Substantive Due Process of Law as  
7 required by the fourteenth amendment to the Constitution of the United States.

8 80. Plaintiffs have exhausted all State Court appeals, and no relief was available  
9 to Plaintiffs.

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11 **COUNT THREE**  
12 **CIVIL RIGHTS ACTION UNDER 42 U.S.C. § 1983**  
13 **(Against Defendants Miller, Aldrich, Croskey, Kitching)**

14 81. Paragraphs 1 through 68 are incorporated by reference as if fully set forth  
15 herein.

16 82. Defendant Miller, Aldrich, Croskey, Kitching permitted the use of  
17 Declarations by persons lacked of personal knowledge and lacked of particularity to  
18 establish defenses of independent creation as the bases of the summary judgment and  
19 Plaintiffs were deprived of the chance of cross examination.

20 83. Defendant Miller, Aldrich, Croskey, Kitching's application of California Code  
21 of Civil Procedure Section 437c in Plaintiffs' first lawsuit at California State Court case  
22 BC438806 are unconstitutional insofar as that under color of law, it deprived plaintiffs'  
23 rights for petition government for the redress of grievances without any reasonable  
24 justification thus violated Substantive Due Process of Law as required by the fourteenth  
25 amendment to the Constitution of the United States.

26 84. Plaintiffs have exhausted all State Court appeals, and no relief was available  
27 to Plaintiffs.  
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**COUNT FOUR**  
**CIVIL RIGHTS ACTION UNDER 42 U.S.C. § 1983**  
**(Against Defendant Miller)**

85. Paragraphs 1 through 68 are incorporated by reference as if fully set forth herein.

86. Defendant Google and Mote refused to provide discovery responses based on California Code of Civil Procedure Section 2019.210.

87. Plaintiffs Booloon and Zhang already provided Confidential Information to defendant Google and Mote as requested by defendants Google and Mote, and as directed by the court by Defendant Miller, including information that was not disclosed to defendant Mote in the meeting between Plaintiffs and defendant Mote as in Paragraph 23.

88. Defendant Miller requested Plaintiffs Booloon and Zhang to provide a Trade Secret Statement and set a hearing date on September 2, 2011 to decide matters under California Code of Civil Procedure Section 2019.210. Plaintiffs provided Trade Secret Statement to Defendants accordingly.

89. Defendant Miller granted defendants Google and Mote's motion for summary judgment on August 25, 2011, and dismissed Plaintiffs' First Lawsuit.

90. Plaintiffs Booloon and Zhang disclosed confidential information for the purpose of obtaining discovery responses from defendants Google and Mote, but Defendant Google disclosed no information related to Plaintiffs' discovery request.

91. Defendant Miller's application of California Code of Civil Procedure Section 2019.210 in Plaintiffs' first lawsuit at California State Court case BC 438806 is unconstitutional insofar as that under color of law, it deprived plaintiffs' property without hearing and violated Procedure Due Process of Law as required by the fourteenth amendment to the Constitution of the United States.

92. Plaintiffs have exhausted all State Court appeals, and no relief was available

1 to Plaintiffs.  
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3 **COUNT FIVE**  
4 **CIVIL RIGHTS ACTION UNDER 42 U.S.C. § 1983**  
5 **(Against Defendants Miller, Aldrich, Croskey, Kitching)**

6 93. Paragraphs 1 through 68 are incorporated by reference as if fully set forth  
7 herein.

8 94. Defendant Miller, Aldrich, Croskey, Kitching's rulings on Summary  
9 Judgment Motion were vague and ambiguous, which provided uncertainty and cause  
10 difficulties for Plaintiffs to seek relief.

11 95. Defendant Miller, Aldrich, Croskey, Kitching's applications of California  
12 Code of Civil Procedure Section 437c in Plaintiffs' first lawsuit at California State Court  
13 case BC438806 are unconstitutional insofar as that under color of law, it deprived  
14 plaintiffs' rights for petition government for the redress of grievances without Due  
15 Process of Law as required by the fourteenth amendment to the Constitution of the  
16 United States.

17 96. Plaintiffs have exhausted all State Court appeals, and no relief was available  
18 to Plaintiffs.  
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21 **COUNT SIX**  
22 **CIVIL RIGHTS ACTION UNDER 42 U.S.C. § 1983**  
23 **(Against Defendants Miller, Aldrich, Croskey, Kitching)**

24 97. Paragraphs 1 through 68 are incorporated by reference as if fully set forth  
25 herein.

26 98. Defendant Miller, Aldrich, Croskey, Kitching's rulings on Summary  
27 Judgment Motion substantially deviated from the existing law, thus did not provide fair  
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COMPLAINT

1 notice for Plaintiffs.

2 99. Defendant Miller, Aldrich, Croskey, Kitching's application of California Code  
3 of Civil Procedure Section 437c in Plaintiffs' first lawsuit at California State Court case  
4 BC438806 are unconstitutional insofar as that under color of law, it deprived plaintiffs'  
5 rights for petition government for the redress of grievances without Due Process of Law  
6 as required by the fourteenth amendment to the Constitution of the United States.

7 100. Plaintiffs have exhausted all State Court appeals, and no relief was available  
8 to Plaintiffs.

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10 **COUNT SEVEN**  
11 **CIVIL RIGHTS ACTION UNDER 42 U.S.C. § 1983**  
12 **(Against Defendants Miller, Aldrich, Croskey, Kitching)**

13  
14 101. Paragraphs 1 through 68 are incorporated by reference as if fully set forth  
15 herein.

16 102. Defendant Miller, Aldrich, Croskey, Kitching Permitted the use of  
17 Declarations by persons lacked of personal knowledge and lacked of particularity to  
18 establish defenses of independent creation as the bases of the summary judgment, which  
19 was not authorized by the statute.

20 103. Defendant Miller, Aldrich, Croskey, Kitching's decisions on Summary  
21 Judgment Motion in Plaintiffs' First Lawsuit at California State Court case BC438806 are  
22 unconstitutional insofar as that under color of law, it deprived plaintiffs' property rights  
23 and rights for petition government for the redress of grievances without Due Process of  
24 Law as required by the fourteenth amendment to the Constitution of the United States.

25 104. Plaintiffs have exhausted all State Court appeals, and no relief was available  
26 to Plaintiffs.



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**COUNT EIGHT**  
**CIVIL RIGHTS ACTION UNDER 42 U.S.C. § 1983**  
**(Against All Named Defendants)**

105. Paragraphs 1 through 68 are incorporated by reference as if fully set forth herein.

106. Defendant Miller, Aldrich, Croskey, Kitching permitted the use of Declarations by persons lacked of personal knowledge and lacked of particularity to establish defenses of independent creation as the bases of the summary judgment, which was inconsistent with established California law.

107. Plaintiffs are deprived of equal protection of law by named Defendants under color of law as plaintiffs were treated as Class of One in making the decision regarding Summary Judgment Motion.

108. Plaintiffs have exhausted all State Court appeals, and no relief was available to Plaintiffs.

**COUNT NINE**  
**CIVIL RIGHTS ACTION UNDER 42 U.S.C. § 1983**  
**(Against All Named Defendants)**

109. Paragraphs 1 through 68 are incorporated by reference as if fully set forth herein.

110. Defendant Miller, Aldrich, Croskey, Kitching permitted the use of Declarations by persons lacked of personal knowledge and lacked of particularity to establish defenses of independent creation as the bases of Defendants Google and Mote's Summary Judgment Motion in California State Court, which was inconsistent with existing California law.

1 111. Plaintiffs are deprived of equal protection of law by Defendants under color of  
2 law as named defendants created an arbitrary classification with no rational base in applying  
3 California Code of Civil Procedure Section 437c.

4 112. Plaintiffs have exhausted all State Court appeals, and no relief was available  
5 to Plaintiffs.

6  
7 **COUNT TEN**  
8 **Misrepresentation**  
9 **(Against Defendants Google and Mote)**

10 113. Paragraphs 1 through 68 are incorporated by reference as if fully set forth  
11 herein.

12 114. Defendant Google and Mote willfully and intentional provided false and  
13 misleading Declarations in California State Court proceedings in plaintiffs' suit against  
14 defendants Google and Mote.

15 115. Defendant Google and Mote's intentional misrepresentations were intended to  
16 cause the Summary Judgment Motion ruling in California State Court against Plaintiffs.

17 116. Defendant Google and Mote's intentional misrepresentations cause the ruling  
18 in favor of Defendants Google and Mote and cause dismiss of plaintiffs' lawsuit in  
19 California State Court.

20 117. As the direct and approximate result of the defendants' intentional  
21 misrepresentation, Plaintiffs are entitled to recoveries proved at the trial.  
22

23  
24 **COUNT ELEVEN**  
25 **(Violation of California Business and Professions Code Section 17200 et seq.)**  
26 **(Against Defendants Google and Mote)**

27 118. Paragraphs 1 through 68 are incorporated by reference as if fully set forth  
28

COMPLAINT

1 herein.

2 119. Defendants Google and Mote used unfair, unlawful, and fraudulent business  
3 practice against Plaintiffs Booloon and Zhang.

4 120. Defendants Google and Mote have engaged in unfair competition within the  
5 meaning of California Business and Professions Code Section 17200 et seq. because  
6 Defendants' conduct is fraudulent, unfair and illegal as herein alleged. Defendants'  
7 conduct was substantially injurious to Plaintiffs. The Defendants' alleged wrongful  
8 business acts constituted, and constitute, a continuing course of conduct of unfair  
9 competition since said Defendants are using plaintiffs' confidential information without  
10 compensate plaintiffs, and plaintiffs are deprived of competitive advantages, and unfairly  
11 deprived of business opportunities. The Defendants' business practices are unlawful  
12 because defendants knowingly provided false and/or misleading evidences in legal  
13 proceedings in order to maintain defendants' business practices. The practices are  
14 fraudulent because they were likely to deceive consumers into believing that defendants  
15 developed the technology that enhance defendant Google's good will, and reduce and/or  
16 damage plaintiff Booloon's goodwill. Defendants' business acts and practices, as alleged  
17 herein, have caused injury to Plaintiffs, and the public.

18 121. As a direct, proximate, and foreseeable result of defendant's wrongful conduct  
19 as alleged above, defendant business acts or practices have caused injury to Plaintiffs,  
20 Plaintiffs are entitled to relief, including full restitution and/or disgorgement of all  
21 revenues, earnings, profits, compensation and benefits which may have been obtained by  
22 Defendants as a result of such business acts or practices.

23 122. Plaintiffs are informed and believe, and base thereon alleges, that Defendant  
24 Google's unfair acts as described above are a serious and continuing threat to Plaintiff  
25 Booloon and the public. If Defendant Google is allowed to continue its wrongful acts,  
26 Plaintiff Booloon and the public will suffer further immediate and irreparable injury, loss,  
27 and damage. Plaintiff Booloon is further informed and believes, and based thereon  
28

1 alleges, that, in the absence of a permanent injunctions as prayed for below, Defendant  
2 Google will continue to engage in unfair business practices. Unless restrained by this  
3 court, defendant will continue to use plaintiffs' confidential information and hold out as  
4 defendant Google's own, in violation of Section 17200 of the Business and Professions  
5 Code, and plaintiff and members of the general public will have no adequate remedy at  
6 law.

7  
8 **COUNT TWELVE**

9 **ABUSE OF PROCESS**

10 **(Against Defendants Google, Mote, Bostwick, Jassy, Vick, and Bostwick & Jassy)**

11 123. Paragraphs 1 through 68 are incorporated by reference as if fully set forth  
12 herein.

13 124. Named Defendants misused the process of summary judgment because they  
14 provided false information to obtain the summary judgment. This use of the process was  
15 not authorized in the regular course of the proceeding. Defendants also misused  
16 discovery process to obtain confidential information from plaintiffs.

17 125. The ulterior purpose and motivation of defendants in so misusing the process  
18 in the above-described manners was to deprive plaintiffs' valid claims and deprive  
19 plaintiffs' property right and right for petition government for the redress of grievances,  
20 and ultimately for anticompetitive purpose.

21 126. As a proximate result of the actions of defendants, plaintiff has been damaged  
22 generally.

23 127. At all times mentioned herein, defendants acted willfully with the wrongful  
24 intention of injuring plaintiffs and from an improper or evil motive amounting to malice  
25 in that providing false information to the court constitute malice.  
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**COUNT THIRTEEN**  
**EQUITABLE RELIEF UNDER CCP §437**  
**(Against Defendants Google and Mote)**

128. Paragraphs 1 through 68 are incorporated by reference as if fully set forth herein.

129. Defendants Google and Mote herein obtained the entry of the judgment through extrinsic fraud and mistake in that Defendants provided fraudulent Declarations indicated that there could not have any access of defendant Mote to “search” side of Defendant Google, wherein defendant Mote have verified on behave of the “search” side as the person knowledgeable about the information responding to plaintiffs’ discovery requests.

130. Plaintiffs were misled about the fraudulent nature of the Declarations provided by Defendants Google and Mote and did not come to realization until after the decision of the appeal court.

131. Plaintiffs were diligent in seeking judicial reviews of the summary judgment order and have exhausted all State Court appeals, and no relief was available to Plaintiffs.

WHEREFORE, Plaintiffs pray for judgment against the defendants jointly and severely, as follows:

**ON COUNT ONE**

1. That the order for summary judgment be vacated and set aside and the judgment entered against plaintiffs herein in the prior state action be declared null and void.

**ON COUNT TWO**

1. That the order for summary judgment be vacated and set aside and the judgment entered against plaintiffs herein in the prior state action be declared null and void.

**ON COUNT THREE**

1 1. That the order for summary judgment be vacated and set aside and the judgment  
2 entered against plaintiffs herein in the prior state action be declared null and void.

3 **ON COUNT FOUR**

4 1. That the order for summary judgment be vacated and set aside and the judgment  
5 entered against plaintiffs herein in the prior state action be declared null and void.

6 **ON COUNT FIVE**

7 1. That the order for summary judgment be vacated and set aside and the judgment  
8 entered against plaintiffs herein in the prior state action be declared null and void.

9 **ON COUNT SIX**

10 1. That the order for summary judgment be vacated and set aside and the judgment  
11 entered against plaintiffs herein in the prior state action be declared null and void.

12 **ON COUNT SEVEN**

13 1. That the order for summary judgment be vacated and set aside and the judgment  
14 entered against plaintiffs herein in the prior state action be declared null and void.

15 **ON COUNT EIGHT**

- 16 1. That the order for summary judgment be vacated and set aside and the judgment  
17 entered against plaintiffs herein in the prior state action be declared null and void;  
18 2. For money damages, restitution, and injunctive relief;  
19 3. For interest at the legal rate according to proof.

20 **ON COUNT NINE**

- 21 1. That the order for summary judgment be vacated and set aside and the judgment  
22 entered against plaintiffs herein in the prior state action be declared null and void;  
23 2. For money damages, restitution, and injunctive relief;  
24 3. For interest at the legal rate according to proof.

25 **ON COUNT TEN**

- 26 1. That the order for summary judgment be vacated and set aside and the judgment  
27 entered against plaintiffs herein in the prior state action be declared null and void;  
28 2. For money damages, restitution, and injunctive relief;

- 1 2. For punitive damages;  
2 3. For interest at the legal rate according to proof.

3 **ON COUNT ELEVEN**

- 4 1. That the order for summary judgment be vacated and set aside and the judgment  
5 entered against plaintiffs herein in the prior state action be declared null and void;  
6 2. For money damages, restitution, and injunctive relief;  
7 2. For punitive damages;  
8 3. For interest at the legal rate according to proof.

9 **ON COUNT TWELVE**

- 10 1. That the order for summary judgment be vacated and set aside and the judgment  
11 entered against plaintiffs herein in the prior state action be declared null and void.  
12 2. For institution, and general damages according to proof;  
13 3. For damages for mental and emotional distress according to proof;  
14 3. For punitive damages;  
15 4. For interest at the legal rate according to proof.

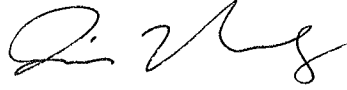
16  
17 **ON COUNT THIRTEEN**

- 18 1. That the order for summary judgment be vacated and set aside and the judgment  
19 entered against plaintiffs herein in the prior state action be declared null and void.

20  
21 **ON ALL CAUSES OF ACTION**

- 22 1. For costs incurred by plaintiffs in this action; and  
23 2. For such other and further relief as the court may deem just and proper.

1 Dated: December 28, 2012

2  
3 By: 

4 Qin Zhang  
5 P. O. Box 66309  
6 Los Angeles, Ca 90066  
7 310-948-1280

8 For Plaintiffs  
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# EXHIBIT A

ORIGINAL FILED  
SEP 22 2010  
LOS ANGELES  
SUPERIOR COURT

1 QIN ZHANG, SBN 225324  
2 P. O. Box 66309  
3 Los Angeles, CA 90066  
4 Tel: (310) 948-1280  
5 Email: qz@booloon.com

6 For Plaintiffs

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 COUNTY OF LOS ANGELES- CENTRAL

9 Booloon, Inc., a Delaware Corporation, and  
10 Qin Zhang, an individual,

11 Plaintiffs,

12 vs.

13 Google Inc., a Delaware Corporation,  
14 Nick Mote, an individual,  
15 and DOES 1 through 100, Inclusive.

16 Defendants.

CASE NO: BC 438806

FIRST AMENDED COMPLAINT:

- 1. BREACH OF CONFIDANCE
- 2. BREACH OF ORAL CONTRACT
- 3. BREACH OF IMPLIED-IN-FACT CONTRACT
- 4. FRAUD
- 5. CONTRUSTIVE FRAUD
- 6. UNJUST ENRICHMENT
- 7. CONSTRUCTIVE TRUST
- 8. INVASION OF PRIVACY

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**COMPLAINT**

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## JURISDICTION AND VENUE

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1. Jurisdiction is proper as Plaintiff Qin Zhang, and defendant Nick Mote are both California residents, and the principal places of business for Booloon, Inc. and Google Inc. are both in the state of California.

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2. Venue is proper in the county of Los Angeles as Plaintiff Qin Zhang and defendant Nick Mote are both residing in the county of Los Angeles, and it is where the actions related to the controversy occurred.

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## THE PARTIES

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3. Plaintiff Booloon, Inc. (“Booloon”) is a Delaware corporation with its principal place of business in the State of California.

4. Plaintiff Qin Zhang is, and at all times herein mentioned was, a resident of the County of Los Angeles, in the State of California.

5. Defendant Google Inc. (“Google”) is a Delaware corporation with its principal place of business in the State of California.

6. Defendant Nick Mote is, and at all times herein mentioned was, a resident of the County of Los Angeles, in the State of California.

7. Plaintiffs are ignorant of the true names and capacities of defendants sued herein as DOES 1 through 100, inclusive, and therefore sue these defendants by fictitious names. Plaintiffs will amend this complaint to allege their true names and capacities when ascertained.

8. Plaintiffs are informed and believe and thereon allege that at all times herein mentioned, defendant Nick Mote, and each of the defendants sued herein was the agent and employee of defendant Google Inc. and was at all times acting within the purpose and scope of such agency and employment.

## COMPLAINT

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## GENERAL ALLEGATIONS

9. Plaintiff Qin Zhang developed technology in language processing system that can be used for internet search (“The Technology”).

10. Plaintiff Qin Zhang and Hong Zhang formed Plaintiff Booloon, Inc., which was licensed to use and implement the Technology.

11. Plaintiff Qin Zhang talked to Kai He, a family friend, about helping to implement the Technology, and Kai He suggested that his friend defendant Nick Mote, who works for defendant Google, might also be able to help.

12. On June 1, 2008, plaintiff Qin Zhang, Hong Zhang and Kai He, defendant Nick Mote met at a coffee shop at Santa Monica, California, to discuss the Technology that Booloon was implementing and whether Kai He and defendant Nike Mote could help to further implement the Technology.

13. In the beginning of the meeting, plaintiff Qin Zhang informed defendant Nike Mote and Kai He that the information to be disclosed is confidential. Defendant Nike Mote and Kai He agreed and promised to keep the information confidential.

14. Plaintiff Qin Zhang and Hong Zhang showed to defendant Nick Mote and Kai He a demo software program to illustrate what the Technology can do.

15. Defendant Nike Mote was very interested in the demo, and he expressed his interests.

16. Defendant Nike Mote and Kai He agreed to have a meeting with plaintiff Qin Zhang and Hong Zhang about a week later, to sign the confidential agreement and discuss the next step. On this note, defendant Nike Mote wanted to know more about how the demo program worked. Based on his agreement and promise to keep it confidential, plaintiff Qin Zhang showed the display of the database structure.

17. The following week, plaintiff Qin Zhang first called Kai He to ask about the meeting that was agreed on, Kai He told her to call defendant Nick Mote. Plaintiff Qin

## COMPLAINT

1 Zhang then called defendant Nike Mote. Defendant Nike Mote first acted as if he did not  
2 know her, then he impatiently and abruptly told her he would call her later, but he never did.

3 18. A few months later, plaintiff Qin Zhang and Hong Zhang started to see Google  
4 local business search and people search launched as general search features, and other  
5 changes in general searches.

6 19. Plaintiffs are informed, believe and allege thereon that the information plaintiffs  
7 disclosed to defendant Nike Mote is used by defendant Google in local business search and  
8 people search features, and in other related features.

9  
10 **FIRST CAUSE OF ACTION**  
11 **BREACH OF CONFIDENCE**  
12 **(Against All Named Defendants)**

13  
14 20. Paragraphs 1 through 19 are incorporated by reference as if fully set forth  
15 herein.

16 21. Plaintiffs disclosed confidential information including novel and concrete  
17 ideas in confidence under the circumstances that defendant Nick Mote actually knew,  
18 before the confidential information was disclosed, that Plaintiffs expected it to be kept in  
19 confidence.

20 22. Defendant Nick Mote accepted the confidential information on the basis of  
21 confidence and consented and promised to keep the confidential information confidential.

22 23. Defendant Nick Mote disclosed the confidential information in violation of  
23 the confidence to the harm of the Plaintiffs. Defendant Nick Mote's intentional conducts  
24 are within the scope of his employment, and defendant Google benefited from Defendant  
25 Nick Mote's intentional conducts.

26 24. As the direct and approximate result of the defendants' beach of confidence,  
27 the amount the Plaintiffs are entitled to recover is in excess of \$25,000 dollars. The exact  
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**COMPLAINT**

1 amount will be proved at the trial.  
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3 **SECOND CAUSE OF ACTION**  
4 **BREACH OF ORAL CONTRACT**  
5 **(Against All Named Defendants)**  
6

7 25. Paragraphs 1 through 19 are incorporated by reference as if fully set forth  
8 herein.

9 26. Plaintiffs and defendant Nick Mote entered into confidential agreement orally  
10 that Plaintiffs would disclose confidential information to defendant Nick Mote and  
11 defendant Nick Mote would not disclose the confidential information.

12 27. Plaintiffs disclosed the confidential information to defendant Nick Mote.

13 28. Defendant Nick Mote breached the contract by disclosing the confidential  
14 information to his employer, defendant Google. Defendant Nick Mote's intentional  
15 conducts are within the scope of his employment, and defendant Google benefited from  
16 Defendant Nick Mote's intentional conducts.  
17

18 29. As the direct and approximate result of the defendants' beach of the  
19 confidential agreement, the amount the Plaintiffs are entitled to recover is in excess of  
20 \$25,000 dollars. The exact amount will be proved at the trial.  
21

22 **THIRD CAUSE OF ACTION**  
23 **BREACH OF IMPLIED-IN-FACT CONTRACT**  
24 **(Against All Named Defendants)**

25 30. Paragraphs 1 through 19 are incorporated by reference as if fully set forth  
26 herein.

27 31. Plaintiff Qin Zhang expressly indicated to defendant Nick Mote that the  
28

**COMPLAINT**

1 information was to be disclosed is confidential.

2 32. Defendant Nick Mote did not object and actively solicited confidential  
3 information.

4 33. There is an implied-in-fact contract the defendant Nick Mote would not  
5 disclose the confidential information disclosed by Plaintiffs.

6 34. Defendant Nick Mote breached the contract by disclosing the confidential  
7 information to his employer, defendant Google. Defendant Nick Mote's intentional  
8 conducts are within the scope of his employment, and defendant Google benefited from  
9 Defendant Nick Mote's intentional conducts.

10 35. As the direct and approximate result of the defendants' beach of the  
11 confidential agreement, the amount the Plaintiffs are entitled to recover is in excess of  
12 \$25,000 dollars. The exact amount will be proved at the trial.  
13

14  
15 **FOURTH CAUSE OF ACTION**  
16 **FRAUD**  
17 **(Against All Named Defendants)**

18 36. Paragraphs 1 through 19 are incorporated by reference as if fully set forth  
19 herein.

20 37. Defendant Nick Mote made a material misrepresentation by making a promise  
21 not to disclose the confidential information without intent to keep.

22 38. Plaintiffs reasonably relied on Defendant Nick Mote's misrepresentation and  
23 did disclose confidential information to Defendant Nick Mote all to Plaintiffs' detriment.

24 39. Defendant knew the representation was false at the time of making the  
25 representation. Defendant Nick Mote made the misrepresentation with the specific intent  
26 to induce plaintiffs to disclose confidential information.  
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**COMPLAINT**



1 40. Defendant Nick Mote's intentional conducts are within the scope of his  
2 employment, and defendant Google benefited from Defendant Nick Mote's intentional  
3 misconducts.

4 41. By reason of the fraudulent and otherwise wrongful manner in which the  
5 defendants, or any of them, obtained access to confidential information that they would  
6 not have access to and right of otherwise.

7 42. As the direct and approximate result of the defendants' fraudulent conducts,  
8 the amount the plaintiffs are entitled to recover is in excess of \$25,000 dollars. The exact  
9 amount will be proved at the trial.

10 43. Defendants' conducts are willful, wanton, despicable, and oppressive, thereby  
11 justifying punitive damages.  
12

13 **FIFTH CAUSE OF ACTION**  
14 **CONSTRUCTIVE FRAUD**  
15 **(Against All Name Defendants)**

16 44. Paragraphs 1 through 19 are incorporated by reference as if fully set forth  
17 herein.

18 45. A confidential relationship was established between Plaintiffs and defendant  
19 Nick Mote where Nick Mote gained the trust and confidence of the Plaintiffs, accepted  
20 the trust, and had purported to act or advise with Plaintiff's best interest in mind.  
21

22 46. Defendant Nick Mote obtained confidential information that he would not  
23 have access to or right of otherwise, without the confidential relationship.

24 47. Defendant Nick Mote breached his duty under the confidential relationship  
25 and disclosed the confidential information to his employer defendant Google, and Google  
26 benefited from the disclosure.

27 48. Defendant Nick Mote's intentional conducts are within the scope of his  
28 employment, and defendant Google benefited from Defendant Nick Mote's intentional

**COMPLAINT**

1 conducts.

2 49. As the direct and approximate result of the defendants' breach and otherwise  
3 wrongful conduct as alleged herein, the amount the Plaintiffs are entitled to recover is in  
4 excess of \$25,000 dollars. The exact amount will be proved at the trial.

5 50. Defendants' conducts are willful, wanton, despicable, and oppressive, thereby  
6 justifying punitive damages.  
7

8 **SIXTH CAUSE OF ACTION**  
9 **UNJUST ENRICHMENT**  
10 **(Against All Named Defendants)**

11 51. Paragraphs 1 through 19 are incorporated by reference as if fully set forth  
12 herein.

13 52. Defendant Nick Mote, an employee of defendant Google, received  
14 confidential information from Plaintiffs.  
15

16 53. Plaintiff did not intent to give the confidential information gratuitously and  
17 Defendant Nick Mote had no reason to believe that Plaintiff would provide him with the  
18 confidential information for free.

19 54. Defendant Nick Mote, an employee of defendant Google, received  
20 confidential information from the plaintiffs without paying for them.

21 55. Defendant Nick Mote, and his employer defendant Google, have been unjustly  
22 enriched, so it is inequitable to retain the benefit without compensating the plaintiff.  
23

24 56. As the direct and approximate result of the allegations, the amount the  
25 Plaintiffs are entitled to recover is in excess of \$25,000 dollars. The exact amount will be  
26 proved at the trial.

27 **SEVENTH CAUSE OF ACTION**  
28 **CONSTRUCTIVE TRUST**

**COMPLAINT**

**(Against All Named Defendants)**

1  
2           57.     Paragraphs 1 through 19 are incorporated by reference as if fully set forth  
3 herein.

4           58.     A confidential relationship was established between Plaintiffs and Defendant  
5 Nick Mote where Nick Mote gained the trust and confidence of the Plaintiffs, accepted  
6 the trust, and had purported to act or advise with Plaintiff's best interest in mind.

7           59.     Defendant Nick Mote obtained confidential information that he would not  
8 have access to or right of otherwise, without the confidential relationship.

9           60.     Defendant breached his duty to Plaintiffs by disclosing the confidential  
10 information to his employer, defendant Google.

11           61.     Due to defendant's fraud and breach of duty, defendants should be compelled to  
12 divulge the profits gained as the results of the breach since defendants are deemed as  
13 constructive trustees who only hold the right and title to the confidential information for the  
14 sole benefits of Plaintiffs.

15           62.     Defendant Nick Mote's intentional conducts are within the scope of his  
16 employment, and defendant Google benefited from Defendant Nick Mote's intentional  
17 conducts.

18           63.     As the direct and approximate result of defendants' breach and otherwise  
19 wrongful conducts as alleged herein, the amount the Plaintiffs are entitled to recover is in  
20 excess of \$25,000 dollars. The exact amount will be proved at the trial.  
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**NINTH CAUSE OF ACTION**  
**INVASION OF PRIVACY**  
**(Against All Named Defendants)**

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27           64.     Paragraphs 1 through 19 are incorporated by reference as if fully set forth  
28 herein.

**COMPLAINT**

1           65. Defendant Nick Mote disclosed private information concerning Plaintiffs to  
2 his employer defendant Google Inc., and such disclosure constituted a public disclosure.

3           66. A reasonable person would object to such public disclosure.

4           67. Plaintiffs' pecuniary interests are harmed by the public disclosure.

5           68. Defendant Nick Mote's intentional conducts are within the scope of his  
6 employment, and defendant Google benefited from Defendant Nick Mote's intentional  
7 conducts.

8           69. As the direct and approximate result of the defendants' breach and otherwise  
9 wrongful conduct as alleged herein, the amount the Plaintiffs are entitled to recover is in  
10 excess of \$25,000 dollars. The exact amount will be proved at the trial.

11           70. Defendants' conducts are willful, wanton, despicable, and oppressive, thereby  
12 justifying punitive damages.  
13

14  
15           WHEREFORE, Plaintiffs pray for judgment against the defendants jointly and severely,  
16 as follows:

17           **ON THE FIRST CAUSE OF ACTION**

- 18           1. For restitutionary and injunctive relief;  
19           2. For interest at the legal rate according to proof;

20           **ON THE SECOND CAUSE OF ACTION**

- 21           1. For restitutionary and injunctive relief;  
22           2. For interest at the legal rate according to proof;

23           **ON THE THIRD CAUSE OF ACTION**

- 24           1. For restitutionary and injunctive relief;  
25           2. For interest at the legal rate according to proof;

26           **ON THE FOURTH CAUSE OF ACTION**

- 27           1. For restitutionary and injunctive relief;  
28           2. For interest at the legal rate according to proof;

**COMPLAINT**

1 3. For punitive damages according to proof.

2 **ON THE FIFTH CAUSE OF ACTION**

3 1. For restitutionary and injunctive relief;

4 2. For interest at the legal rate according to proof;

5 3. For punitive damages according to proof.

6 **ON THE SIXTH CAUSE OF ACTION**

7 1. For restitutionary and injunctive relief;

8 2. For interest at the legal rate according to proof;

9 **ON THE SEVENTH CAUSE OF ACTION**

10 1. For restitutionary and injunctive relief;

11 2. For interest at the legal rate according to proof;

12 **ON THE EIGHTH CAUSE OF ACTION**

13 1. For restitutionary and injunctive relief;

14 2. For interest at the legal rate according to proof;

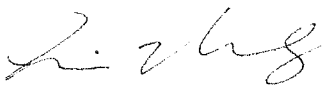
15 3. For punitive damages according to proof.

16  
17 **ON ALL CAUSES OF ACTION**

18 1. For costs incurred by plaintiffs in this action; and

19 2. For such other and further relief as the court may deem just and proper.

20  
21 Dated: September 28, 2010

22  
23 By:   
24 Qin Zhang  
25 P. O. Box 66309  
26 Los Angeles, Ca 90066  
27 310-948-1280

28 For Plaintiffs



# EXHIBIT B

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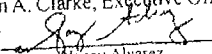
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Attorneys for Defendants  
Google Inc. and Nick Mote

7/15/10

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

DEC 10 2010

John A. Clarke, Executive Officer/Clerk  
BY  Deputy  
Nancy Alvarez

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

Booloon, Inc., a Delaware Corporation,  
Qin Zhang, an individual,

Plaintiffs,

vs.

Google Inc., a Delaware Corporation, Nick  
Mote, an individual, and DOES 1 through  
100, inclusive,

Defendants.

**Case No. BC 438806**

Assigned to the Hon. Rita Miller

**ANSWER OF DEFENDANTS GOOGLE INC.  
AND NICK MOTE TO FIRST AMENDED  
COMPLAINT**

Fees paid on 7-15-10 \$ 710.00

12/15/10



1 Defendants Google Inc. ("Google") and Nick Mote ("Mote") (collectively, "Defendants"),  
2 for themselves only and no others, answer the unverified First Amended Complaint ("FAC") filed  
3 by plaintiffs Booloon, Inc. and Qin Zhang (collectively, "Plaintiffs"), and admit, deny and allege as  
4 follows:

5  
6 **GENERAL DENIAL**

7 1. Pursuant to California Code of Civil Procedure § 431.30(d), Defendants deny  
8 generally each and every allegation in Plaintiff's unverified FAC and further deny that Plaintiffs  
9 have suffered any damages in the sum or sums alleged or in any sum whatsoever.

10 2. This Answer follows the Court's ruling on Defendants' Demurrer to Plaintiffs' FAC  
11 wherein the Court sustained, without leave to amend, Defendants' Demurrer to the First, Second,  
12 Third, Sixth and Eighth Causes of Action of the FAC.

13 3. By alleging the following affirmative defenses, Defendants are not agreeing or  
14 conceding that they have the burden of proof or the burden of persuasion on any of the issues  
15 addressed therein. Furthermore, all such defenses are pleaded in the alternative, and do not  
16 constitute an admission of liability or that Plaintiffs are entitled to any relief whatsoever.

17  
18 **FIRST AFFIRMATIVE DEFENSE**

19 **(Failure to State a Cause of Action)**

20 4. The FAC, and each remaining cause of action contained therein, fails to state facts  
21 sufficient to state a cause of action against Defendants.

22 **SECOND AFFIRMATIVE DEFENSE**

23 **(Lack of Standing or Status as Real Party in Interest)**

24 5. The FAC, and each remaining cause of action contained therein, is barred in whole  
25 or in part because Plaintiffs, and each of them, lack standing or status to bring claims as real parties  
26 in interest.

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**THIRD AFFIRMATIVE DEFENSE**

**(Waiver)**

6. The FAC, and each remaining cause of action contained therein, is barred by the doctrine of waiver.

**FOURTH AFFIRMATIVE DEFENSE**

**(Independent Creation)**

7. The FAC, and each remaining cause of action contained therein, is barred by the doctrine of independent creation.

**FIFTH AFFIRMATIVE DEFENSE**

**(Laches)**

8. The FAC, and each remaining cause of action contained therein, is barred in whole or in part by the doctrine of laches.

**SIXTH AFFIRMATIVE DEFENSE**

**(Failure to Mitigate Damages)**

9. The FAC, and each remaining cause of action set forth therein, cannot be maintained against Defendants because, without admitting that Plaintiffs are entitled to any recovery, any recovery to which Plaintiffs may be entitled must be reduced by reason of Plaintiffs', and each of their, failure to mitigate damages, if any.

**SEVENTH AFFIRMATIVE DEFENSE**

**(Preemption by the Copyright Act)**

10. The FAC, and each remaining cause of action contained therein, is preempted in whole or in part by the Copyright Act, 17 U.S.C. § 301.

**EIGHTH AFFIRMATIVE DEFENSE**

**(Preemption by the California's Uniform Trade Secret Act)**

11. The FAC, and each remaining cause of action contained therein, is preempted in whole or in part by the California Uniform Trade Secrets Act, Civil Code § 3426, *et seq.*

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12/13/18

1 **NINTH AFFIRMATIVE DEFENSE**

2 **(Adequacy of Remedy at Law)**

3 12. The "cause of action" for constructive trust is barred in whole or in part because  
4 Plaintiffs have an adequate remedy at law.

5 **TENTH AFFIRMATIVE DEFENSE**

6 **(Lack of Authority)**

7 13. The FAC, and each remaining cause of action contained therein, is barred in whole  
8 or in part because Mote lacked the authority to bind Google.

9 **ELEVENTH AFFIRMATIVE DEFENSE**

10 **(Failure to Plead Sufficient Facts to Recover Punitive Damages)**

11 14. Plaintiffs are not entitled to recover any punitive damages because the FAC, and  
12 each remaining cause of action contained therein, fails to plead facts sufficient to support the  
13 recovery of punitive damages.

14 **TWELFTH AFFIRMATIVE DEFENSE**

15 **(Due Process)**

16 15. Plaintiffs are not entitled to recover any punitive damages because the provisions of  
17 California law allowing for the award of punitive damages and the substantive rules, procedures and  
18 standards for determining whether or not to award them and, if so, in what amount, violate  
19 Defendants' rights to due process and/or equal protection under the law, under the United States  
20 and/or California Constitutions.

21 **THIRTEENTH AFFIRMATIVE DEFENSE**

22 **(Competitor's Privilege)**

23 16. The FAC, and each remaining cause of action contained therein, is barred by the  
24 competitor's privilege and/or Business & Professions Code § 16600.

25 **FOURTEENTH AFFIRMATIVE DEFENSE**

26 **(Uncertainty of Pleading)**

27 17. The FAC, and each remaining cause of action contained therein, is barred by the  
28 uncertainty of the pleading in the FAC.

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**FIFTEENTH AFFIRMATIVE DEFENSE**

**(Consent)**

18. The FAC, and each remaining cause of action contained therein, is barred because of Plaintiffs' consent.

**SIXTEENTH AFFIRMATIVE DEFENSE**

**(Public Domain)**

19. The FAC, and each remaining cause of action contained therein, is barred because the materials that Plaintiffs allege that they developed were in the public domain and not protected by law.


WHEREFORE, Defendants pray that:

- 1. The FAC be dismissed in its entirety with prejudice and without leave to amend;
- 2. Plaintiffs take nothing by way of their FAC;
- 3. Defendants be awarded a judgment in their favor against Plaintiffs;
- 4. Defendants recover their costs of suit; and
- 5. The Court grant such other and further relief as it deems just and proper.

Dated: December 10, 2010

BOSTWICK & JASSY LLP

By

  
 \_\_\_\_\_  
 JEAN-PAUL JASSY

Attorneys for Defendants  
Google Inc. and Nick Mote

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles; I am over the age of eighteen years and not a party to the within entitled action; my business address is 12400 Wilshire Blvd., Suite 400, Los Angeles, California, 90025.

On **December 10, 2010**, I served the following document(s) described as

**ANSWER OF DEFENDANTS GOOGLE INC. AND NICK MOTE TO FIRST AMENDED COMPLAINT**

on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

**Qin Zhang  
P.O. Box 66309  
Los Angeles, CA 90066**

**BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**STATE:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **December 10, 2010**.

  
Sara Stuart

12/13/10

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# EXHIBIT C

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 16 HON. RITA MILLER, JUDGE

BOOLOON, INC. ET AL.,  
PLAINTIFF,  
VS. NO BC 438806  
GOOGLE, INC., ET AL.,  
DEFENDANTS.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, APRIL 6, 2011

APPEARANCES:

FOR PLAINTIFF: BOOLOON, INC.  
BY: QIN ZHANG  
P.O. BOX 66309  
LOS ANGELES, CALIFORNIA 90066

FOR DEFENDANT: BOSTWICK & JASSY, LLP  
BY: KEVIN L. VICK, ESQ.  
12400 WILSHIRE BLVD  
SUITE 40C  
LOS ANGELES, CALIFORNIA 90025

ANTOINETTE MOORE, CSR NO. 10224  
OFFICIAL REPORTER



1 CASE NUMBER: BC 438806  
 2 CASE NAME: BOOLOON, INC. ET AL. VS.  
 3 GOOGLE, INC., ET AL.  
 4 LOS ANGELES, CA WEDNESDAY, APRIL 6, 2011  
 5 DEPARTMENT 16 HON. RITA MILLER, JUDGE  
 6 REPORTER: ANTOINETTE MOORE, CSR NO 10224  
 7 TIME: A.M. SESSION  
 8 -C-  
 9

10 THE COURT: NUMBER 5, BOOLOON VERSUS GOOGLE  
 11 MS. ZHANG: GOOD MORNING, YOUR HONOR. QIN ZHANG  
 12 FOR PLAINTIFF.

13 MR. VICK: GOOD MORNING, YOUR HONOR. KEVIN VICK  
 14 FOR DEFENDANTS GOOGLE AND NICK MOTE.

15 THE COURT: MY TENTATIVE IS THAT I AM GOING TO  
 16 DENY THE MOTION FOR A VARIETY OF REASONS. FIRST OF ALL,  
 17 THESE MOTIONS ARE SOMETIMES DENIED WHEN THERE HAS BEEN  
 18 AN UNREASONABLE DELAY IN MAKING THE MOTION AND THAT  
 19 ALONE CAN BE SUFFICIENT GROUND TO DENY LEAVE TO AMEND  
 20 UNDER THE LEADER CASE, 89 CAL APP 4TH 603 AT PAGE 613  
 21 HERE. PLAINTIFF CONCEDES THAT THESE CAUSES OF ACTION  
 22 RELY ON FACTS THAT WERE KNOWN TO HER ALMOST THREE YEARS  
 23 AGO IN MID-2008, PRIOR TO THE FILING OF THE ORIGINAL  
 24 COMPLAINT. AND PLAINTIFF INDICATES THAT SHE DIDN'T DO  
 25 ANY RESEARCH INTO THESE CAUSES OF ACTION UNTIL DECEMBER  
 26 OF 2010, OVER SIX MONTHS AFTER THE COMPLAINT WAS FILED  
 27 AND IT LOOKS LIKE ABOUT TWO AND A HALF YEARS AFTER THE  
 28 INCIDENTS GIVING RISE TO THE CAUSE OF ACTION WHICH

1 PLAINTIFF HERSELF WITNESSED AT THE TIME, AND PLAINTIFF'S  
2 REASON THAT SHE GIVES IS THAT SHE HAS ONLY LIMITED  
3 ACCESS TO LEGAL RESEARCH, BUT I MEAN PLAINTIFF IS A  
4 LAWYER AND THERE ARE NUMEROUS LAW LIBRARIES WHERE  
5 PLAINTIFF CAN CONDUCT LEGAL RESEARCH WITHOUT COST AND  
6 SHE HAD WELL OVER TWO YEARS TO DO IT SO THAT IS A FACTOR  
7 MILITATING AGAINST ALLOWING AMENDMENT.

8 IN ADDITION, DEFENDANT'S ARGUMENTS, THAT  
9 I'M NOT GOING TO REPEAT, THAT DEFENDANT WILL BE  
10 PREJUDICED BY THE AMENDMENT ARE WELL TAKEN. ON THE ONE  
11 HAND DEFENDANTS WOULD BE DEPRIVED OF THEIR ABILITY TO  
12 DEMURRER TO THE NEW AND SERIOUSLY FLAWED COMPLAINT OR TO  
13 COMPLETE THEIR SUMMARY JUDGMENT MOTION BEFORE TRIAL. ON  
14 THE OTHER HAND, IF I DID GIVE THEM TIME TO DEMURRER AND  
15 MAKE THEIR SUMMARY JUDGMENT MOTION, IT WOULD PUSH THE  
16 TRIAL OUT VERY LONG DISTANCE, AND TRIAL HAS ALREADY BEEN  
17 CONTINUED ONCE IN CONNECTION WITH WHAT I BELIEVE I HELD  
18 TO BE PLAINTIFF'S UNREASONABLE FAILURE TO PROVIDE  
19 DISCOVERY RESPONSES.

20 SO WE'RE TALKING ABOUT MOVING THE TRIAL SO  
21 FAR OUT THAT IT WOULD BE BEYOND THE 18 MONTH PERIOD THAT  
22 IS PRESCRIBED FOR EVEN THE MOST COMPLEX MATTERS, AND I  
23 HAVE SOME OBLIGATION TO TRY TO GET THINGS TO TRIAL IN  
24 THAT SHORTER TIME PERIOD.

25 ANOTHER ISSUE THAT CONCERNS THE COURT, AND  
26 THIS IS THE COURT'S OWN CONCERN BECAUSE OF THE COURT'S  
27 CONCERN ABOUT MOTIONS FOR RECONSIDERATION AND ABUSE OF  
28 ITS RESOURCES, TODAY'S MOTION IS REALLY A SECOND MOTION

1 FOR RECONSIDERATION OF THE COURT'S HOLDING IN THE  
2 DEMURRERS THAT IT SUSTAINED TO THE FIRST AMENDED  
3 COMPLAINT. PLAINTIFF MADE A MOTION FOR RECONSIDERATION  
4 AND THE COURT REJECTED THAT MOTION FOR RECONSIDERATION  
5 BECAUSE IT WAS IMPROPER. IT ALLEGED NO NEW FACTS OR NEW  
6 LAW, AND IN THAT MOTION FOR RECONSIDERATION, PLAINTIFF  
7 EXPRESSLY SOUGHT LEAVE TO FILE A SECOND AMENDED  
8 COMPLAINT WHICH THE COURT DENIED, AND NOW BY SEEKING  
9 LEAVE TO FILE A SECOND AMENDED COMPLAINT WITH THESE  
10 CAUSES OF ACTION, IT SEEMS THAT PLAINTIFF IS SEEKING  
11 RECONSIDERATION OF THE DENIAL OF THE MOTION FOR  
12 RECONSIDERATION WITHOUT ANY NEW FACTS OR LAW TO BACK IT  
13 UP. SO THAT'S ANOTHER CONCERN THAT THE COURT HAS  
14 CONCERNING ITS OWN RESOURCES.

15 ANOTHER CONCERN THE COURT HAS IS THAT IF WE  
16 CAN GO BACK TO THE BEGINNING OF THIS WHOLE SERIES OF  
17 MOTIONS, IT AROSE FROM CLAIMS IN THE FIRST AMENDED  
18 COMPLAINT THAT THE COURT HELD WERE BARRED BY COPYRIGHT  
19 LAW, AND IF YOU LOOK AT THE CLAIMS THAT WERE THE SUBJECT  
20 OF THE DEMURRER TO THE FIRST AMENDED COMPLAINT, THESE  
21 NEW OR ALLEGEDLY NEW CLAIMS THAT PLAINTIFF HAS PUT INTO  
22 THE SECOND AMENDED COMPLAINT ARE LEGALLY  
23 INDISTINGUISHABLE FROM THOSE IN THE FIRST AMENDED  
24 COMPLAINT TO WHICH THE EARLIER DEMURRER WAS SUSTAINED  
25 WITHOUT LEAVE TO AMEND. SHE'S TWEAKED THE FACTS A  
26 LITTLE BIT OR SHE'S TWEAKED THE THEORIES A LITTLE BIT,  
27 BUT THE THEORY IS STILL THE SAME. THE GRAVAMEN OF HER  
28 COMPLAINT IS THAT MOTE AND GOOGLE USED HER COPYRIGHTABLE

1 MATERIAL WITHOUT AUTHORITY AND THE FIRST AMENDED  
2 COMPLAINT MADE THE ALLEGATION THAT THE DEFENDANT'S KNEW  
3 THEIR USE WAS UNAUTHORIZED AND USED IT ANYWAY. THAT WAS  
4 THE HEART OF WHAT THE FIRST AMENDED COMPLAINT SAID.  
5 THEY KNEW THEY DIDN'T HAVE THE RIGHT TO IT AND USED IT  
6 ANYWAY, AND HERE IN THE SECOND AMENDED COMPLAINT, IT'S  
7 REALLY THE SAME ALLEGATION ALTHOUGH SHE SAYS NOW THAT  
8 THEY PROMISED CONSIDERATION OR KNEW THAT CONSIDERATION  
9 SHOULD BE PAID FOR IT WHEREAS BEFORE SHE SAID THAT THEY  
10 KNEW IT WAS CONFIDENTIAL AND SHOULDN'T BE USED, BUT IT'S  
11 REALLY THE SAME EXACT THEORY.

12 AS I RULED IN CONNECTION WITH THE FIRST  
13 AMENDED COMPLAINT, THESE CAUSES OF ACTION WOULD BE  
14 PREEMPTED BY COPYRIGHT LAW. THE ONES IN THE SECOND  
15 AMENDED COMPLAINT WOULD BE PREEMPTED TO THE SAME EXTENT  
16 AS THE ONES WITHIN THE FIRST AMENDED COMPLAINT BECAUSE  
17 THEY ARE ESSENTIALLY THE SAME. AS A MATTER OF FACT, THE  
18 NAME OF ONE OF THEM, IMPLIED-IN-FACT CONTRACT, IS THE  
19 SAME AS THE ONE THAT WAS HELD EARLIER TO BE PREEMPTED.  
20 ANYHOW, THESE ARE ALL THE SAME THEORIES THAT HAVE  
21 ALREADY BEEN RULED ON. THEY'RE JUST LITTLE TINY  
22 COSMETIC CHANGES, AND SO I THINK IT WOULD BE FUTILE TO  
23 GRANT THE AMENDMENT BECAUSE NOT ONLY IS IT AN IMPROPER  
24 MOTION FOR RECONSIDERATION, BUT IT'S ALSO AN ATTEMPT TO  
25 STATE CAUSES OF ACTION THAT CAN'T BE STATED FOR THE  
26 REASONS THAT I STATED IN CONNECTION WITH THE DEMURRERS  
27 TO THE FIRST AMENDED COMPLAINT. SO THAT'S MY REASONING  
28 WHY I SHOULD NOT GRANT LEAVE TO AMEND.

DO YOU WISH TO BE HEARD?

MS. ZHANG: YES, YOUR HONOR. ONE ISSUE I WANT TO RAISE IS ABOUT THE NEGLIGENT MISREPRESENTATION, AND THAT, I BELIEVE, IS NOT PREEMPTED BY COPYRIGHT LAW BECAUSE IT'S MISREPRESENTATION OF THE INTENT WITH NO CONFLICT OF INTEREST. THAT'S AN ADDITIONAL ELEMENT FOR -- THAT CAN -- THAT WON'T RENDER THE COPYRIGHT PREEMPTION.

THE COURT: I DON'T SEE THAT.

MS. ZHANG: BECAUSE YOU KNOW --

THE COURT: IT'S ALL THE SAME THING AS THE ORIGINAL COMPLAINT. I DON'T EVEN SEE WHY THE ALLEGED MISREPRESENTATION ABOUT NO CONFLICT OF INTEREST RESULTS IN ANY RELIEF TO YOUR CLIENT. IT DOESN'T MAKE ANY SENSE TO ME. IN ADDITION TO EVERYTHING ELSE, I WAS GOING TO LEAVE THAT ALONE.

MS. ZHANG: FOR THAT, MY RESPONSE IS BECAUSE BEFORE THE MEETING, I ASKED IF THEY ARE GOING TO BE CONFLICT AND IF HIS ANSWER IS PROBABLY OR YES, THEN I WOULD NOT GO TO THE MEETING, SO THEN THAT MEANS THE ENTIRE EPISODE.

THE COURT: WHAT DO YOU MEAN BY "CONFLICT"? I DON'T UNDERSTAND WHAT YOU MEAN BY "CONFLICT OF INTEREST."

MS. ZHANG: CONFLICT OF INTEREST AS OF WHAT HE DID IS GOING TO HAVE ANY OVERLAP WITH WHAT WE ARE GOING TO TALK ABOUT BECAUSE IF HE -- SCOPE OF WORK RELATED TO WHAT I'M GOING TO TALK ABOUT AND THEN THE INFORMATION I

1 GIVE TO HIM IS OF INTEREST TO HIM, THEN THE FACT THAT --  
2 THE COURT: THIS IS ALL THE SAME MATERIAL THAT WAS  
3 IN THE FIRST AMENDED COMPLAINT. THE FACT THAT THERE'S A  
4 DIFFERENT REPRESENTATION DOESN'T SOMEHOW TAKE THIS AWAY  
5 FROM BEING PREEMPTED BY COPYRIGHT LAW -- FROM BEING THE  
6 SAME THING THAT WAS IN THE FIRST AMENDED COMPLAINT YOU  
7 HAD A CONSTRUCTIVE TRUST CLAIM IN THE FIRST AMENDED  
8 COMPLAINT THROWN OUT ON DEMURRER. YOU HAD BREACH OF  
9 CONFIDENCE. YOU HAD BREACH OF ORAL CONTRACT. YOU HAD  
10 FRAUD. ACTUALLY FRAUD WAS KEPT IN. YOU HAD  
11 CONSTRUCTIVE FRAUD. YOU HAD --

12 MS. ZHANG: CONSTRUCTIVE TRUST IS ONGOING.

13 THE COURT: CONSTRUCTIVE FRAUD YOU HAD AS WELL.

14 MS. ZHANG: YES.

15 THE COURT: THIS ALL FITS INTO -- CONSTRUCTIVE  
16 FRAUD AND NEGLIGENT MISREPRESENTATION ARE MORE OR  
17 LESS -- I CAN'T SEE ANY DIFFERENCE IN THIS CASE.

18 MS. ZHANG: I BELIEVE THERE IS A DIFFERENCE  
19 BECAUSE --

20 THE COURT: YOU'RE SAYING THAT HE -- ORIGINALLY  
21 YOU WERE SAYING THAT HE WAS NEGLIGENT IN NOT TELLING YOU  
22 THAT HE MIGHT TAKE THIS. THAT'S SORT OF ONE OF YOUR  
23 ORIGINAL CAUSES OF ACTION.

24 MS. ZHANG: NO. THERE IS NO CAUSE LIKE THAT.

25 THE COURT: THAT WAS YOUR CONSTRUCTIVE FRAUD CAUSE  
26 OF ACTION, WASN'T IT, YOUR CONSTRUCTIVE FRAUD CAUSE OF  
27 ACTION ORIGINALLY TO THE EXTENT I CAN UNDERSTAND WHAT IT  
28 WAS?

1 MS. ZHANG: CONSTRUCTIVE TRUST.  
2 THE COURT: NOT CONSTRUCTIVE TRUST. CONSTRUCTIVE  
3 FRAUD, YOU HAD ONE.

4 MS. ZHANG: CONSTRUCTIVE FRAUD WAS BASED ON  
5 CONFIDENTIAL RELATIONSHIP.

6 THE COURT: AND THE CONFIDENTIAL RELATIONSHIP WAS  
7 STARTED BY HIM SAYING I RECOGNIZE THAT THESE THINGS ARE  
8 CONFIDENTIAL AND I WON'T TAKE THEM, AND IT S THE SAME AS  
9 SAYING I DON T HAVE A CONFLICT OF INTEREST. IT DOESN'T  
10 MAKE ANY SENSE.

11 MS. ZHANG: WELL, TO ME --

12 THE COURT: GO AHEAD.

13 MS. ZHANG: IT WASN'T BECAUSE DEFENDANT DIDN'T  
14 RAISE THE ISSUE AND I BASICALLY -- I DIDN'T ANTICIPATE  
15 THE COURT WOULD RAISE THE ISSUE, BUT I THOUGHT IF  
16 ANYTHING, THAT IT WOULD BE RESOLVED IN THE DEMURRER, BUT  
17 ANYWAY, IN THIS -- IN TODAY'S HEARING, I WOULD LIKE TO  
18 POINT OUT THAT THE MISREPRESENTATION, NEGLIGENT  
19 MISREPRESENTATION, I BELIEVE, IS NOT PREEMPTED BY THE  
20 COPYRIGHT LAW, AND, YOU KNOW, THE ISSUE WHEN -- WITH  
21 MOTION TO RECONSIDERATION AND THAT IS BECAUSE THE COURT  
22 DENIED THE MOTION. IT'S BECAUSE, MY UNDERSTANDING, THE  
23 COURT'S REASON IS BECAUSE IT'S, YOU KNOW, HAVE HIGHER  
24 STANDARDS, SO THAT'S WHY I THINK THIS MOTION NOW IS NOT  
25 RELATED MOTION OF MOTION FOR RECONSIDERATION, AND I  
26 DIDN'T SEE WHY IT'S FUTILE AND ALSO I BELIEVE IT  
27 ESPECIALLY BECAUSE I -- FOR ANY REASON IF THE COURT  
28 BELIEVED THERE IS COPYRIGHT PREEMPTION ABOUT IMPLIED IN

1 FACT, I WILL -- I WON'T ARGUE TOO MUCH ABOUT THAT  
 2 BECAUSE WE HAVE, YOU KNOW, SOME UNDERSTANDING ABOUT  
 3 THAT, BUT FOR NEGLIGENT MISREPRESENTATION, I BELIEVE IT  
 4 PROVIDES PLAINTIFF DIFFERENT RIGHTS AND SO THAT -- AND I  
 5 BELIEVE AS OF NOW I DIDN'T SEE WHY IT'S NOT FUTILE.

6 THE COURT: HOW ARE YOU GOING TO PREVAIL ON THAT  
 7 CAUSE OF ACTION, NEGLIGENT MISREPRESENTATION? YOU'RE  
 8 SAYING THAT HE TOLD YOU THAT THERE WAS NO CONFLICT OF  
 9 INTEREST WHICH TO YOU MEANT THAT IT WASN'T WITHIN HIS  
 10 SCOPE OF WORK TO DO THESE THINGS AND THEN IT TURNED OUT  
 11 IT WAS WITHIN HIS SCOPE OF WORK.

12 HOW COULD HE NEGLIGENTLY TELL YOU THAT IT'S  
 13 NOT WITHIN HIS SCOPE OF WORK WHEN HE KNOWS WHAT'S WITHIN  
 14 HIS SCOPE OF WORK? IT FITS UNDER YOUR FRAUD CAUSE OF  
 15 ACTION BUT NOT UNDER A NEGLIGENT MISREPRESENTATION  
 16 THEORY EVEN IF IT WASN'T PREEMPTED BY COPYRIGHT LAW.

17 MS. ZHANG: BECAUSE IF -- BECAUSE OF FRAUD.  
 18 THAT'S EXACTLY PLAINTIFF'S POINT, BECAUSE FRAUD WILL  
 19 REQUIRE TO PROVE INTENT.

20 THE COURT: HOW CAN HE NEGLIGENTLY TELL YOU THAT  
 21 IT'S NOT WITHIN HIS JOB DESCRIPTION WHEN IT IS? HE  
 22 KNOWS WHAT HIS JOB DESCRIPTION IS. IT IS EITHER  
 23 FRAUDULENT OR NOTHING. IT'S NOT NEGLIGENT.

24 MS. ZHANG: WELL, THE FACTUAL BASIS ON DISCOVERY  
 25 AS OF TODAY, THE FACTUAL ISSUE IS THIS: THE DISCOVERY  
 26 RESPONSE DEFENDANT PROVIDED HE IS IN DIFFERENT -- AS HE  
 27 SAID, HE IS IN DIFFERENT GROUP OF SEARCH ENGINE GROUP,  
 28 BUT PLAINTIFF'S ARGUMENT IS THAT SO HE'S NOT IN THAT



1 GROUP. HE IS -- HE HAS -- HIS SPECIALTY IS IN LEARNING,  
2 WHICH IS A I. SORT OF DISCIPLINE AND THEN IT COULD -- IT  
3 COULD OVERLAP WITH PLAINTIFF'S WORK, SO THAT FITTED  
4 RIGHT INTO NEGLIGENT MISREPRESENTATION.

5 THE COURT: SO HE NEGLIGENTLY STOLE THIS STUFF  
6 FROM YOU?

7 MS. ZHANG: NO. NO. WELL, BECAUSE --

8 THE COURT: YOUR BASIC CONTENTION HERE IS THAT HE  
9 WENT TO A MEETING WITH YOU AND KNEW HE DIDN'T HAVE THE  
10 RIGHT TO ANY OF THIS AND WENT BACK TO HIS EMPLOYER AND  
11 HE STOLE IT. HOW IS THAT NEGLIGENT MISREPRESENTATION IN  
12 THERE?

13 MS. ZHANG: WELL, I WOULD THINK IT'S NOT  
14 NEGLIGENT, BUT FOR THIS COURT PROCEEDING, I THINK  
15 PLAINTIFF WOULD HAVE -- SHOULD HAVE THE RIGHT CLAIM THAT  
16 WOULD BE MORE EASY FOR PLAINTIFF TO PROVE. SO WHETHER  
17 HE'S INTENTIONED FROM YOU OR NOT, IF PLAINTIFF HAVE A  
18 CAUSE OF ACTION THAT REQUIRES LESSER PROOF, I THINK  
19 PLAINTIFF ESPECIALLY SHOULD HAVE THE RIGHT TO DO SO.

20 THE COURT: WELL, YOU WAITED SO LONG THAT NOW  
21 THEIR SUMMARY JUDGMENT MOTION IS DUE AND THEIR SUMMARY  
22 JUDGMENT MOTION WON'T COVER THIS, SO THEY'RE GOING TO  
23 HAVE TO GO BACK AND REDO THEIR SUMMARY JUDGMENT MOTION  
24 AND RE NOTICE IT FOR 75 MORE DAYS, SO YOU'RE PUSHING  
25 THIS WAY OUT AND WE CAN'T HAVE A TRIAL AND IT'S BECAUSE  
26 YOU WAITED SO LONG PLUS THEY WOULD DEMURRER TO THIS  
27 CAUSE OF ACTION. I'M KIND OF DONE.

28 IS THERE ANYTHING ELSE YOU WANT TO SAY?

1 MS. ZHANG: ABOUT I WAITED SO LONG BECAUSE AS  
2 SAID IN MY PAPER, I ALREADY GIVE THEM THE FACTS AND THE  
3 CLAIM IN DECEMBER AND RIGHT BEFORE THEIR DISCOVERY, SO  
4 THEY COULD DISCOVER FOR THAT CAUSE OF ACTION AND THEY  
5 HAVE A RIGHT TO DO SO AND PLAINTIFF DID NOT REJECT ANY  
6 OF THE REQUIREMENT REQUESTS FOR THAT NEW CAUSE OF  
7 ACTION, SO FOR THIS REASON, THEY WAITED FOR NOW AND NOW  
8 THEY SAID OH, BECAUSE SUMMARY JUDGMENT, WE COULDN'T GO  
9 THROUGH WITH IT, BUT THEY COULD DO THAT BEFORE, AND THE  
10 FACT THEY DIDN'T CHOOSE TO DO SO AND NOW PLAINTIFF LEAVE  
11 WITHOUT -- BASICALLY I THINK --

12 THE COURT: YOU'RE SAYING THEY DELAYED ON  
13 SOMETHING?

14 MS. ZHANG: YES. BECAUSE THEY HAVE THE NOTICE.  
15 IT'S NOT THAT THEY DO NOT REQUIRE TO GIVE THE DISCOVERY  
16 REQUESTS OR ANYTHING LIKE THAT WHEN IT'S ACTUALLY  
17 ALLOWED A CLAIM. THEY CAN STILL CONDUCT A DISCOVERY FOR  
18 THEY ALREADY HAVE THE FACTS.

19 THE COURT: HOW CAN THEY CONDUCT DISCOVERY ABOUT  
20 SOMETHING THAT'S NOT IN YOUR COMPLAINT?

21 MS. ZHANG: WELL, THEY CAN DO DISCOVERY AND THEY  
22 CAN -- BASED ON THEIR DISCOVERY, THEY CAN SAY WHATEVER  
23 ABOUT THE CLAIM, THAT TO REJECT THE CLAIM, SO FOR THAT  
24 REASON, THEY CAN DO THE DISCOVERY, WHATEVER DISCOVERY  
25 THEY ARE REQUIRED TO DO, SO THERE IS NO BAR FOR THEM TO  
26 DO ANY DISCOVERY, AND NOW THEY DIDN'T DO ANY DISCOVERY  
27 UNTIL TODAY AS THEY CLAIM, BUT ACTUALLY I DIDN'T PROVIDE  
28 ANY IN MY PAPER, BUT THEY AT THAT POSITION TRANSFER.

1     THEY ARE -- THEY SPECIFICALLY ASK THE QUESTION ABOUT  
2     NEGLIGENT MISREPRESENTATION AND THE IMPLIED-IN-FACT  
3     CLAIM AND THEY SPECIALLY ABOUT MISREPRESENTATION, THEY  
4     ASKED ME ABOUT THE INTENT AND SO THAT'S WHY I THINK IT'S  
5     SIGNIFICANT FOR PLAINTIFF TO HAVE THIS CAUSE OF ACTION  
6     AND HE SAID CAN YOU PROVE HIS INTENT. I SAID WELL, FOR  
7     NEGLIGENT MISREPRESENTATION, WE DON'T NEED TO PROVE  
8     INTENT. SO THAT'S WHY -- IT'S NOT TO DELAY THE PROCESS  
9     BECAUSE I BELIEVE AT LEAST FOR THE NEGLIGENT  
10    MISREPRESENTATION, THERE IS NO PREEMPTION FOR COPYRIGHT  
11    PREEMPTION AND THERE IS A SIGNIFICANT DIFFERENCE FOR  
12    PLAINTIFF TO HAVE THIS CAUSE OF ACTION, SO THE COURT --  
13    TRIER'S RESULT MIGHT BE DIFFERENT. SO THAT'S WHY I  
14    THINK I NEED TO HAVE THIS CAUSE OF ACTION.

15           THE COURT: BUT THE THINGS THAT YOU HAVE SAID IN  
16    YOUR COMPLAINT SO FAR MAKE THIS CAUSE OF ACTION  
17    FACTUALLY INCONSISTENT WITH NEGLIGENT MISREPRESENTATION.  
18    HOW ARE YOU GOING TO DEAL WITH THAT? AT TRIAL YOU HAVE  
19    TO DECIDE WHAT YOUR THEORY IS, WHAT YOUR THEORY OF WHAT  
20    THEY SAID AND DID IS.

21           MS. ZHANG: I'M SORRY. YOU SAID BREACH OF  
22    CAUSE -- YOU SAID INCONSISTENT WITH NEGLIGENT  
23    MISREPRESENTATION? WE ARE TALKING ABOUT NEGLIGENT  
24    MISREPRESENTATION, RIGHT? SO YOU'RE SAYING CONSISTENT  
25    WITH WHICH CAUSE OF ACTION?

26           THE COURT: NEGLIGENT MISREPRESENTATION IS  
27    INCONSISTENT WITH THE FACTS YOU PLEAD.

28           MS. ZHANG: WHICH FACTS?

1 THE COURT: I CAN'T DO INTERROGATORIES HERE.  
2 COUNSEL, DO YOU HAVE ANYTHING YOU WANT TO  
3 SAY?

4 MR. VICK: YOUR HONOR, I'LL BE VERY BRIEF. WE  
5 AGREE WITH YOUR TENTATIVE DECISION. I THINK IT SHOULD  
6 BE ADOPTED AS FINAL FOR ALL REASONS YOU SET FORTH AND  
7 THINK ALL REQUIREMENTS FOR INVOKING THE SHAM PLEADING  
8 RULE APPLY HERE AS YOUR HONOR POINTED THROUGHOUT ARE  
9 INCONSISTENT FACTUAL ALLEGATIONS IN THE COMPLAINT AND  
10 INCONSISTENT AS TO BOTH PROPOSED NEW CAUSES OF ACTION.  
11 SO I CAN GO INTO THAT IN MORE DETAIL, BUT IT'S SET FORTH  
12 IN THE PAPERS.

13 THE COURT: I'M NOT GOING TO FIND IT'S A SHAM  
14 PLEADING.

15 MR. VICK: OKAY. WITH REGARD TO QUESTION OF  
16 DISCOVERY, THE CLAIMS WERE NOT PART OF THE CASE YET. WE  
17 WEREN'T GOING TO BE TAKING OR ISSUING WRITTEN DISCOVERY  
18 REGARDING THAT. WITH REGARD TO THE DEPOSITION, WE ASKED  
19 A HANDFUL OF QUESTIONS FOR THE PURPOSES OF GIVING US  
20 MATERIALS TO OPPOSE THIS MOTION FOR LEAVE TO AMEND BUT  
21 WE HAVE NOT HAD A CHANCE TO DO ANY SORT OF COMPREHENSIVE  
22 DISCOVERY WITH REGARD TO THE CLAIMS AT ALL NOR WOULD WE  
23 UNTIL THEY'RE IN THE CASE.

24 FINALLY, WITH REGARD TO THIS JUSTIFICATION  
25 FOR DELAY, IN MS. ZHANG'S DECLARATION SHE SAID "THE  
26 REASON WHY THE REQUEST FOR AMENDMENT IS NOT MADE  
27 EARLIER, I DID NOT DEVELOP A LEGAL THEORY TO, THE REASON  
28 WHY THE REQUEST FOR AMENDMENT WAS NOT MADE EARLIER IS

1 BECAUSE I DID NOT DEVELOP A LEGAL THEORY THAT GAVE RISE  
2 TO THE PROPOSED ADDED CAUSE OF ACTION UNTIL AFTER  
3 DECEMBER 2ND, 2010, WHEN I DEVELOPED THESE THEORIES  
4 BASED ON ADDITIONAL LEGAL RESEARCH." YOUR HONOR, THAT S  
5 FALSE. WHEN I WAS PREPARING FOR THIS HEARING, I KNEW IN  
6 THE BACK OF MY HEAD I HAD SEEN SOMETHING ABOUT THE DESNY  
7 CASE BEFORE WHICH SHE S OFFERING AS JUSTIFICATION FOR  
8 PROPOSED NEW BREACH FOR IMPLIED-IN-FACT CONTRACT CLAIM,  
9 AND WHEN I WENT BACK THROUGH THE FILE, I FOUND WHERE IT  
10 WAS. I HAVE A COPY AND NOT PROVIDED IN THE PAPERS  
11 BECAUSE I DIDN'T REMEMBER THIS UNTIL I WAS PREPARING FOR  
12 THE HEARING.

13 THE COURT: TELL ME WHAT?

14 MR. VICK: IT IS A LETTER DATED MAY 5TH, 2010,  
15 WHICH IS BEFORE THIS LAWSUIT WAS FILED AND FAR BEFORE,  
16 SEVEN MONTHS BEFORE DECEMBER HEARING WHICH SHE SAYS IS  
17 WHEN SHE DEVELOPED THESE NEW THEORIES FROM MS. ZHANG TO  
18 THE THEN CEO OF GOOGLE, INC. AND IT SAYS "I NEVER  
19 INTENDED TO LET NICK MOTE TO USE THIS INFORMATION FOR  
20 FREE. AND WHAT IT CITES TO IS THE DESNY VS. WILDER CASE  
21 WHICH IS WHAT PLAINTIFF CITES AS THIS NEW LEGAL THEORY  
22 THEY SUPPOSEDLY CAME UP WITH DECEMBER 2ND, SO I THINK  
23 THIS PROVIDES FURTHER JUSTIFICATION FOR DENIAL OF LEAVE  
24 TO AMEND AS IT DEMONSTRATES THERE IS NO JUSTIFICATION  
25 FOR DELAY HERE AND THAT IT WAS IN FACT A TACTICAL  
26 DECISION WHEREIN PLAINTIFFS BROUGHT THEIR CLAIMS BASED  
27 ON FIRST VERSION OF THE FACTS. DEMURRER WAS GRANTED,  
28 AND THEN THEY DECIDED WELL, WE'LL TRY SOMETHING

DIFFERENT.

1 THE COURT: HOW IS THIS DIFFERENT THAN WHAT SHE  
2 ALLEGED IN THE ORIGINAL OR FIRST AMENDED COMPLAINT?

3 MR. VICK: IN TERMS OF ADDING THE SAYING HE WAS  
4 THAT HE HAD AGREED TO PAY FOR THIS INFORMATION.

5 THE COURT: DOES THAT CHANGE ANYTHING?

6 MR. VICK: WITH REGARD TO THE ULTIMATE MERITS OF  
7 THESE CAUSES OF ACTION, NO. I THINK THEY'RE GOING TO  
8 RISE AND FALL FOR PRECISELY THE SAME REASONS.

9 THE COURT: IS IT THE SAME -- SHE'S ALLEGING AN  
10 UNAUTHORIZED USE OF COPYRIGHTABLE MATERIAL.

11 MR. VICK: PRECISELY, WHICH IS WHY COPYRIGHT  
12 FREEMPTION SHOULD APPLY.

13 THE COURT: ALL RIGHT. MY TENTATIVE IS GOING TO  
14 BECOME THE RULING OF THE COURT. THE MOTION IS DENIED  
15 FOR THE REASONS STATED. YOU WANT TO GIVE NOTICE?

16 MR. VICK: SURE. I'LL GIVE NOTICE, YOUR HONOR.

17 THE COURT: OKAY. THANK YOU.  
18

19  
20 (PROCEEDINGS CONCLUDED.)  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES


DEPARTMENT 16 HON RITA MILLER, JUDGE

BOOLOCN, INC. ET AL.,  
PLAINTIFF,  
VS.  
GOOGLE, INC., ET AL.,  
DEFENDANTS.

NO. BC 438806  
REPORTER'S  
CERTIFICATE

I, ANTOINETTE MOORE, OFFICIAL REPORTER OF THE  
SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE  
COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT I DID  
CORRECTLY REPORT THE PROCEEDINGS CONTAINED HEREIN AND  
THAT THE FOREGOING PAGES 1 THROUGH 14, INCLUSIVE,  
COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE  
PROCEEDINGS AND TESTIMONY TAKEN IN THE MATTER OF THE  
ABOVE-ENTITLED CAUSE ON WEDNESDAY, APRIL 6, 2011.

DATED THIS 19TH DAY OF APRIL, 2011.

  
ANTOINETTE MOORE, CSR NO. 10224  
OFFICIAL REPORTER

4



# EXHIBIT D

1 **BOSTWICK & JASSY LLP**  
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11 Facsimile: 310-314-8401

12 Attorneys for Defendants  
13 Google Inc. and Nick Mote

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
15 FOR THE COUNTY OF LOS ANGELES

16 Booloon, Inc., a Delaware Corporation,  
17 Qin Zhang, an individual,

18 Plaintiffs,

19 vs.

20 Google Inc., a Delaware Corporation, Nick  
21 Mote, an individual, and DOES 1 through  
22 100, inclusive,

23 Defendants.

**Case No. BC 438806**

Assigned to the Hon. Rita Miller

**DEFENDANT GOOGLE INC.'S OBJECTIONS  
AND RESPONSES TO PLAINTIFF  
BOOLOON, INC.'S FIRST SET OF SPECIAL  
INTERROGATORIES**

1 PROPOUNDING PARTY: PLAINTIFF BOOLOON, INC.  
2 RESPONDING PARTY: DEFENDANT GOOGLE INC.  
3 SET NO.: ONE  
4

5 Defendant Google Inc. ("Google" or "Defendant") responds to Plaintiff Booloon, Inc.'s  
6 ("Booloon" or "Plaintiff") First Set of Special Interrogatories as follows:  
7

8 **GENERAL RESPONSE AND GENERAL OBJECTIONS**

9 1. Google has not completed its investigation or its discovery relating to this case.  
10 The following Responses, therefore, are based on, and are necessarily limited by, the records  
11 available to Google. Google is continuing to diligently search for responsive information,  
12 consistent with its Objections and Responses to the Special Interrogatories. Further investigation  
13 and discovery may uncover additional information not herein provided and/or currently  
14 unavailable to Google, or may indicate or illuminate the significance of information now available  
15 to Google. Accordingly, these Responses are given without prejudice to Google's right to  
16 produce at trial any additional documents or evidence, including, without limitation, any  
17 subsequently discovered facts or interpretations of previously known facts. Furthermore, the  
18 Responses are made without waiving the right to revise, correct, supplement or clarify any of the  
19 Responses below, at any time.

20 2. Google is responding to the Special Interrogatories as it interprets and understands  
21 them. If Booloon subsequently asserts an interpretation of the Special Interrogatories that differs  
22 from the understanding of Google, Google reserves the right to supplement their objections and/or  
23 responses herein.

24 3. No admission of any nature whatsoever is to be implied or inferred from these  
25 responses. All responses must be considered as given on the basis of present understanding.  
26 Nothing herein shall be construed as an admission respecting the admissibility or relevance of any  
27 fact or document, or the relevance, truth, or accuracy of any characterization or statement of any  
28 kind contained in Booloon's First Set of Special Interrogatories.

1           4.       Google objects to the definition of "DOCUMENTS" as used throughout Booloon's  
2 First Set of Requests for Production on the grounds that the phrase "including any writing in  
3 pseudo code, but excluding writings in source code unless specifically indicated" is overbroad,  
4 unduly burdensome and oppressive, and not reasonably calculated to lead to the discovery of  
5 admissible evidence, and the burden associated with producing the requested documents in this  
6 form is not outweighed by the potential relevance, if any, of the documents sought being  
7 produced in this form. Google also objects to this definition of "DOCUMENTS" to the extent  
8 that it would call for the disclosure of confidential, proprietary, private and/or trade-secret  
9 material or information.

10           5.       Google objects to each of Booloon's Special Interrogatories to the extent that it  
11 calls for the disclosure of information that is confidential, proprietary, private and/or trade secret.  
12 Google objects to each of Booloon's Requests to the extent they call for the disclosure of  
13 information that intrudes upon Google's, Nick Mote's, or third parties' privacy interests. To the  
14 extent the Requests call for the disclosure of confidential, proprietary, private and/or trade-secret  
15 material or information, such material or information will be produced, if at all, subject to a  
16 suitable Protective Order that adequately protects the confidentiality of the material and  
17 information.

18           6.       Google objects to each of Plaintiff's Special Interrogatories to the extent that it  
19 calls for material or information that is protected from discovery by the attorney-client privilege  
20 and/or work product immunity. Nothing contained in these responses is intended as, nor shall in  
21 any way be deemed, a waiver of any attorney-client privilege, any work product protection, or any  
22 other applicable privilege, doctrine or immunity.

23           7.       Google objects to each of Plaintiffs' Special Interrogatories to the extent that it  
24 calls for the disclosure of materials and information that are not yet subject to discovery by  
25 Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section 2019.210's  
26 requirement that they identify the alleged trade secret that they claim Defendants have  
27 misappropriated with reasonable particularity before commencing discovery related to the  
28 purported misappropriation of that trade secret. Accordingly, these Responses are given without

1 waiving Google's right to revise, correct, supplement or clarify any of its Responses in the event  
2 Plaintiff complies with Section 2019.210 in the future. These Responses also are given without  
3 prejudice to Google's right to produce at trial any additional documents, witnesses or evidence.  
4 including, without limitation, documents, witnesses or evidence that would only be subject to  
5 discovery by Plaintiffs if Plaintiffs first complied with Section 2019.210.

6 8. To the extent that responding to any of these interrogatories would necessitate the  
7 preparation of a compilation, abstract, audit, or summary of or from documents, and the burden or  
8 expense of preparing or making it would be substantially the same for both parties, Mote objects  
9 to each separate request pursuant to California Code of Civil Procedure section 2030.230.

10 9. Google objects to Booloon's First Set of Special Interrogatories and to the  
11 Declaration of Qin Zhang, which purports to claim that Booloon is justified in promulgating 117  
12 special interrogatories to Mote, because many of the Interrogatories, including, but not limited to  
13 Interrogatories 63 through 117, are redundant and duplicative of other discovery, including, but  
14 not limited to, Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to Google.

15 10. Notwithstanding the specificity of Google's responses set forth below, Google  
16 expressly incorporates this General Response and these General Objections by reference as  
17 though fully set forth into its responses to each of the Special Interrogatories. Thus, if any  
18 objection contained above is not restated under the specific response to an individual Special  
19 Interrogatories, this should not be construed as a waiver of any such objections.

### 20 21 **RESPONSES TO SPECIAL INTERROGATORIES**

22 Subject to and without waiving the General Response and General Objections set forth  
23 above, Google responds and objects to the individual Special Interrogatories as follows:

#### 24 25 **SPECIAL INTERROGATORY NO. 1:**

26 Identify the person answering these interrogatories by name, title or position, address,  
27 and telephone number.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 1**

2 Google objects to this Interrogatory on the grounds that it is compound. Google objects to  
3 this Interrogatory to the extent it calls for information protected from disclosure by the attorney-  
4 client privilege, the attorney work product doctrine, the common interest and/or joint defense  
5 privilege, and also objects to this Interrogatory to the extent that it calls for information that is  
6 confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to  
7 privacy. Google incorporates its General Response and General Objections as set forth above.

8 Subject to, and without waiving, the foregoing objections, Google responds as follows:  
9 Bostwick & Jassy LLP, counsel for Google in this matter, and Nick Mote, who has verified these  
10 Responses on behalf of Google, assisted in answering these interrogatories. Mr. Mote may be  
11 contacted through Bostwick & Jassy LLP.

12

13 **SPECIAL INTERROGATORY NO. 2:**

14 Identify ALL PERSONS who assisted in preparing responses to the interrogatories.

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 2**

16 Google objects to this Interrogatory on the grounds that it is compound. Google objects to  
17 this Interrogatory to the extent it calls for information protected from disclosure by the attorney-  
18 client privilege, the attorney work product doctrine, the common interest and/or joint defense  
19 privilege, and also objects to this Interrogatory to the extent that it calls for information that is  
20 confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to  
21 privacy. Google incorporates its General Response and General Objections as set forth above.

22 Subject to, and without waiving, the foregoing objections, Google responds as follows:  
23 Bostwick & Jassy LLP, counsel for Google in this matter, and Nick Mote, who has verified these  
24 Responses on behalf of Google, assisted in preparing responses to these interrogatories. Mr. Mote  
25 may be contacted through Bostwick & Jassy LLP.

26

27 **SPECIAL INTERROGATORY NO. 3:**

28 IDENTIFY ALL PERSONS whom you intend to call as witnesses at the trial of the case.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 3**

2 Google objects to this Interrogatory to the extent it calls for information protected from  
3 disclosure by the attorney-client privilege, the attorney work product doctrine, the common interest  
4 and/or joint defense privilege, and also objects to this Interrogatory to the extent that it calls for  
5 information that is confidential, proprietary and/or trade secret and/or is protected from disclosure  
6 by the right to privacy. Google incorporates its General Response and General Objections as set  
7 forth above.

8  
9 **SPECIAL INTERROGATORY NO. 4:**

10 IDENTIFY ALL PERSONS who are currently the supervisors of Nick Mote.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 4**

12 Google objects to this Interrogatory on the grounds that it is vague, overbroad, unduly  
13 burdensome and oppressive and not reasonably calculated to lead to the discovery of admissible  
14 evidence, and the burden associated with providing the requested information is not outweighed by  
15 the potential relevance, if any, of the information sought. Google also objects to this Interrogatory  
16 to the extent it calls for information protected from disclosure by the attorney-client privilege, the  
17 attorney work product doctrine, the common interest and/or joint defense privilege, and also objects  
18 to this Interrogatory to the extent that it calls for information that is confidential, proprietary and/or  
19 trade secret and/or are protected from disclosure by the right to privacy. Google incorporates its  
20 General Response and General Objections as set forth above.

21 Subject to, and without waiving, the foregoing objections, Google responds as follows:  
22 Mark Chavira.

23  
24 **SPECIAL INTERROGATORY NO. 5:**

25 IDENTIFY ALL PERSONS who are currently the colleagues of Nick Mote.

26 **RESPONSE SPECIAL INTERROGATORY NO. 5**

27 Google objects to this Interrogatory on the grounds that it is vague, overbroad, unduly  
28 burdensome and oppressive and not reasonably calculated to lead to the discovery of admissible

1 evidence, and the burden associated with providing the requested information is not outweighed by  
2 the potential relevance, if any, of the information sought. Google also objects to this Interrogatory  
3 to the extent it calls for information protected from disclosure by the attorney-client privilege, the  
4 attorney work product doctrine, the common interest and/or joint defense privilege, and also objects  
5 to this Interrogatory to the extent that it calls for information that is confidential, proprietary and/or  
6 trade secret and/or are protected from disclosure by the right to privacy. Google incorporates its  
7 General Response and General Objections as set forth above.

8  
9 **SPECIAL INTERROGATORY NO. 6:**

10 IDENTIFY ALL PERSONS who are supervisors of Nick Mote in the past.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 6**

12 Google objects to this Interrogatory on the grounds that it is vague, overbroad, unduly  
13 burdensome and oppressive and not reasonably calculated to lead to the discovery of admissible  
14 evidence, and the burden associated with providing the requested information is not outweighed by  
15 the potential relevance, if any, of the information sought. Google also objects to this Interrogatory  
16 to the extent it calls for information protected from disclosure by the attorney-client privilege, the  
17 attorney work product doctrine, the common interest and/or joint defense privilege, and also objects  
18 to this Interrogatory to the extent that it calls for information that is confidential, proprietary and/or  
19 trade secret and/or are protected from disclosure by the right to privacy. Google incorporates its  
20 General Response and General Objections as set forth above.

21 Subject to, and without waiving, the foregoing objections, Google responds as follows:  
22 Scott Bruce, Rama Ranganath, and Thomas Williams.

23  
24 **SPECIAL INTERROGATORY NO. 7:**

25 IDENTIFY ALL PERSONS who are colleagues of Nick Mote in the past.

26 **RESPONSE TO SPECIAL INTERROGATORY NO. 7**

27 Google objects to this Interrogatory on the grounds that it is vague, overbroad, unduly  
28 burdensome and oppressive and not reasonably calculated to lead to the discovery of admissible



1 evidence, and the burden associated with providing the requested information is not outweighed by  
2 the potential relevance, if any, of the information sought. Google also objects to this Interrogatory  
3 to the extent it calls for information protected from disclosure by the attorney-client privilege, the  
4 attorney work product doctrine, the common interest and/or joint defense privilege, and also objects  
5 to this Interrogatory to the extent that it calls for information that is confidential, proprietary and/or  
6 trade secret and/or are protected from disclosure by the right to privacy. Google incorporates its  
7 General Response and General Objections as set forth above.

8  
9 **SPECIAL INTERROGATORY NO. 8:**

10 State Nick Mote's date of hire and job description at the date of hire

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 8**

12 Google objects to this Interrogatory on the grounds that it is compound. Google objects to  
13 this Interrogatory to the extent it calls for information protected from disclosure by the attorney-  
14 client privilege, the attorney work product doctrine, the common interest and/or joint defense  
15 privilege, and also objects to this Interrogatory to the extent that it calls for information that is  
16 confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to  
17 privacy. Google incorporates its General Response and General Objections as set forth above.

18 Subject to, and without waiving, the foregoing objections, Google responds as follows:  
19 November 14, 2006. Mote was initially hired as an Engineering Intern at Google. At the time of  
20 Mote's hiring, Engineering Interns at Google assisted in solving fascinating problems in many  
21 different areas of computer science including building large-scale distributed file systems, designing  
22 and improving software that can crawl and index billions of web pages, and applying machine  
23 learning techniques to learn relationships and associations within the data.

24  
25 **SPECIAL INTERROGATORY NO. 9:**

26 State Nick Mote's any change [sic] of job description after the date of hire.  
27  
28

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 9**

2 Google objects to this Interrogatory to the extent it calls for information protected from  
3 disclosure by the attorney-client privilege, the attorney work product doctrine, the common interest  
4 and/or joint defense privilege, and also objects to this Interrogatory to the extent that it calls for  
5 information that is confidential, proprietary and/or trade secret and/or are protected from disclosure  
6 by the right to privacy. Google incorporates its General Response and General Objections as set  
7 forth above.

8 Subject to, and without waiving, the foregoing objections, Google responds as follows:

9 On June 4, 2007, Mote was converted to a Software Engineer at Google. Since that time,  
10 Mote has worked with the same Google team, which works with AdSense. Mote and the team  
11 analyze the contents of web pages and advertisements so that Google can put appropriate ads on  
12 web pages in the AdSense network, and build tools and infrastructure and provide services designed  
13 to further those goals.

14 From June 4, 2007, until approximately November 17, 2008, Mote was classified as a  
15 Software Engineer II. Since November 17, 2008, Mote has been classified as a Software Engineer  
16 III.

17  
18 **SPECIAL INTERROGATORY NO. 10:**

19 State the date when development of the current Local Business Search feature began.

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 10**

21 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
22 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
23 the burden associated with providing the requested information is not outweighed by the potential  
24 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
25 the phrase "current Local Business Search feature" is vague and ambiguous. Google objects to this  
26 Request on the ground that it calls for the disclosure of information that is not yet subject to  
27 discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section  
28 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have

1 misappropriated with reasonable particularity before commencing discovery related to the purported  
2 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
3 for information protected from disclosure by the attorney-client privilege, the attorney work product  
4 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
5 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
6 protected from disclosure by the right to privacy. Google incorporates its General Response and  
7 General Objections as set forth above.

8  
9 **SPECIAL INTERROGATORY NO. 11:**

10 Identify any report which has been prepared concerning any matter relating to the  
11 proceeding as stated in SPECIAL INTERROGATORY NO. 10.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 11**

13 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
14 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
15 the burden associated with providing the requested information is not outweighed by the potential  
16 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
17 the phrase "current Local Business Search feature" is vague and ambiguous. Google objects to this  
18 Request on the ground that it calls for the disclosure of information that is not yet subject to  
19 discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section  
20 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have  
21 misappropriated with reasonable particularity before commencing discovery related to the purported  
22 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
23 for information protected from disclosure by the attorney-client privilege, the attorney work product  
24 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
25 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
26 protected from disclosure by the right to privacy. Google incorporates its General Response and  
27 General Objections as set forth above.

1 **SPECIAL INTERROGATORY NO. 12:**

2 State the date when development of the current People Search feature began.

3 **RESPONSE TO SPECIAL INTERROGATORY NO. 12**

4 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
5 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
6 the burden associated with providing the requested information is not outweighed by the potential  
7 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
8 the phrase "current People Search feature" is vague and ambiguous. Google objects to this Request  
9 on the ground that it calls for the disclosure of information that is not yet subject to discovery by  
10 Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section 2019.210's  
11 requirement that they identify the alleged trade secret that they claim Defendants have  
12 misappropriated with reasonable particularity before commencing discovery related to the purported  
13 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
14 for information protected from disclosure by the attorney-client privilege, the attorney work product  
15 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
16 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
17 protected from disclosure by the right to privacy. Google incorporates its General Response and  
18 General Objections as set forth above.

19  
20 **SPECIAL INTERROGATORY NO. 13:**

21 Identify any report which has been prepared concerning any matter relating to the  
22 proceeding as stated in SPECIAL INTERROGATORY NO. 12.

23 **RESPONSE TO SPECIAL INTERROGATORY NO. 13**

24 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
25 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
26 the burden associated with providing the requested information is not outweighed by the potential  
27 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
28 the phrase "current People Search feature" is vague and ambiguous. Google objects to this Request

1 on the ground that it calls for the disclosure of information that is not yet subject to discovery by  
2 Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section 2019.210's  
3 requirement that they identify the alleged trade secret that they claim Defendants have  
4 misappropriated with reasonable particularity before commencing discovery related to the purported  
5 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
6 for information protected from disclosure by the attorney-client privilege, the attorney work product  
7 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
8 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
9 protected from disclosure by the right to privacy. Google incorporates its General Response and  
10 General Objections as set forth above.

11  
12 **SPECIAL INTERROGATORY NO. 14:**

13 Describe Nick Mote's participation in and control of the development of the Local Business  
14 Search feature.

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 14**

16 Google objects to this Interrogatory on the grounds that it is compound, overbroad, unduly  
17 burdensome and oppressive and not reasonably calculated to lead to the discovery of admissible  
18 evidence, and the burden associated with providing the requested information is not outweighed by  
19 the potential relevance, if any, of the information sought. Google also objects to this Request on the  
20 grounds that the phrase "Local Business Search feature" is vague and ambiguous. Google objects  
21 to this Request on the ground that it calls for the disclosure of information that is not yet subject to  
22 discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section  
23 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have  
24 misappropriated with reasonable particularity before commencing discovery related to the purported  
25 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
26 for information protected from disclosure by the attorney-client privilege, the attorney work product  
27 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
28 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are

1 protected from disclosure by the right to privacy. Google incorporates its General Response and  
2 General Objections as set forth above.

3  
4 **SPECIAL INTERROGATORY NO. 15:**

5 Describe Nick Mote's participation in and control of the development of People Search  
6 feature.

7 **RESPONSE TO SPECIAL INTERROGATORY NO. 15**

8 Google objects to this Interrogatory on the grounds that it is compound, overbroad, unduly  
9 burdensome and oppressive and not reasonably calculated to lead to the discovery of admissible  
10 evidence, and the burden associated with providing the requested information is not outweighed by  
11 the potential relevance, if any, of the information sought. Google also objects to this Request on the  
12 grounds that the phrase "People Search feature" is vague and ambiguous. Google objects to this  
13 Request on the ground that it calls for the disclosure of information that is not yet subject to  
14 discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section  
15 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have  
16 misappropriated with reasonable particularity before commencing discovery related to the purported  
17 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
18 for information protected from disclosure by the attorney-client privilege, the attorney work product  
19 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
20 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
21 protected from disclosure by the right to privacy. Google incorporates its General Response and  
22 General Objections as set forth above.

23  
24 **SPECIAL INTERROGATORY NO. 16:**

25 Describe in detail any changes related to Local Business Search features and timeline of the  
26 changes.

27  
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1 **RESPONSE TO SPECIAL INTERROGATORY NO. 16**

2 Google objects to this Interrogatory on the grounds that it is compound, overbroad, unduly  
3 burdensome and oppressive and not reasonably calculated to lead to the discovery of admissible  
4 evidence, and the burden associated with providing the requested information is not outweighed by  
5 the potential relevance, if any, of the information sought. Google also objects to this Request on the  
6 grounds that the phrase "Local Business Search features" is vague and ambiguous. Google objects  
7 to this Request on the ground that it calls for the disclosure of information that is not yet subject to  
8 discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section  
9 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have  
10 misappropriated with reasonable particularity before commencing discovery related to the purported  
11 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
12 for information protected from disclosure by the attorney-client privilege, the attorney work product  
13 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
14 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
15 protected from disclosure by the right to privacy. Google incorporates its General Response and  
16 General Objections as set forth above.

17  
18 **SPECIAL INTERROGATORY NO. 17:**

19 IDENTIFY ALL PERSONS who are involved with the creation of ideas that lead [sic] to  
20 changes to support YOUR response to Special Interrogatory No. 16.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 17**

22 Google objects to this Interrogatory on the grounds that it is compound, overbroad, unduly  
23 burdensome and oppressive and not reasonably calculated to lead to the discovery of admissible  
24 evidence, and the burden associated with providing the requested information is not outweighed by  
25 the potential relevance, if any, of the information sought. Google also objects to this Request on the  
26 grounds that the phrase "Local Business Search features" is vague and ambiguous. Google objects  
27 to this Request on the ground that it calls for the disclosure of information that is not yet subject to  
28 discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section

1 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have  
2 misappropriated with reasonable particularity before commencing discovery related to the purported  
3 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
4 for information protected from disclosure by the attorney-client privilege, the attorney work product  
5 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
6 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
7 protected from disclosure by the right to privacy. Google incorporates its General Response and  
8 General Objections as set forth above.

9  
10 **SPECIAL INTERROGATORY NO. 18:**

11 IDENTIFY ALL PERSONS with knowledge of facts to support YOUR response to Special  
12 Interrogatory No. 16.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 18**

14 Google objects to this Interrogatory on the grounds that it is compound, overbroad, unduly  
15 burdensome and oppressive and not reasonably calculated to lead to the discovery of admissible  
16 evidence, and the burden associated with providing the requested information is not outweighed by  
17 the potential relevance, if any, of the information sought. Google also objects to this Request on the  
18 grounds that the phrase "Local Business Search features" is vague and ambiguous. Google objects  
19 to this Request on the ground that it calls for the disclosure of information that is not yet subject to  
20 discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section  
21 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have  
22 misappropriated with reasonable particularity before commencing discovery related to the purported  
23 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
24 for information protected from disclosure by the attorney-client privilege, the attorney work product  
25 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
26 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
27 protected from disclosure by the right to privacy. Google incorporates its General Response and  
28 General Objections as set forth above.



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**SPECIAL INTERROGATORY NO. 19:**

Describe in detail any changes related Person Search features and timeline of the changes.

**RESPONSE TO SPECIAL INTERROGATORY NO. 19**

Google objects to this Interrogatory on the grounds that it is compound, overbroad, unduly burdensome and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and the burden associated with providing the requested information is not outweighed by the potential relevance, if any, of the information sought. Google also objects to this Request on the grounds that the phrase "related Person Search features" is vague and ambiguous. Google objects to this Request on the ground that it calls for the disclosure of information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have misappropriated with reasonable particularity before commencing discovery related to the purported misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls for information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google incorporates its General Response and General Objections as set forth above.

**SPECIAL INTERROGATORY NO. 20:**

IDENTIFY ALL PERSONS who are involved with the creation of ideas that lead to changes to support YOUR response to Special Interrogatory No. 19.

**RESPONSE TO SPECIAL INTERROGATORY NO. 20**

Google objects to this Interrogatory on the grounds that it is compound, overbroad, unduly burdensome and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and the burden associated with providing the requested information is not outweighed by the potential relevance, if any, of the information sought. Google also objects to this Request on the

1 grounds that the phrase "related Person Search features" is vague and ambiguous. Google objects  
2 to this Request on the ground that it calls for the disclosure of information that is not yet subject to  
3 discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section  
4 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have  
5 misappropriated with reasonable particularity before commencing discovery related to the purported  
6 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
7 for information protected from disclosure by the attorney-client privilege, the attorney work product  
8 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
9 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
10 protected from disclosure by the right to privacy. Google incorporates its General Response and  
11 General Objections as set forth above.

12  
13 **SPECIAL INTERROGATORY NO. 21:**

14 IDENTIFY ALL PERSONS with knowledge of facts to support YOUR response to Special  
15 Interrogatory No. 19.

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 21**

17 Google objects to this Interrogatory on the grounds that it is compound, overbroad, unduly  
18 burdensome and oppressive and not reasonably calculated to lead to the discovery of admissible  
19 evidence, and the burden associated with providing the requested information is not outweighed by  
20 the potential relevance, if any, of the information sought. Google also objects to this Request on the  
21 grounds that the phrase "related Person Search features" is vague and ambiguous. Google objects  
22 to this Request on the ground that it calls for the disclosure of information that is not yet subject to  
23 discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section  
24 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have  
25 misappropriated with reasonable particularity before commencing discovery related to the purported  
26 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
27 for information protected from disclosure by the attorney-client privilege, the attorney work product  
28 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to

1 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
2 protected from disclosure by the right to privacy. Google incorporates its General Response and  
3 General Objections as set forth above.

4  
5 **SPECIAL INTERROGATORY NO. 22:**

6 Identify and describe all researches conducted for the creation of ideas used in Local  
7 Business Search.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 22**

9 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
10 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
11 the burden associated with providing the requested information is not outweighed by the potential  
12 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
13 the phrase "researches conducted" is vague and ambiguous. Google objects to this Request on the  
14 ground that it calls for the disclosure of information that is not yet subject to discovery by Plaintiffs  
15 because Plaintiffs have not complied with Code of Civil Procedure section 2019.210's requirement  
16 that they identify the alleged trade secret that they claim Defendants have misappropriated with  
17 reasonable particularity before commencing discovery related to the purported misappropriation of  
18 that trade secret. Google also objects to this Interrogatory to the extent it calls for information  
19 protected from disclosure by the attorney-client privilege, the attorney work product doctrine, the  
20 common interest and/or joint defense privilege, and also objects to this Interrogatory to the extent  
21 that it calls for information that is confidential, proprietary and/or trade secret and/or are protected  
22 from disclosure by the right to privacy. Google incorporates its General Response and General  
23 Objections as set forth above.

24  
25 **SPECIAL INTERROGATORY NO. 23:**

26 IDENTIFY ALL PERSONS who conducted such researches as in SPECIAL  
27 INTERROGATORY NO. 22.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 23**

2 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
3 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
4 the burden associated with providing the requested information is not outweighed by the potential  
5 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
6 the phrase "conducted such researches" is vague and ambiguous. Google objects to this Request on  
7 the ground that it calls for the disclosure of information that is not yet subject to discovery by  
8 Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section 2019.210's  
9 requirement that they identify the alleged trade secret that they claim Defendants have  
10 misappropriated with reasonable particularity before commencing discovery related to the purported  
11 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
12 for information protected from disclosure by the attorney-client privilege, the attorney work product  
13 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
14 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
15 protected from disclosure by the right to privacy. Google incorporates its General Response and  
16 General Objections as set forth above.

17  
18 **SPECIAL INTERROGATORY NO. 24:**

19 Identify ALL DOCUMENTS related to the researches as in SPECIAL INTERROGATORY  
20 NO. 22.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 24**

22 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
23 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
24 the burden associated with providing the requested information is not outweighed by the potential  
25 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
26 the phrase "related to the researches as in SPECIAL INTERROGATORY NO. 22" is vague and  
27 ambiguous. Google objects to this Request on the ground that it calls for the disclosure of  
28 information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not complied

1 with Code of Civil Procedure section 2019.210's requirement that they identify the alleged trade  
2 secret that they claim Defendants have misappropriated with reasonable particularity before  
3 commencing discovery related to the purported misappropriation of that trade secret. Google also  
4 objects to this Interrogatory to the extent it calls for information protected from disclosure by the  
5 attorney-client privilege, the attorney work product doctrine, the common interest and/or joint  
6 defense privilege, and also objects to this Interrogatory to the extent that it calls for information that  
7 is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to  
8 privacy. Google incorporates its General Response and General Objections as set forth above.

9  
10 **SPECIAL INTERROGATORY NO. 25:**

11 Describe all discussions conducted for the creation of ideas used in Local Business Search.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 25**

13 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
14 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
15 the burden associated with providing the requested information is not outweighed by the potential  
16 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
17 the phrase "discussions conducted for the creation of ideas"" is vague and ambiguous. Google  
18 objects to this Request on the ground that it calls for the disclosure of information that is not yet  
19 subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure  
20 section 2019.210's requirement that they identify the alleged trade secret that they claim Defendants  
21 have misappropriated with reasonable particularity before commencing discovery related to the  
22 purported misappropriation of that trade secret. Google also objects to this Interrogatory to the  
23 extent it calls for information protected from disclosure by the attorney-client privilege, the attorney  
24 work product doctrine, the common interest and/or joint defense privilege, and also objects to this  
25 Interrogatory to the extent that it calls for information that is confidential, proprietary and/or trade  
26 secret and/or are protected from disclosure by the right to privacy. Google incorporates its General  
27 Response and General Objections as set forth above.

1 **SPECIAL INTERROGATORY NO. 26:**

2 IDENTIFY ALL PERSONS who participated the discussions as in SPECIAL  
3 INTERROGATORY NO. 25.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 26**

5 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
6 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
7 the burden associated with providing the requested information is not outweighed by the potential  
8 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
9 the phrase "participated the discussions" is vague and ambiguous. Google objects to this Request  
10 on the ground that it calls for the disclosure of information that is not yet subject to discovery by  
11 Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section 2019.210's  
12 requirement that they identify the alleged trade secret that they claim Defendants have  
13 misappropriated with reasonable particularity before commencing discovery related to the purported  
14 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
15 for information protected from disclosure by the attorney-client privilege, the attorney work product  
16 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
17 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
18 protected from disclosure by the right to privacy. Google incorporates its General Response and  
19 General Objections as set forth above.

20

21 **SPECIAL INTERROGATORY NO. 27:**

22 Identify ALL DOCUMENTS related to the discussions as in SPECIAL  
23 INTERROGATORY NO. 25.

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 27**

25 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
26 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
27 the burden associated with providing the requested information is not outweighed by the potential  
28 relevance, if any, of the information sought. Google also objects to this Request on the grounds that

1 the phrase "related to the discussions as in SPECIAL INTERROGATORY NO. 25" is vague and  
2 ambiguous. Google objects to this Request on the ground that it calls for the disclosure of  
3 information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not complied  
4 with Code of Civil Procedure section 2019.210's requirement that they identify the alleged trade  
5 secret that they claim Defendants have misappropriated with reasonable particularity before  
6 commencing discovery related to the purported misappropriation of that trade secret. Google also  
7 objects to this Interrogatory to the extent it calls for information protected from disclosure by the  
8 attorney-client privilege, the attorney work product doctrine, the common interest and/or joint  
9 defense privilege, and also objects to this Interrogatory to the extent that it calls for information that  
10 is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to  
11 privacy. Google incorporates its General Response and General Objections as set forth above.

12

13 **SPECIAL INTERROGATORY NO. 28:**

14 Identify and describe all researches [sic] conducted for the creation of ideas used in People  
15 Search.

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 28**

17 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
18 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
19 the burden associated with providing the requested information is not outweighed by the potential  
20 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
21 the phrase "researches conducted for the creation of ideas" is vague and ambiguous. Google objects  
22 to this Request on the ground that it calls for the disclosure of information that is not yet subject to  
23 discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section  
24 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have  
25 misappropriated with reasonable particularity before commencing discovery related to the purported  
26 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
27 for information protected from disclosure by the attorney-client privilege, the attorney work product  
28 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to

1 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
2 protected from disclosure by the right to privacy. Google incorporates its General Response and  
3 General Objections as set forth above.

4  
5 **SPECIAL INTERROGATORY NO. 29:**

6 IDENTIFY ALL PERSONS who conducted such researches [sic] as in SPECIAL  
7 INTERROGATORY NO. 28.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 29**

9 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
10 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
11 the burden associated with providing the requested information is not outweighed by the potential  
12 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
13 the phrase “conducted such researches as in SPECIAL INTERROGATORY NO. 28” is vague and  
14 ambiguous. Google objects to this Request on the ground that it calls for the disclosure of  
15 information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not complied  
16 with Code of Civil Procedure section 2019.210’s requirement that they identify the alleged trade  
17 secret that they claim Defendants have misappropriated with reasonable particularity before  
18 commencing discovery related to the purported misappropriation of that trade secret. Google also  
19 objects to this Interrogatory to the extent it calls for information protected from disclosure by the  
20 attorney-client privilege, the attorney work product doctrine, the common interest and/or joint  
21 defense privilege, and also objects to this Interrogatory to the extent that it calls for information that  
22 is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to  
23 privacy. Google incorporates its General Response and General Objections as set forth above.

24  
25 **SPECIAL INTERROGATORY NO. 30:**

26 Identify ALL DOCUMENTS related to the researches [sic] as in SPECIAL  
27 INTERROGATORY NO. 28.



1 **RESPONSE TO SPECIAL INTERROGATORY NO. 30**

2 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
3 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
4 the burden associated with providing the requested information is not outweighed by the potential  
5 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
6 the phrase "related to the researches as in SPECIAL INTERROGATORY NO. 28" is vague and  
7 ambiguous. Google objects to this Request on the ground that it calls for the disclosure of  
8 information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not complied  
9 with Code of Civil Procedure section 2019.210's requirement that they identify the alleged trade  
10 secret that they claim Defendants have misappropriated with reasonable particularity before  
11 commencing discovery related to the purported misappropriation of that trade secret. Google also  
12 objects to this Interrogatory to the extent it calls for information protected from disclosure by the  
13 attorney-client privilege, the attorney work product doctrine, the common interest and/or joint  
14 defense privilege, and also objects to this Interrogatory to the extent that it calls for information that  
15 is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to  
16 privacy. Google incorporates its General Response and General Objections as set forth above.

17  
18 **SPECIAL INTERROGATORY NO. 31:**

19 Describe all discussions conducted for the creation of ideas used in People Search.

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 31**

21 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
22 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
23 the burden associated with providing the requested information is not outweighed by the potential  
24 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
25 the phrase "discussions conducted for the creation of ideas used" is vague and ambiguous. Google  
26 objects to this Request on the ground that it calls for the disclosure of information that is not yet  
27 subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure  
28 section 2019.210's requirement that they identify the alleged trade secret that they claim Defendants

1 have misappropriated with reasonable particularity before commencing discovery related to the  
2 purported misappropriation of that trade secret. Google also objects to this Interrogatory to the  
3 extent it calls for information protected from disclosure by the attorney-client privilege, the attorney  
4 work product doctrine, the common interest and/or joint defense privilege, and also objects to this  
5 Interrogatory to the extent that it calls for information that is confidential, proprietary and/or trade  
6 secret and/or are protected from disclosure by the right to privacy. Google incorporates its General  
7 Response and General Objections as set forth above.

8  
9 **SPECIAL INTERROGATORY NO. 32:**

10 IDENTIFY ALL PERSONS who participated the [sic] discussions as in SPECIAL  
11 INTERROGATORY NO. 31.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 32**

13 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
14 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
15 the burden associated with providing the requested information is not outweighed by the potential  
16 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
17 the phrase "participated the discussions as in SPECIAL INTERROGATORY NO. 31" is vague and  
18 ambiguous. Google objects to this Request on the ground that it calls for the disclosure of  
19 information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not complied  
20 with Code of Civil Procedure section 2019.210's requirement that they identify the alleged trade  
21 secret that they claim Defendants have misappropriated with reasonable particularity before  
22 commencing discovery related to the purported misappropriation of that trade secret. Google also  
23 objects to this Interrogatory to the extent it calls for information protected from disclosure by the  
24 attorney-client privilege, the attorney work product doctrine, the common interest and/or joint  
25 defense privilege, and also objects to this Interrogatory to the extent that it calls for information that  
26 is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to  
27 privacy. Google incorporates its General Response and General Objections as set forth above.

1 **SPECIAL INTERROGATORY NO. 33:**

2 Identify ALL DOCUMENTS related to the discussions as in SPECIAL  
3 INTERROGATORY NO. 31.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 33**

5 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
6 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
7 the burden associated with providing the requested information is not outweighed by the potential  
8 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
9 the phrase "related to the discussions as in SPECIAL INTERROGATORY NO. 31" is vague and  
10 ambiguous. Google objects to this Request on the ground that it calls for the disclosure of  
11 information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not complied  
12 with Code of Civil Procedure section 2019.210's requirement that they identify the alleged trade  
13 secret that they claim Defendants have misappropriated with reasonable particularity before  
14 commencing discovery related to the purported misappropriation of that trade secret. Google also  
15 objects to this Interrogatory to the extent it calls for information protected from disclosure by the  
16 attorney-client privilege, the attorney work product doctrine, the common interest and/or joint  
17 defense privilege, and also objects to this Interrogatory to the extent that it calls for information that  
18 is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to  
19 privacy. Google incorporates its General Response and General Objections as set forth above.

20  
21 **SPECIAL INTERROGATORY NO. 34:**

22 Identify all patent applications filed that are related to Local Business Searches.

23 **RESPONSE TO SPECIAL INTERROGATORY NO. 34**

24 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
25 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
26 the burden associated with providing the requested information is not outweighed by the potential  
27 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
28 the phrase "related to Local Business Searches" is vague and ambiguous. Google objects to this

1 Request on the ground that it calls for the disclosure of information that is not yet subject to  
2 discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section  
3 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have  
4 misappropriated with reasonable particularity before commencing discovery related to the purported  
5 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
6 for information protected from disclosure by the attorney-client privilege, the attorney work product  
7 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
8 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
9 protected from disclosure by the right to privacy. Google incorporates its General Response and  
10 General Objections as set forth above.

11  
12 **SPECIAL INTERROGATORY NO. 35:**

13 Identify all patent applications filed that are related to People Searches.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 35**

15 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
16 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
17 the burden associated with providing the requested information is not outweighed by the potential  
18 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
19 the phrase "related to People Searches" is vague and ambiguous. Google objects to this Request on  
20 the ground that it calls for the disclosure of information that is not yet subject to discovery by  
21 Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section 2019.210's  
22 requirement that they identify the alleged trade secret that they claim Defendants have  
23 misappropriated with reasonable particularity before commencing discovery related to the purported  
24 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
25 for information protected from disclosure by the attorney-client privilege, the attorney work product  
26 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
27 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
28

1 protected from disclosure by the right to privacy. Google incorporates its General Response and  
2 General Objections as set forth above.

3  
4 **SPECIAL INTERROGATORY NO. 36:**

5 Identify all patent applications filed that are related to Query Suggestions.

6 **RESPONSE TO SPECIAL INTERROGATORY NO. 36**

7 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
8 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
9 the burden associated with providing the requested information is not outweighed by the potential  
10 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
11 the phrase "related to Query Suggestions" is vague and ambiguous. Google objects to this Request  
12 on the ground that it calls for the disclosure of information that is not yet subject to discovery by  
13 Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section 2019.210's  
14 requirement that they identify the alleged trade secret that they claim Defendants have  
15 misappropriated with reasonable particularity before commencing discovery related to the purported  
16 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
17 for information protected from disclosure by the attorney-client privilege, the attorney work product  
18 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
19 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
20 protected from disclosure by the right to privacy. Google incorporates its General Response and  
21 General Objections as set forth above.

22  
23 **SPECIAL INTERROGATORY NO. 37:**

24 Identify all patent applications filed that are related to Instant Searches.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 37**

26 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
27 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
28 the burden associated with providing the requested information is not outweighed by the potential

1 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
2 the phrase "related to Instant Searches" is vague and ambiguous. Google objects to this Request on  
3 the ground that it calls for the disclosure of information that is not yet subject to discovery by  
4 Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section 2019.210's  
5 requirement that they identify the alleged trade secret that they claim Defendants have  
6 misappropriated with reasonable particularity before commencing discovery related to the purported  
7 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
8 for information protected from disclosure by the attorney-client privilege, the attorney work product  
9 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
10 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
11 protected from disclosure by the right to privacy. Google incorporates its General Response and  
12 General Objections as set forth above.

13  
14 **SPECIAL INTERROGATORY NO. 38:**

15 Identify all patent applications filed that are related to Product Searches.

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 38**

17 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
18 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
19 the burden associated with providing the requested information is not outweighed by the potential  
20 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
21 the phrase "related to Product Searches" is vague and ambiguous. Google objects to this Request  
22 on the ground that it calls for the disclosure of information that is not yet subject to discovery by  
23 Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section 2019.210's  
24 requirement that they identify the alleged trade secret that they claim Defendants have  
25 misappropriated with reasonable particularity before commencing discovery related to the purported  
26 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
27 for information protected from disclosure by the attorney-client privilege, the attorney work product  
28 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to

1 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
2 protected from disclosure by the right to privacy. Google incorporates its General Response and  
3 General Objections as set forth above.

4  
5 **SPECIAL INTERROGATORY NO. 39:**

6 Identify all patent applications filed that are related to Classification Index.

7 **RESPONSE TO SPECIAL INTERROGATORY NO. 39**

8 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
9 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
10 the burden associated with providing the requested information is not outweighed by the potential  
11 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
12 the phrase "related to Classification Index" is vague and ambiguous. Google objects to this Request  
13 on the ground that it calls for the disclosure of information that is not yet subject to discovery by  
14 Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section 2019.210's  
15 requirement that they identify the alleged trade secret that they claim Defendants have  
16 misappropriated with reasonable particularity before commencing discovery related to the purported  
17 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
18 for information protected from disclosure by the attorney-client privilege, the attorney work product  
19 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
20 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
21 protected from disclosure by the right to privacy. Google incorporates its General Response and  
22 General Objections as set forth above.

23  
24 **SPECIAL INTERROGATORY NO. 40:**

25 Identify all patent applications filed that are related to Indexing Process.

26 **RESPONSE TO SPECIAL INTERROGATORY NO. 40**

27 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
28 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and

1 the burden associated with providing the requested information is not outweighed by the potential  
2 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
3 the phrase "related to Indexing Process" is vague and ambiguous. Google objects to this Request on  
4 the ground that it calls for the disclosure of information that is not yet subject to discovery by  
5 Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section 2019.210's  
6 requirement that they identify the alleged trade secret that they claim Defendants have  
7 misappropriated with reasonable particularity before commencing discovery related to the purported  
8 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
9 for information protected from disclosure by the attorney-client privilege, the attorney work product  
10 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
11 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
12 protected from disclosure by the right to privacy. Google incorporates its General Response and  
13 General Objections as set forth above.

14  
15 **SPECIAL INTERROGATORY NO. 41:**

16 Identify all patent applications filed that are related to index file sets and subsets.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 41**

18 Google objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome  
19 and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and  
20 the burden associated with providing the requested information is not outweighed by the potential  
21 relevance, if any, of the information sought. Google also objects to this Request on the grounds that  
22 the phrase "related to index file sets and subsets" is vague and ambiguous. Google objects to this  
23 Request on the ground that it calls for the disclosure of information that is not yet subject to  
24 discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section  
25 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have  
26 misappropriated with reasonable particularity before commencing discovery related to the purported  
27 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
28 for information protected from disclosure by the attorney-client privilege, the attorney work product



1 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
2 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
3 protected from disclosure by the right to privacy. Google incorporates its General Response and  
4 General Objections as set forth above.

5  
6 **SPECIAL INTERROGATORY NO. 42:**

7 Describe the network computer system that stores ALL DOCUMENTS of Google.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 42**

9 Google objects to this Interrogatory on the grounds that it lacks foundation and assumes  
10 facts not in evidence. Google also objects to this Interrogatory on the grounds that it is overbroad,  
11 unduly burdensome and oppressive and not reasonably calculated to lead to the discovery of  
12 admissible evidence, and the burden associated with providing the requested information is not  
13 outweighed by the potential relevance, if any, of the information sought. Google objects to this  
14 Request on the ground that it calls for the disclosure of information that is not yet subject to  
15 discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section  
16 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have  
17 misappropriated with reasonable particularity before commencing discovery related to the purported  
18 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
19 for information protected from disclosure by the attorney-client privilege, the attorney work product  
20 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
21 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
22 protected from disclosure by the right to privacy. Google incorporates its General Response and  
23 General Objections as set forth above.

24  
25 **SPECIAL INTERROGATORY NO. 43:**

26 Describe how documents are stored in the network computer system.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 43**

2 Google objects to this Interrogatory on the grounds that it lacks foundation and assumes  
3 facts not in evidence. Google also objects to this Interrogatory on the grounds that it is overbroad,  
4 unduly burdensome and oppressive and not reasonably calculated to lead to the discovery of  
5 admissible evidence, and the burden associated with providing the requested information is not  
6 outweighed by the potential relevance, if any, of the information sought. Google objects to this  
7 Request on the ground that it calls for the disclosure of information that is not yet subject to  
8 discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section  
9 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have  
10 misappropriated with reasonable particularity before commencing discovery related to the purported  
11 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
12 for information protected from disclosure by the attorney-client privilege, the attorney work product  
13 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
14 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
15 protected from disclosure by the right to privacy. Google incorporates its General Response and  
16 General Objections as set forth above.

17  
18 **SPECIAL INTERROGATORY NO. 44:**

19 Identify any internal records made on the network computer system where any employee  
20 accesses documents on the network computer system.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 44**

22 Google objects to this Interrogatory on the grounds that it lacks foundation and assumes  
23 facts not in evidence. Google also objects to this Interrogatory on the grounds that it is overbroad,  
24 unduly burdensome and oppressive and not reasonably calculated to lead to the discovery of  
25 admissible evidence, and the burden associated with providing the requested information is not  
26 outweighed by the potential relevance, if any, of the information sought. Google objects to this  
27 Request on the ground that it calls for the disclosure of information that is not yet subject to  
28 discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section

1 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have  
2 misappropriated with reasonable particularity before commencing discovery related to the purported  
3 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
4 for information protected from disclosure by the attorney-client privilege, the attorney work product  
5 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
6 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
7 protected from disclosure by the right to privacy. Google incorporates its General Response and  
8 General Objections as set forth above.

9  
10 **SPECIAL INTERROGATORY NO. 45:**

11 Describe policies of how any internal record as described in SPECIAL INTERROGATORY  
12 NO. 44 are kept.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 45**

14 Google objects to this Interrogatory on the grounds that it lacks foundation and assumes  
15 facts not in evidence. Google also objects to this Interrogatory on the grounds that it is overbroad,  
16 unduly burdensome and oppressive and not reasonably calculated to lead to the discovery of  
17 admissible evidence, and the burden associated with providing the requested information is not  
18 outweighed by the potential relevance, if any, of the information sought. Google objects to this  
19 Request on the ground that it calls for the disclosure of information that is not yet subject to  
20 discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section  
21 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have  
22 misappropriated with reasonable particularity before commencing discovery related to the purported  
23 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
24 for information protected from disclosure by the attorney-client privilege, the attorney work product  
25 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
26 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
27 protected from disclosure by the right to privacy. Google incorporates its General Response and  
28 General Objections as set forth above.

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**SPECIAL INTERROGATORY NO. 46:**

IDENTIFY ALL PERSONS that have access to the internal records as in SPECIAL INTERROGATORY NO. 44.

**RESPONSE TO SPECIAL INTERROGATORY NO. 46**

Google objects to this Interrogatory on the grounds that it lacks foundation and assumes facts not in evidence. Google also objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome and oppressive and not reasonably calculated to lead to the discovery of admissible evidence, and the burden associated with providing the requested information is not outweighed by the potential relevance, if any, of the information sought. Google objects to this Request on the ground that it calls for the disclosure of information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have misappropriated with reasonable particularity before commencing discovery related to the purported misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls for information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google incorporates its General Response and General Objections as set forth above.

**SPECIAL INTERROGATORY NO. 47:**

Identify any internal record made on the network computer system when any one [sic] identified in any interrogatories sent any electronic mail message.

**RESPONSE TO SPECIAL INTERROGATORY NO. 47**

Google objects to this Interrogatory on the grounds that it is unintelligible, compound, lacks foundation, assumes facts not in evidence, and is not complete in and of itself. Google also objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome and oppressive and not

1 reasonably calculated to lead to the discovery of admissible evidence, and the burden associated  
2 with providing the requested information is not outweighed by the potential relevance, if any, of the  
3 information sought. Google objects to this Request on the ground that it calls for the disclosure of  
4 information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not complied  
5 with Code of Civil Procedure section 2019.210's requirement that they identify the alleged trade  
6 secret that they claim Defendants have misappropriated with reasonable particularity before  
7 commencing discovery related to the purported misappropriation of that trade secret. Google also  
8 objects to this Interrogatory to the extent it calls for information protected from disclosure by the  
9 attorney-client privilege, the attorney work product doctrine, the common interest and/or joint  
10 defense privilege, and also objects to this Interrogatory to the extent that it calls for information that  
11 is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to  
12 privacy. Google incorporates its General Response and General Objections as set forth above.

13  
14 **SPECIAL INTERROGATORY NO. 48:**

15 Describe policies of how any internal record as described in SPECIAL INTERROGATORY  
16 NO. 47 are kept.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 48**

18 Google objects to this Interrogatory on the grounds that it is unintelligible, lacks foundation  
19 and assumes facts not in evidence. Google also objects to this Interrogatory on the grounds that it is  
20 overbroad, unduly burdensome and oppressive and not reasonably calculated to lead to the  
21 discovery of admissible evidence, and the burden associated with providing the requested  
22 information is not outweighed by the potential relevance, if any, of the information sought. Google  
23 objects to this Request on the ground that it calls for the disclosure of information that is not yet  
24 subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure  
25 section 2019.210's requirement that they identify the alleged trade secret that they claim Defendants  
26 have misappropriated with reasonable particularity before commencing discovery related to the  
27 purported misappropriation of that trade secret. Google also objects to this Interrogatory to the  
28 extent it calls for information protected from disclosure by the attorney-client privilege, the attorney

1 work product doctrine, the common interest and/or joint defense privilege, and also objects to this  
2 Interrogatory to the extent that it calls for information that is confidential, proprietary and/or trade  
3 secret and/or are protected from disclosure by the right to privacy. Google incorporates its General  
4 Response and General Objections as set forth above.

5  
6 **SPECIAL INTERROGATORY NO. 49:**

7 Identify all litigations where Google are suited [sic] as defendant for using confidential  
8 information.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 49**

10 Google objects to this Interrogatory on the grounds that it lacks foundation and assumes  
11 facts not in evidence. Google also objects to this Interrogatory on the grounds that it is overbroad,  
12 unduly burdensome and oppressive and not reasonably calculated to lead to the discovery of  
13 admissible evidence, and the burden associated with providing the requested information is not  
14 outweighed by the potential relevance, if any, of the information sought. Google objects to this  
15 Request on the ground that it calls for the disclosure of information that is not yet subject to  
16 discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section  
17 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have  
18 misappropriated with reasonable particularity before commencing discovery related to the purported  
19 misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls  
20 for information protected from disclosure by the attorney-client privilege, the attorney work product  
21 doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to  
22 the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are  
23 protected from disclosure by the right to privacy. Google incorporates its General Response and  
24 General Objections as set forth above.

25  
26 **SPECIAL INTERROGATORY NO. 50:**

27 Identify and describe any meetings regarding the LETTER received from Qin Zhang dated  
28 May 5, 2010 to Eric Schmidt, CEO of Google, Inc.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 50**

2 Google objects to this Interrogatory on the grounds that it is compound, lacks foundation  
3 and assumes facts not in evidence. Google objects to this Request on the ground that it calls for the  
4 disclosure of information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not  
5 complied with Code of Civil Procedure section 2019.210's requirement that they identify the  
6 alleged trade secret that they claim Defendants have misappropriated with reasonable particularity  
7 before commencing discovery related to the purported misappropriation of that trade secret. Google  
8 also objects to this Interrogatory to the extent it calls for information protected from disclosure by  
9 the attorney-client privilege, the attorney work product doctrine, the common interest and/or joint  
10 defense privilege, and also objects to this Interrogatory to the extent that it calls for information that  
11 is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to  
12 privacy. Google incorporates its General Response and General Objections as set forth above.

13  
14 **SPECIAL INTERROGATORY NO. 51:**

15 IDENTIFY ALL PERSONS that have knowledge of the meetings as in SPECIAL  
16 INTERROGATORY NO. 50.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 51**

18 Google objects to this Interrogatory on the grounds that it lacks foundation and assumes  
19 facts not in evidence. Google objects to this Request on the ground that it calls for the disclosure of  
20 information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not complied  
21 with Code of Civil Procedure section 2019.210's requirement that they identify the alleged trade  
22 secret that they claim Defendants have misappropriated with reasonable particularity before  
23 commencing discovery related to the purported misappropriation of that trade secret. Google also  
24 objects to this Interrogatory to the extent it calls for information protected from disclosure by the  
25 attorney-client privilege, the attorney work product doctrine, the common interest and/or joint  
26 defense privilege, and also objects to this Interrogatory to the extent that it calls for information that  
27 is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to  
28 privacy. Google incorporates its General Response and General Objections as set forth above.

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**SPECIAL INTERROGATORY NO. 52:**

Identify and describe any communication regarding the LETTER.

**RESPONSE TO SPECIAL INTERROGATORY NO. 52**

Google objects to this Interrogatory on the grounds that it is compound, lacks foundation and assumes facts not in evidence. Google objects to this Request on the ground that it calls for the disclosure of information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have misappropriated with reasonable particularity before commencing discovery related to the purported misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls for information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google incorporates its General Response and General Objections as set forth above.

**SPECIAL INTERROGATORY NO. 53:**

IDENTIFY ALL PERSONS that have knowledge of the COMMUNICATIONS as in SPECIAL INTERROGATORY NO. 52.

**RESPONSE TO SPECIAL INTERROGATORY NO. 53**

Google objects to this Interrogatory on the grounds that it lacks foundation and assumes facts not in evidence. Google objects to this Request on the ground that it calls for the disclosure of information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have misappropriated with reasonable particularity before commencing discovery related to the purported misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls for information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, the common interest and/or joint



1 defense privilege, and also objects to this Interrogatory to the extent that it calls for information that  
2 is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to  
3 privacy. Google incorporates its General Response and General Objections as set forth above.  
4

5 **SPECIAL INTERROGATORY NO. 54:**

6 Identify and describe any investigations conducted regarding the LETTER.

7 **RESPONSE TO SPECIAL INTERROGATORY NO. 54**

8 Google objects to this Interrogatory on the grounds that it is compound, lacks foundation  
9 and assumes facts not in evidence. Google objects to this Request on the ground that it calls for the  
10 disclosure of information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not  
11 complied with Code of Civil Procedure section 2019.210's requirement that they identify the  
12 alleged trade secret that they claim Defendants have misappropriated with reasonable particularity  
13 before commencing discovery related to the purported misappropriation of that trade secret. Google  
14 also objects to this Interrogatory to the extent it calls for information protected from disclosure by  
15 the attorney-client privilege, the attorney work product doctrine, the common interest and/or joint  
16 defense privilege, and also objects to this Interrogatory to the extent that it calls for information that  
17 is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to  
18 privacy. Google incorporates its General Response and General Objections as set forth above.  
19

20 **SPECIAL INTERROGATORY NO. 55:**

21 IDENTIFY ALL PERSONS that have knowledge of the investigations as in SPECIAL  
22 INTERROGATORY NO. 54.

23 **RESPONSE TO SPECIAL INTERROGATORY NO. 55**

24 Google objects to this Interrogatory on the grounds that it lacks foundation and assumes  
25 facts not in evidence. Google objects to this Request on the ground that it calls for the disclosure of  
26 information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not complied  
27 with Code of Civil Procedure section 2019.210's requirement that they identify the alleged trade  
28 secret that they claim Defendants have misappropriated with reasonable particularity before

1 commencing discovery related to the purported misappropriation of that trade secret. Google also  
2 objects to this Interrogatory to the extent it calls for information protected from disclosure by the  
3 attorney-client privilege, the attorney work product doctrine, the common interest and/or joint  
4 defense privilege, and also objects to this Interrogatory to the extent that it calls for information that  
5 is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to  
6 privacy. Google incorporates its General Response and General Objections as set forth above.

7  
8 **SPECIAL INTERROGATORY NO. 56:**

9 Identify and describe any conversations by any one [sic] representing Google with Nick  
10 Mote regarding the LETTER.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 56**

12 Google objects to this Interrogatory on the grounds that it is compound, lacks foundation  
13 and assumes facts not in evidence. Google objects to this Request on the ground that it calls for the  
14 disclosure of information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not  
15 complied with Code of Civil Procedure section 2019.210's requirement that they identify the  
16 alleged trade secret that they claim Defendants have misappropriated with reasonable particularity  
17 before commencing discovery related to the purported misappropriation of that trade secret. Google  
18 also objects to this Interrogatory to the extent it calls for information protected from disclosure by  
19 the attorney-client privilege, the attorney work product doctrine, the common interest and/or joint  
20 defense privilege, and also objects to this Interrogatory to the extent that it calls for information that  
21 is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to  
22 privacy. Google incorporates its General Response and General Objections as set forth above.

23  
24 **SPECIAL INTERROGATORY NO. 57:**

25 IDENTIFY ALL PERSONS that participated any [sic] conversations as in SPECIAL  
26 INTERROGATORY NO. 54.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 57**

2 Google objects to this Interrogatory on the grounds that it lacks foundation and assumes  
3 facts not in evidence. Google objects to this Request on the ground that it calls for the disclosure of  
4 information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not complied  
5 with Code of Civil Procedure section 2019.210's requirement that they identify the alleged trade  
6 secret that they claim Defendants have misappropriated with reasonable particularity before  
7 commencing discovery related to the purported misappropriation of that trade secret. Google also  
8 objects to this Interrogatory to the extent it calls for information protected from disclosure by the  
9 attorney-client privilege, the attorney work product doctrine, the common interest and/or joint  
10 defense privilege, and also objects to this Interrogatory to the extent that it calls for information that  
11 is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to  
12 privacy. Google incorporates its General Response and General Objections as set forth above.

13  
14 **SPECIAL INTERROGATORY NO. 58:**

15 IDENTIFY ALL PERSONS that have knowledge of the conversations as in SPECIAL  
16 INTERROGATORY NO. 54.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 58**

18 Google objects to this Interrogatory on the grounds that it lacks foundation and assumes  
19 facts not in evidence. Google objects to this Request on the ground that it calls for the disclosure of  
20 information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not complied  
21 with Code of Civil Procedure section 2019.210's requirement that they identify the alleged trade  
22 secret that they claim Defendants have misappropriated with reasonable particularity before  
23 commencing discovery related to the purported misappropriation of that trade secret. Google also  
24 objects to this Interrogatory to the extent it calls for information protected from disclosure by the  
25 attorney-client privilege, the attorney work product doctrine, the common interest and/or joint  
26 defense privilege, and also objects to this Interrogatory to the extent that it calls for information that  
27 is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to  
28 privacy. Google incorporates its General Response and General Objections as set forth above.

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**SPECIAL INTERROGATORY NO. 59:**

Identify and describe any actions taken by any one [sic] representing Google regarding the LETTER.

**RESPONSE TO SPECIAL INTERROGATORY NO. 59**

Google objects to this Interrogatory on the grounds that it is compound, lacks foundation and assumes facts not in evidence. Google objects to this Request on the ground that it calls for the disclosure of information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have misappropriated with reasonable particularity before commencing discovery related to the purported misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls for information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google incorporates its General Response and General Objections as set forth above.

**SPECIAL INTERROGATORY NO. 60:**

IDENTIFY ALL PERSONS who participated in the actions as in SPECIAL INTERROGATORY NO. 59.

**RESPONSE TO SPECIAL INTERROGATORY NO. 60**

Google objects to this Interrogatory on the grounds that it lacks foundation and assumes facts not in evidence. Google objects to this Request on the ground that it calls for the disclosure of information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim Defendants have misappropriated with reasonable particularity before commencing discovery related to the purported misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls for information protected from disclosure by the

1 attorney-client privilege, the attorney work product doctrine, the common interest and/or joint  
2 defense privilege, and also objects to this Interrogatory to the extent that it calls for information that  
3 is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to  
4 privacy. Google incorporates its General Response and General Objections as set forth above.

5  
6 **SPECIAL INTERROGATORY NO. 61:**

7 Identify ALL DOCUMENTS that describe, mention, refer to, or discuss Google's document  
8 destruction policy.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 61**

10 Google objects to this Interrogatory on the grounds that it is compound, lacks foundation  
11 and assumes facts not in evidence. Google also objects to this Interrogatory on the grounds that it is  
12 overbroad, unduly burdensome and oppressive and not reasonably calculated to lead to the  
13 discovery of admissible evidence, and the burden associated with providing the requested  
14 information is not outweighed by the potential relevance, if any, of the information sought. Google  
15 objects to this Request on the ground that it calls for the disclosure of information that is not yet  
16 subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure  
17 section 2019.210's requirement that they identify the alleged trade secret that they claim Defendants  
18 have misappropriated with reasonable particularity before commencing discovery related to the  
19 purported misappropriation of that trade secret. Google also objects to this Interrogatory to the  
20 extent it calls for information protected from disclosure by the attorney-client privilege, the attorney  
21 work product doctrine, the common interest and/or joint defense privilege, and also objects to this  
22 Interrogatory to the extent that it calls for information that is confidential, proprietary and/or trade  
23 secret and/or are protected from disclosure by the right to privacy. Google incorporates its General  
24 Response and General Objections as set forth above.

25  
26 **SPECIAL INTERROGATORY NO. 62:**

27 Identify ALL DOCUMENTS that are related to any of these interrogatories that are  
28 destroyed.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 62**

2 Google objects to this Interrogatory on the grounds that it is compound, lacks foundation  
3 and assumes facts not in evidence. Google also objects to this Interrogatory on the grounds that it is  
4 overbroad, unduly burdensome and oppressive and not reasonably calculated to lead to the  
5 discovery of admissible evidence, and the burden associated with providing the requested  
6 information is not outweighed by the potential relevance, if any, of the information sought. Google  
7 objects to this Request on the ground that it calls for the disclosure of information that is not yet  
8 subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure  
9 section 2019.210's requirement that they identify the alleged trade secret that they claim Defendants  
10 have misappropriated with reasonable particularity before commencing discovery related to the  
11 purported misappropriation of that trade secret. Google also objects to this Interrogatory to the  
12 extent it calls for information protected from disclosure by the attorney-client privilege, the attorney  
13 work product doctrine, the common interest and/or joint defense privilege, and also objects to this  
14 Interrogatory to the extent that it calls for information that is confidential, proprietary and/or trade  
15 secret and/or are protected from disclosure by the right to privacy. Google incorporates its General  
16 Response and General Objections as set forth above.

17  
18 **SPECIAL INTERROGATORY NO. 63:**

19 State all facts that support the General Denial in the Answer.

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 63**

21 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
22 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
23 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
24 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
25 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
26 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
27 Defendants have misappropriated with reasonable particularity before commencing discovery  
28 related to the purported misappropriation of that trade secret. Google also objects to this

1 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
2 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
3 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
4 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
5 incorporates its General Response and General Objections as set forth above.

6  
7 **SPECIAL INTERROGATORY NO. 64:**

8 IDENTIFY ALL PERSONS who have the [sic] knowledge that support [sic] the General  
9 Denial in the ANSWER.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 64**

11 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
12 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
13 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
14 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
15 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
16 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
17 Defendants have misappropriated with reasonable particularity before commencing discovery  
18 related to the purported misappropriation of that trade secret. Google also objects to this  
19 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
20 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
21 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
22 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
23 incorporates its General Response and General Objections as set forth above.

24  
25 **SPECIAL INTERROGATORY NO. 65:**

26 Identify all DOCUMENTS that support the General Denial in the Answer.  
27  
28

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 65**

2 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
3 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
4 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
5 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
6 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
7 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
8 Defendants have misappropriated with reasonable particularity before commencing discovery  
9 related to the purported misappropriation of that trade secret. Google also objects to this  
10 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
11 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
12 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
13 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
14 incorporates its General Response and General Objections as set forth above.

15  
16 **SPECIAL INTERROGATORY NO. 66:**

17 State all facts that support the First Affirmative Defense in the ANSWER.

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 66**

19 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
20 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
21 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
22 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
23 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
24 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
25 Defendants have misappropriated with reasonable particularity before commencing discovery  
26 related to the purported misappropriation of that trade secret. Google also objects to this  
27 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
28 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,



1 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
2 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
3 incorporates its General Response and General Objections as set forth above.  
4

5 **SPECIAL INTERROGATORY NO. 67:**

6 IDENTIFY ALL PERSONS who have the knowledge that support [sic] the First  
7 Affirmative Defense in the ANSWER.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 67**

9 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
10 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
11 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
12 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
13 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
14 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
15 Defendants have misappropriated with reasonable particularity before commencing discovery  
16 related to the purported misappropriation of that trade secret. Google also objects to this  
17 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
18 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
19 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
20 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
21 incorporates its General Response and General Objections as set forth above.  
22

23 **SPECIAL INTERROGATORY NO. 68:**

24 Identify all DOCUMENTS that support the First Affirmative Defense in the Answer.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 68**

26 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
27 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
28 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.

1 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
2 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
3 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
4 Defendants have misappropriated with reasonable particularity before commencing discovery  
5 related to the purported misappropriation of that trade secret. Google also objects to this  
6 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
7 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege.  
8 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
9 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
10 incorporates its General Response and General Objections as set forth above.

11

12 **SPECIAL INTERROGATORY NO. 69:**

13 State all facts that support the Second Affirmative Defense in the ANSWER.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 69**

15 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
16 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
17 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
18 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
19 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
20 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
21 Defendants have misappropriated with reasonable particularity before commencing discovery  
22 related to the purported misappropriation of that trade secret. Google also objects to this  
23 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
24 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
25 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
26 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
27 incorporates its General Response and General Objections as set forth above.

28

1 **SPECIAL INTERROGATORY NO. 70:**

2 IDENTIFY ALL PERSONS who have the knowledge that support [sic] the Second  
3 Affirmative Defense in the ANSWER.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 70**

5 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
6 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
7 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
8 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
9 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
10 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
11 Defendants have misappropriated with reasonable particularity before commencing discovery  
12 related to the purported misappropriation of that trade secret. Google also objects to this  
13 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
14 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
15 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
16 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
17 incorporates its General Response and General Objections as set forth above.

18  
19 **SPECIAL INTERROGATORY NO. 71:**

20 Identify all DOCUMENTS that support the Second Affirmative Defense in the Answer.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 71**

22 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
23 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
24 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
25 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
26 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
27 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
28 Defendants have misappropriated with reasonable particularity before commencing discovery

1 related to the purported misappropriation of that trade secret. Google also objects to this  
2 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
3 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
4 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
5 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
6 incorporates its General Response and General Objections as set forth above.

7  
8 **SPECIAL INTERROGATORY NO. 72:**

9 State all facts that support the Third Affirmative Defense in the ANSWER.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 72**

11 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
12 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
13 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
14 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
15 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
16 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
17 Defendants have misappropriated with reasonable particularity before commencing discovery  
18 related to the purported misappropriation of that trade secret. Google also objects to this  
19 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
20 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
21 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
22 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
23 incorporates its General Response and General Objections as set forth above.

24  
25 **SPECIAL INTERROGATORY NO. 73:**

26 IDENTIFY ALL PERSONS who have the knowledge that support [sic] the Third  
27 Affirmative Defense in the ANSWER.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 73**

2 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
3 discovery, including Form Interrogatory 15.1 in Booloon’s First Set of Form Interrogatories to  
4 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
5 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
6 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
7 Procedure section 2019.210’s requirement that they identify the alleged trade secret that they claim  
8 Defendants have misappropriated with reasonable particularity before commencing discovery  
9 related to the purported misappropriation of that trade secret. Google also objects to this  
10 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
11 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
12 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
13 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
14 incorporates its General Response and General Objections as set forth above.

15  
16 **SPECIAL INTERROGATORY NO. 74:**

17 Identify all DOCUMENTS that support the Third Affirmative Defense in the Answer.

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 74**

19 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
20 discovery, including Form Interrogatory 15.1 in Booloon’s First Set of Form Interrogatories to  
21 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
22 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
23 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
24 Procedure section 2019.210’s requirement that they identify the alleged trade secret that they claim  
25 Defendants have misappropriated with reasonable particularity before commencing discovery  
26 related to the purported misappropriation of that trade secret. Google also objects to this  
27 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
28 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,

1 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
2 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
3 incorporates its General Response and General Objections as set forth above.  
4

5 **SPECIAL INTERROGATORY NO. 75:**

6 State all facts that support the Fourth Affirmative Defense in the ANSWER.

7 **RESPONSE TO SPECIAL INTERROGATORY NO. 75**

8 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
9 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
10 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
11 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
12 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
13 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
14 Defendants have misappropriated with reasonable particularity before commencing discovery  
15 related to the purported misappropriation of that trade secret. Google also objects to this  
16 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
17 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
18 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
19 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
20 incorporates its General Response and General Objections as set forth above.  
21

22 **SPECIAL INTERROGATORY NO. 76:**

23 IDENTIFY ALL PERSONS who have the knowledge that support [sic] the Fourth  
24 Affirmative Defense in the ANSWER.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 76**

26 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
27 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
28 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.

1 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
2 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
3 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
4 Defendants have misappropriated with reasonable particularity before commencing discovery  
5 related to the purported misappropriation of that trade secret. Google also objects to this  
6 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
7 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
8 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
9 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
10 incorporates its General Response and General Objections as set forth above.

11  
12 **SPECIAL INTERROGATORY NO. 77:**

13 Identify all DOCUMENTS that support the Fourth Affirmative Defense in the Answer.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 77**

15 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
16 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
17 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
18 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
19 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
20 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
21 Defendants have misappropriated with reasonable particularity before commencing discovery  
22 related to the purported misappropriation of that trade secret. Google also objects to this  
23 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
24 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
25 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
26 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
27 incorporates its General Response and General Objections as set forth above.

28

1 **SPECIAL INTERROGATORY NO. 78:**

2 State all facts that support the Fifth Affirmative Defense in the ANSWER.

3 **RESPONSE TO SPECIAL INTERROGATORY NO. 78**

4 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
5 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
6 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
7 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
8 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
9 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
10 Defendants have misappropriated with reasonable particularity before commencing discovery  
11 related to the purported misappropriation of that trade secret. Google also objects to this  
12 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
13 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
14 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
15 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
16 incorporates its General Response and General Objections as set forth above.

17

18 **SPECIAL INTERROGATORY NO. 79:**

19 IDENTIFY ALL PERSONS who have the knowledge that support [sic] the Fifth  
20 Affirmative Defense in the ANSWER.

21

22 **RESPONSE TO SPECIAL INTERROGATORY NO. 79**

23 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
24 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
25 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
26 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
27 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
28 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim



1 Defendants have misappropriated with reasonable particularity before commencing discovery  
2 related to the purported misappropriation of that trade secret. Google also objects to this  
3 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
4 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
5 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
6 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
7 incorporates its General Response and General Objections as set forth above.

8  
9 **SPECIAL INTERROGATORY NO. 80:**

10 Identify all DOCUMENTS that support the Fifth Affirmative Defense in the Answer.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 80**

12 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
13 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
14 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
15 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
16 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
17 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
18 Defendants have misappropriated with reasonable particularity before commencing discovery  
19 related to the purported misappropriation of that trade secret. Google also objects to this  
20 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
21 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
22 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
23 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
24 incorporates its General Response and General Objections as set forth above.

25  
26 **SPECIAL INTERROGATORY NO. 81:**

27 State all facts that support the Sixth Affirmative Defense in the ANSWER.

28 **RESPONSE TO SPECIAL INTERROGATORY NO. 81**

1 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
2 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
3 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
4 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
5 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
6 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
7 Defendants have misappropriated with reasonable particularity before commencing discovery  
8 related to the purported misappropriation of that trade secret. Google also objects to this  
9 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
10 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
11 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
12 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
13 incorporates its General Response and General Objections as set forth above.

14  
15 **SPECIAL INTERROGATORY NO. 82:**

16 IDENTIFY ALL PERSONS who have the knowledge that support [sic] the Sixth  
17 Affirmative Defense in the ANSWER.

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 82**

19 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
20 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
21 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
22 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
23 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
24 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
25 Defendants have misappropriated with reasonable particularity before commencing discovery  
26 related to the purported misappropriation of that trade secret. Google also objects to this  
27 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
28 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege.

1 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
2 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
3 incorporates its General Response and General Objections as set forth above.

4  
5 **SPECIAL INTERROGATORY NO. 83:**

6 Identify all DOCUMENTS that support the Sixth Affirmative Defense in the Answer.

7 **RESPONSE TO SPECIAL INTERROGATORY NO. 83**

8 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
9 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
10 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
11 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
12 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
13 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
14 Defendants have misappropriated with reasonable particularity before commencing discovery  
15 related to the purported misappropriation of that trade secret. Google also objects to this  
16 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
17 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
18 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
19 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
20 incorporates its General Response and General Objections as set forth above.

21  
22 **SPECIAL INTERROGATORY NO. 84:**

23 State all facts that support the Seventh Affirmative Defense in the ANSWER.

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 84**

25 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
26 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
27 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
28 Google also objects to this Request to the extent that it calls for the disclosure of information that is

1 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
2 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
3 Defendants have misappropriated with reasonable particularity before commencing discovery  
4 related to the purported misappropriation of that trade secret. Google also objects to this  
5 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
6 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
7 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
8 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
9 incorporates its General Response and General Objections as set forth above.

10  
11 **SPECIAL INTERROGATORY NO. 85:**

12 IDENTIFY ALL PERSONS who have the knowledge that support [sic] the Seventh  
13 Affirmative Defense in the ANSWER.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 85**

15 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
16 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
17 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
18 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
19 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
20 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
21 Defendants have misappropriated with reasonable particularity before commencing discovery  
22 related to the purported misappropriation of that trade secret. Google also objects to this  
23 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
24 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
25 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
26 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
27 incorporates its General Response and General Objections as set forth above.

28

1 **SPECIAL INTERROGATORY NO. 86:**

2 Identify all DOCUMENTS that support the Seventh Affirmative Defense in the Answer.

3 **RESPONSE TO SPECIAL INTERROGATORY NO. 86**

4 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
5 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
6 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
7 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
8 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
9 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
10 Defendants have misappropriated with reasonable particularity before commencing discovery  
11 related to the purported misappropriation of that trade secret. Google also objects to this  
12 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
13 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege.  
14 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
15 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
16 incorporates its General Response and General Objections as set forth above.

17

18 **SPECIAL INTERROGATORY NO. 87:**

19 State all facts that support the Eighth Affirmative Defense in the ANSWER.

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 87**

21 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
22 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
23 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
24 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
25 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
26 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
27 Defendants have misappropriated with reasonable particularity before commencing discovery  
28 related to the purported misappropriation of that trade secret. Google also objects to this

1 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
2 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
3 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
4 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
5 incorporates its General Response and General Objections as set forth above.  
6

7 **SPECIAL INTERROGATORY NO. 88:**

8 IDENTIFY ALL PERSONS who have the knowledge that support [sic] the Eighth  
9 Affirmative Defense in the ANSWER.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 88**

11 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
12 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
13 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
14 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
15 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
16 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
17 Defendants have misappropriated with reasonable particularity before commencing discovery  
18 related to the purported misappropriation of that trade secret. Google also objects to this  
19 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
20 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
21 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
22 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
23 incorporates its General Response and General Objections as set forth above.  
24

25 **SPECIAL INTERROGATORY NO. 89:**

26 Identify all DOCUMENTS that support the Eighth Affirmative Defense in the Answer.  
27  
28

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 89**

2 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
3 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
4 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
5 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
6 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
7 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
8 Defendants have misappropriated with reasonable particularity before commencing discovery  
9 related to the purported misappropriation of that trade secret. Google also objects to this  
10 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
11 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
12 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
13 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
14 incorporates its General Response and General Objections as set forth above.

15  
16 **SPECIAL INTERROGATORY NO. 90:**

17 State all facts that support the Ninth Affirmative Defense in the ANSWER.

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 90**

19 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
20 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
21 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
22 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
23 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
24 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
25 Defendants have misappropriated with reasonable particularity before commencing discovery  
26 related to the purported misappropriation of that trade secret. Google also objects to this  
27 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
28 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege.

1 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
2 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
3 incorporates its General Response and General Objections as set forth above.

4  
5 **SPECIAL INTERROGATORY NO. 91:**

6 IDENTIFY ALL PERSONS who have the knowledge that support [sic] the Ninth  
7 Affirmative Defense in the ANSWER.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 91**

9 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
10 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
11 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
12 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
13 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
14 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
15 Defendants have misappropriated with reasonable particularity before commencing discovery  
16 related to the purported misappropriation of that trade secret. Google also objects to this  
17 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
18 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
19 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
20 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
21 incorporates its General Response and General Objections as set forth above.

22  
23 **SPECIAL INTERROGATORY NO. 92:**

24 Identify all DOCUMENTS that support the Ninth Affirmative Defense in the Answer.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 92**

26 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
27 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
28 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.



1 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
2 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
3 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
4 Defendants have misappropriated with reasonable particularity before commencing discovery  
5 related to the purported misappropriation of that trade secret. Google also objects to this  
6 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
7 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege.  
8 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
9 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
10 incorporates its General Response and General Objections as set forth above.

11  
12 **SPECIAL INTERROGATORY NO. 93:**

13 State all facts that support the Tenth Affirmative Defense in the ANSWER.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 93**

15 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
16 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
17 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
18 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
19 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
20 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
21 Defendants have misappropriated with reasonable particularity before commencing discovery  
22 related to the purported misappropriation of that trade secret. Google also objects to this  
23 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
24 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege.  
25 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
26 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
27 incorporates its General Response and General Objections as set forth above.

1 **SPECIAL INTERROGATORY NO. 94:**

2 IDENTIFY ALL PERSONS who have the knowledge that support [sic] the Tenth  
3 Affirmative Defense in the ANSWER.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 94**

5 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
6 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
7 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
8 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
9 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
10 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
11 Defendants have misappropriated with reasonable particularity before commencing discovery  
12 related to the purported misappropriation of that trade secret. Google also objects to this  
13 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
14 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
15 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
16 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
17 incorporates its General Response and General Objections as set forth above.

18  
19 **SPECIAL INTERROGATORY NO. 95:**

20 Identify all DOCUMENTS that support the Tenth Affirmative Defense in the Answer.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 95**

22 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
23 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
24 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
25 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
26 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
27 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
28 Defendants have misappropriated with reasonable particularity before commencing discovery

1 related to the purported misappropriation of that trade secret. Google also objects to this  
2 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
3 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege.  
4 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
5 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
6 incorporates its General Response and General Objections as set forth above.

7  
8 **SPECIAL INTERROGATORY NO. 96:**

9 State all facts that support the Eleventh Affirmative Defense in the ANSWER.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 96**

11 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
12 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
13 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
14 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
15 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
16 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
17 Defendants have misappropriated with reasonable particularity before commencing discovery  
18 related to the purported misappropriation of that trade secret. Google also objects to this  
19 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
20 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege.  
21 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
22 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
23 incorporates its General Response and General Objections as set forth above.

24  
25 **SPECIAL INTERROGATORY NO. 97:**

26 IDENTIFY ALL PERSONS who have the knowledge that support [sic] the Eleventh  
27 Affirmative Defense in the ANSWER.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 97**

2 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
3 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
4 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
5 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
6 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
7 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
8 Defendants have misappropriated with reasonable particularity before commencing discovery  
9 related to the purported misappropriation of that trade secret. Google also objects to this  
10 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
11 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
12 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
13 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
14 incorporates its General Response and General Objections as set forth above.

15  
16 **SPECIAL INTERROGATORY NO. 98:**

17 Identify all DOCUMENTS that support the Eleventh Affirmative Defense in the Answer.

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 98**

19 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
20 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
21 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
22 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
23 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
24 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
25 Defendants have misappropriated with reasonable particularity before commencing discovery  
26 related to the purported misappropriation of that trade secret. Google also objects to this  
27 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
28 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,

1 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
2 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
3 incorporates its General Response and General Objections as set forth above.  
4

5 **SPECIAL INTERROGATORY NO. 99:**

6 State all facts that support the Twelfth Affirmative Defense in the ANSWER.

7 **RESPONSE TO SPECIAL INTERROGATORY NO. 99**

8 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
9 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
10 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
11 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
12 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
13 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
14 Defendants have misappropriated with reasonable particularity before commencing discovery  
15 related to the purported misappropriation of that trade secret. Google also objects to this  
16 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
17 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
18 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
19 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
20 incorporates its General Response and General Objections as set forth above.  
21

22 **SPECIAL INTERROGATORY NO. 100:**

23 IDENTIFY ALL PERSONS who have the knowledge that support [sic] the Twelfth  
24 Affirmative Defense in the ANSWER.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 100**

26 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
27 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
28 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.

1 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
2 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
3 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
4 Defendants have misappropriated with reasonable particularity before commencing discovery  
5 related to the purported misappropriation of that trade secret. Google also objects to this  
6 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
7 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
8 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
9 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
10 incorporates its General Response and General Objections as set forth above.

11

12 **SPECIAL INTERROGATORY NO. 101:**

13 Identify all DOCUMENTS that support the Twelfth Affirmative Defense in the Answer.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 101**

15 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
16 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
17 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
18 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
19 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
20 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
21 Defendants have misappropriated with reasonable particularity before commencing discovery  
22 related to the purported misappropriation of that trade secret. Google also objects to this  
23 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
24 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
25 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
26 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
27 incorporates its General Response and General Objections as set forth above.

28

1 **SPECIAL INTERROGATORY NO. 102:**

2 State all facts that support the Thirteenth Affirmative Defense in the ANSWER.

3 **RESPONSE TO SPECIAL INTERROGATORY NO. 102**

4 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
5 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
6 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
7 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
8 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
9 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
10 Defendants have misappropriated with reasonable particularity before commencing discovery  
11 related to the purported misappropriation of that trade secret. Google also objects to this  
12 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
13 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
14 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
15 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
16 incorporates its General Response and General Objections as set forth above.

17  
18 **SPECIAL INTERROGATORY NO. 103:**

19 IDENTIFY ALL PERSONS who have the knowledge that support [sic] the Thirteenth  
20 Affirmative Defense in the ANSWER.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 103**

22 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
23 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
24 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
25 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
26 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
27 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
28 Defendants have misappropriated with reasonable particularity before commencing discovery

1 related to the purported misappropriation of that trade secret. Google also objects to this  
2 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
3 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
4 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
5 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
6 incorporates its General Response and General Objections as set forth above.

7

8 **SPECIAL INTERROGATORY NO. 104:**

9 Identify all DOCUMENTS that support the Thirteenth Affirmative Defense in the Answer.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 104**

11 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
12 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
13 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
14 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
15 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
16 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
17 Defendants have misappropriated with reasonable particularity before commencing discovery  
18 related to the purported misappropriation of that trade secret. Google also objects to this  
19 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
20 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
21 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
22 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
23 incorporates its General Response and General Objections as set forth above.

24

25 **SPECIAL INTERROGATORY NO. 105:**

26 State all facts that support the Fourteenth Affirmative Defense in the ANSWER.

27

28



1 **RESPONSE TO SPECIAL INTERROGATORY NO. 105**

2 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
3 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
4 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
5 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
6 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
7 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
8 Defendants have misappropriated with reasonable particularity before commencing discovery  
9 related to the purported misappropriation of that trade secret. Google also objects to this  
10 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
11 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
12 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
13 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
14 incorporates its General Response and General Objections as set forth above.

15  
16 **SPECIAL INTERROGATORY NO. 106:**

17 IDENTIFY ALL PERSONS who have the knowledge that support [sic] the Fourteenth  
18 Affirmative Defense in the ANSWER.

19 **RESPONSE TO SPECIAL INTERROGATORY NO. 106**

20 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
21 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
22 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
23 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
24 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
25 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
26 Defendants have misappropriated with reasonable particularity before commencing discovery  
27 related to the purported misappropriation of that trade secret. Google also objects to this  
28 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client

1 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
2 and also objects to this Interrogatory to the extent that it calls for information that is confidential.  
3 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
4 incorporates its General Response and General Objections as set forth above.

5  
6 **SPECIAL INTERROGATORY NO. 107:**

7 Identify all DOCUMENTS that support the Fourteenth Affirmative Defense in the Answer.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 107**

9 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
10 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
11 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
12 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
13 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
14 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
15 Defendants have misappropriated with reasonable particularity before commencing discovery  
16 related to the purported misappropriation of that trade secret. Google also objects to this  
17 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
18 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
19 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
20 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
21 incorporates its General Response and General Objections as set forth above.

22  
23 **SPECIAL INTERROGATORY NO. 108:**

24 State all facts that support the Fifteenth Affirmative Defense in the ANSWER.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 108**

26 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
27 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
28 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.

1 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
2 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
3 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
4 Defendants have misappropriated with reasonable particularity before commencing discovery  
5 related to the purported misappropriation of that trade secret. Google also objects to this  
6 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
7 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
8 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
9 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
10 incorporates its General Response and General Objections as set forth above.

11

12 **SPECIAL INTERROGATORY NO. 109:**

13 IDENTIFY ALL PERSONS who have the knowledge that support [sic] the Fifteenth  
14 Affirmative Defense in the ANSWER.

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 109**

16 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
17 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
18 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
19 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
20 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
21 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
22 Defendants have misappropriated with reasonable particularity before commencing discovery  
23 related to the purported misappropriation of that trade secret. Google also objects to this  
24 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
25 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
26 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
27 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
28 incorporates its General Response and General Objections as set forth above.

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**SPECIAL INTERROGATORY NO. 110:**

Identify all DOCUMENTS that support the Fifteenth Affirmative Defense in the Answer.

**RESPONSE TO SPECIAL INTERROGATORY NO. 110**

Google objects to this Interrogatory on the ground that it is wholly duplicative of other discovery, including Form Interrogatory 15.1 in Booloon’s First Set of Form Interrogatories to Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy. Google also objects to this Request to the extent that it calls for the disclosure of information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil Procedure section 2019.210’s requirement that they identify the alleged trade secret that they claim Defendants have misappropriated with reasonable particularity before commencing discovery related to the purported misappropriation of that trade secret. Google also objects to this Interrogatory to the extent it calls for information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, the common interest and/or joint defense privilege, and also objects to this Interrogatory to the extent that it calls for information that is confidential, proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google incorporates its General Response and General Objections as set forth above.

**SPECIAL INTERROGATORY NO. 111:**

State all facts that support the Sixteenth Affirmative Defense in the ANSWER.

**RESPONSE TO SPECIAL INTERROGATORY NO. 111**

Google objects to this Interrogatory on the ground that it is wholly duplicative of other discovery, including Form Interrogatory 15.1 in Booloon’s First Set of Form Interrogatories to Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy. Google also objects to this Request to the extent that it calls for the disclosure of information that is not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil

1 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
2 Defendants have misappropriated with reasonable particularity before commencing discovery  
3 related to the purported misappropriation of that trade secret. Google also objects to this  
4 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
5 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege.  
6 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
7 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
8 incorporates its General Response and General Objections as set forth above.

9  
10 **SPECIAL INTERROGATORY NO. 112:**

11 IDENTIFY ALL PERSONS who have the knowledge that support [sic] the Sixteenth  
12 Affirmative Defense in the ANSWER.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 112**

14 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
15 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
16 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
17 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
18 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
19 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
20 Defendants have misappropriated with reasonable particularity before commencing discovery  
21 related to the purported misappropriation of that trade secret. Google also objects to this  
22 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
23 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege.  
24 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
25 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
26 incorporates its General Response and General Objections as set forth above.

1 **SPECIAL INTERROGATORY NO. 113:**

2 Identify all DOCUMENTS that support the Sixteenth Affirmative Defense in the Answer.

3 **RESPONSE TO SPECIAL INTERROGATORY NO. 113**

4 Google objects to this Interrogatory on the ground that it is wholly duplicative of other  
5 discovery, including Form Interrogatory 15.1 in Booloon's First Set of Form Interrogatories to  
6 Google, and is therefore unduly burdensome and oppressive and designed to harass, vex and annoy.  
7 Google also objects to this Request to the extent that it calls for the disclosure of information that is  
8 not yet subject to discovery by Plaintiffs because Plaintiffs have not complied with Code of Civil  
9 Procedure section 2019.210's requirement that they identify the alleged trade secret that they claim  
10 Defendants have misappropriated with reasonable particularity before commencing discovery  
11 related to the purported misappropriation of that trade secret. Google also objects to this  
12 Interrogatory to the extent it calls for information protected from disclosure by the attorney-client  
13 privilege, the attorney work product doctrine, the common interest and/or joint defense privilege,  
14 and also objects to this Interrogatory to the extent that it calls for information that is confidential,  
15 proprietary and/or trade secret and/or are protected from disclosure by the right to privacy. Google  
16 incorporates its General Response and General Objections as set forth above.

17  
18 **SPECIAL INTERROGATORY NO. 114:**

19 Describe Google's policy regarding career development, including but not limited to  
20 policies for attending conferences, seminars, classes, etc.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 114**

22 Google objects to this Interrogatory on the grounds that it lacks foundation and assumes  
23 facts not in evidence. Google also objects to this Interrogatory on the ground that the phrase  
24 "policy regarding career development" is vague and ambiguous. Google also objects to this  
25 Interrogatory on the grounds that it is overbroad, unduly burdensome and oppressive and not  
26 reasonably calculated to lead to the discovery of admissible evidence, and the burden associated  
27 with providing the requested information is not outweighed by the potential relevance, if any, of the  
28 information sought. Google also objects to this Interrogatory to the extent it calls for information

1 protected from disclosure by the attorney-client privilege, the attorney work product doctrine, the  
2 common interest and/or joint defense privilege, and also objects to this Interrogatory to the extent  
3 that it calls for information that is confidential, proprietary and/or trade secret and/or are protected  
4 from disclosure by the right to privacy. Google incorporates its General Response and General  
5 Objections as set forth above.

6  
7 **SPECIAL INTERROGATORY NO. 115:**

8 Describe Google's policies regarding working hours of the employees.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 115**

10 Google objects to this Interrogatory on the grounds that it lacks foundation and assumes  
11 facts not in evidence. Google also objects to this Interrogatory on the ground that the phrase  
12 "policies regarding working hours" is vague and ambiguous. Google also objects to this  
13 Interrogatory on the grounds that it is overbroad, unduly burdensome and oppressive and not  
14 reasonably calculated to lead to the discovery of admissible evidence, and the burden associated  
15 with providing the requested information is not outweighed by the potential relevance, if any, of the  
16 information sought. Google also objects to this Interrogatory to the extent it calls for information  
17 protected from disclosure by the attorney-client privilege, the attorney work product doctrine, the  
18 common interest and/or joint defense privilege, and also objects to this Interrogatory to the extent  
19 that it calls for information that is confidential, proprietary and/or trade secret and/or are protected  
20 from disclosure by the right to privacy. Google incorporates its General Response and General  
21 Objections as set forth above.

22  
23 **SPECIAL INTERROGATORY NO. 116:**

24 Identify ALL PERSONS who assisted in preparing responses to the requests for admissions.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 116**

26 Google objects to this Interrogatory on the grounds that it is compound. Google also  
27 objections on the ground that the phrase "responses to the requests for admission" is vague and  
28 ambiguous, and Google responds based on its understanding that the Interrogatory is referring to

1 Booloon's First Set of Requests for Admission to Google. Google objects to this Interrogatory to  
2 the extent it calls for information protected from disclosure by the attorney-client privilege, the  
3 attorney work product doctrine, the common interest and/or joint defense privilege, and also objects  
4 to this Interrogatory to the extent that it calls for information that is confidential, proprietary and/or  
5 trade secret and/or are protected from disclosure by the right to privacy. Google incorporates its  
6 General Response and General Objections as set forth above.

7 Subject to, and without waiving, the foregoing objections, Google responds as follows:  
8 Bostwick & Jassy LLP, counsel for Google in this matter, and Nick Mote, who has verified those  
9 Responses on behalf of Google, assisted in preparing responses to the requests for admissions.

10  
11 **SPECIAL INTERROGATORY NO. 117:**

12 Identify ALL PERSONS who assisted in preparing responses to the requests for production.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 117**

14 Google objects to this Interrogatory on the grounds that it is compound. Google also  
15 objections on the ground that the phrase "responses to the requests for production" is vague and  
16 ambiguous, and Google responds based on its understanding that the Interrogatory is referring to  
17 Booloon's First Set of Requests for Production to Google. Google objects to this Interrogatory to  
18 the extent it calls for information protected from disclosure by the attorney-client privilege, the  
19 attorney work product doctrine, the common interest and/or joint defense privilege, and also objects  
20 to this Interrogatory to the extent that it calls for information that is confidential, proprietary and/or  
21 trade secret and/or are protected from disclosure by the right to privacy. Google incorporates its  
22 General Response and General Objections as set forth above.

23 Subject to, and without waiving, the foregoing objections, Google responds as follows:

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1 Bostwick & Jassy LLP, counsel for Google in this matter, and Roy Batista, who has verified those  
2 Responses on behalf of Google, assisted in preparing responses to the requests for productions.  
3

4 Dated: March 7, 2011

BOSTWICK & JASSY LLP

6  
7 By

  
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KEVIN L. VICK

Attorneys for Defendants  
Google Inc. and Nick Mote

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VERIFICATION

I, Nick Mote, verify that:

I am an authorized representative of Defendant Google Inc., and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the above document, **DEFENDANTS GOOGLE INC.'S OBJECTIONS AND RESPONSES TO PLAINTIFF BOOLOON, INC.'S FIRST SET OF SPECIAL INTERROGATORIES**, and know its contents. I am informed and believe and on that ground allege that the matters stated in it are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 7, 2011 at Santa Monica, California.



Nick Mote

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# EXHIBIT E

1 DECLARATION OF NICK MOTE

2 I, Nicolaus "Nick" Mote, declare as follows:

3 1. I am over the age of eighteen years. The matters stated below are true of my own  
4 personal knowledge except for those matters expressly stated on information and belief, which  
5 matters I believe to be true. If called as a witness, I could and would testify to the following.

6 2. I hold a Bachelor of Science degree in Computer Science from the University of  
7 Southern California ("USC"). I also hold a Master of Science degree in Linguistics from USC.  
8 Between 2001-2002, I took courses at Taiwan Normal University. I am a Ph.D. student in  
9 Computer Science on leave of absence at USC. I am not a lawyer.

10 3. I was hired by Google Inc. ("Google") in November 2006 as an Engineering Intern,  
11 and then in June 2007 I was hired by Google as a Software Engineer.

12 4. Google has distinct working groups. One clear separation between many product  
13 and engineering teams at the company is that most employees work on teams either on the  
14 "advertising" side or the "search" side, but not both. I have spent my entire career at Google on the  
15 "advertising" side, working on advertising services for Google in connection with Google's  
16 AdSense program. I have never worked on a team that works on the "search" side at Google. I am  
17 informed and believe that the "search" side at Google develops products and services related to the  
18 search engine on the Google.com website, such as local search and search for people. I have not  
19 personally played any role in the creation or development of any local search features or search  
20 features for people at Google.

21 5. In or about May 2008, Kai He, an acquaintance of mine through my church, asked  
22 me if I would be willing to meet with one of his acquaintances. I told Mr. He that I would meet  
23 with his acquaintance as a favor to Mr. He, potentially to give his acquaintance some thoughts  
24 regarding Internet search engines. Although I do not work in Google's "search" group, I have some  
25 familiarity with search engine principles through my education.

26 6. On Sunday, June 1, 2008 (the "June 2008 Meeting"), I met in a coffee shop in Santa  
27 Monica with Mr. He, his acquaintance Qin Zhang, and a man who was identified to me by Ms.  
28 Zhang as Hong Zhang. This was my one and only meeting with Ms. Zhang or Hong Zhang.

1 Although I was an employee of Google at the time of the June 2008 Meeting, I did not attend the  
2 June 2008 Meeting in my capacity as a Google employee, and I was not acting or claiming to act as  
3 an agent or employee of Google at that meeting.

4 7. During the June 2008 Meeting, the Zhangs roughly described a “person search”  
5 concept for a search engine, and showed me, on a laptop, a demo software program and database. I  
6 was not given any copies of any of the Zhangs’ materials at the June 2008 Meeting or at any other  
7 time. My only exposure to the Zhangs’ ideas was during the June 2008 Meeting. The Zhangs  
8 asked me for pointers so I referred them to some academic research that might address their  
9 problems.

10 8. Soon after the June 2008 Meeting, Ms. Zhang called me on my cell phone. We had a  
11 very brief conversation. Ms. Zhang asked me if I wanted to meet again or to help her develop a  
12 search engine. I declined. We did not communicate with one another after that. I also have not  
13 communicated with Hong Zhang since the June 2008 Meeting.

14 9. During the meeting, Ms. Zhang or her brother may have asked me to keep what was  
15 being shared confidential, although I do not recall their doing so. I was not asked to sign a  
16 confidentiality or non-disclosure agreement, and I did not volunteer to sign any such agreement. I  
17 had no interest in telling anyone what I was shown or told at the June 2008 Meeting, and I had no  
18 intention of ever telling anyone at Google what was discussed at the June 2008 Meeting.

19 10. I did not mention anything that was communicated at the June 2008 Meeting to  
20 anyone at Google until May 2010 when I was informed and believed that Ms. Zhang had sent a  
21 letter to Google’s Chairman/CEO Eric Schmidt mentioning me and threatening to sue. At that  
22 point, I felt compelled to discuss the June 2008 Meeting with a few people in order to rebut Ms.  
23 Zhang’s accusations.

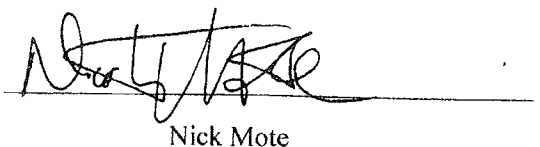
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11. I never discussed anything pertaining to the June 2008 Meeting with anyone on Google's "search" side, which includes anyone who I know or believe to be responsible for creating, developing or modifying any of Google's local search features or search features for people.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Seattle, Washington on April 7, 2011.



Nick Mote

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# EXHIBIT F

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**DECLARATION OF ELIZABETH REID**

I, Elizabeth Reid, declare as follows:

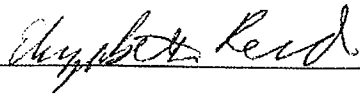
1. I am over the age of eighteen years. The matters stated below are true of my own personal knowledge except for those matters expressly stated on information and belief, which matters I believe to be true. If called as a witness, I could and would testify to the following.
2. I hold a Bachelor of Arts degree in Computer Science from Dartmouth College. I started working for Google Inc. ("Google") in 2003. Prior to working for Google, I worked as an intern at Microsoft Corporation and at the Dartmouth Medical School Interactive Media Lab.
3. When I started at Google, I worked as a Software Engineer in the Google group focusing on local searches. Starting in approximately May 2003, I began working on the development of local search features and services for the Google.com website. My current position at Google is Engineering Director in the same group, a position I have held at Google since May 2008. In 2006, I began managing a New York team of engineers that works on developing local search services and features, and I continue in this position to this day. My colleague Carter Maslan and I work closely as peers at Google, with Mr. Maslan driving the product side of the product.
4. Google.com users have been able to run "local" searches for businesses, attractions, etc., in various locales since approximately 2004. The local search project is designed to make it easier for Google.com users to find local businesses and other places such as parks or landmarks. Local search seeks to improve the search results that a user gets when they type in queries that appear to be searching for local businesses and places. For example, a search for "Los Angeles Italian restaurant" will provide a results page with many different Italian restaurants in Los Angeles and a map of Los Angeles with different restaurants plotted on the map with clickable links. Google strives to provide users with an easier-to-use interface and better

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results that contain more of the type of results that they actually find useful and fewer irrelevant or "junk" results.

- 5. Google launched its local search features in Canada in 2004, and in the United Kingdom in 2005. In 2007, Google launched photographs of businesses as part of its local search features.
  
- 6. Because I have worked with them, I am familiar with the individuals who have contributed to the development of local search services and features at Google since August 2003. From August 2003 to the present, Google's local search services and features have been created and developed entirely in-house by Google. Nick Mote has not played any role in the creation or development of local search. Google distinguishes between employees working on the "advertising" side and those working on the search engine ("search") side. Local search has been created and developed by teams and individuals working on the search side at Google, not the advertising side. I am informed and believe that Mr. Mote works on the advertising side at Google, not the search side, which is where I work.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in New York, New York on April 7, 2011.

  
\_\_\_\_\_  
Elizabeth Reid

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# EXHIBIT G

1 **DECLARATION OF JONATHAN CARTER MASLAN**

2 I, Jonathan Carter Maslan, declare as follows:

3 1. I am over the age of eighteen years. The matters stated below are true of my own  
4 personal knowledge except for those matters expressly stated on information and belief, which  
5 matters I believe to be true. If called as a witness, I could and would testify to the following.

6 2. I hold a Bachelor of Science of Engineering degree in electrical engineering and  
7 computer science from Princeton University. I started working for Google Inc. ("Google") in  
8 March 2007. Prior to working for Google, I worked as Director of Technical Evangelism at  
9 Microsoft Corporation for six years, and also worked as Director of Product Management and  
10 Marketing at Inktomi Corporation for approximately three years.

11 3. When I started at Google, I worked as Director of Product Management in the  
12 Google group focusing on local searches. Since 2007, I have been the Director of Product  
13 Management for local search at Google, whose responsibilities include local search services and  
14 features for Google. I am informed and believe that Google began developing its local search  
15 services and features well before I started working at Google. I am informed and believe that  
16 Google began creating and developing local search in the early 2000s. Since 2007, I have been the  
17 primary Product Management Director working on the development of local search services and  
18 features.

19 4. The goals of local search are to make it easier for Google.com users to find local  
20 businesses and other places near them, and to provide users with better results in response to their  
21 search queries. For example, if a user types "Los Angeles sushi" into the Google.com search box,  
22 we want to provide him or her with quality results for sushi restaurants in Los Angeles that are  
23 presented in an easy-to-use manner, rather than results that differ from what the user is likely  
24 searching for.

25 5. Because I have worked with them, I am familiar with the individuals who have  
26 contributed to the development of local search services and features at Google since March 2007.  
27 From March 2007 to the present, Google's local search services and features have been created and  
28 developed entirely in-house by Google. I am informed and believe that this was also true of

1 Google's creation and development of Google's local search services and features before I started  
2 working on local search. Nick Mote has not played any role in the creation or development of loca  
3 search. Google distinguishes between employees working on the "advertising" side and those  
4 working on the search engine ("search") side. Local search has been created and developed by  
5 teams and individuals working on the search side at Google, not the advertising side. I am  
6 informed and believe that Mr. Mote works on the advertising side at Google, not the search side,  
7 which is where I work.

8  
9 I declare under penalty of perjury under the laws of the State of California that the foregoing  
10 is true and correct. Executed in \_\_\_\_\_, \_\_\_\_\_ on April \_\_, 2011.

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# EXHIBIT H

1 DECLARATION OF BRYAN HORLING

2 I, Bryan Horling, declare as follows:

3 1. I am over the age of eighteen years. The matters stated below are true of my own  
4 personal knowledge except for those matters expressly stated on information and belief, which  
5 matters I believe to be true. If called as a witness, I could and would testify to the following.

6 2. I hold Bachelor of Science degrees in biology and computer science from Trinity  
7 College. I hold a Masters in Science and a Ph.D. in computer science from the University of  
8 Massachusetts. I started working for Google Inc. ("Google") in December 2005. Prior to working  
9 for Google, I worked as a research assistant at the University of Massachusetts for nine years.

10 3. I am a Software Engineer at Google and have been since I started at Google in  
11 December 2005. When I first started at Google, I worked on personalized search.

12 4. I am informed and believe that Google.com users have been able to run searches  
13 for people since the website was launched in or about 1997. In early 2010, I began working on a  
14 project at Google to improve searches for people, and I continue to work on that project as the tech  
15 lead manager. The goal of the project is to provide Google.com users with better search results  
16 in response to search queries for people's names, and to present those results in a user-friendly  
17 way. Google strives to improve its search features for people, and regularly embarks on in-house  
18 projects, big and small, that are designed to enhance the way users find people on Google.com.

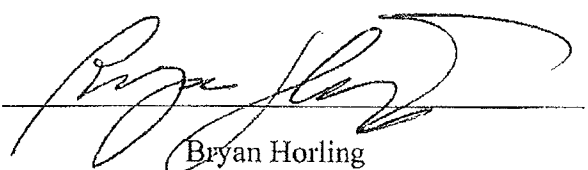
19 5. Aside from a profile-searching tool, the project on which I have been working  
20 since early 2010 has not yet produced any new services or features that have been launched on the  
21 Google.com website.

22 6. Because I have worked with them, I am familiar with the individuals who  
23 have contributed to the development of search features for people at Google since I started in  
24 personalized search with Google in 2005. From that time to the present, Google's search features  
25 pertaining to people have been created and developed entirely in-house by Google. Nick Mote has  
26 not played any role in the creation or development of the features of searches for people. Google  
27 distinguishes between employees working on the "advertising" side and those working on the  
28 search engine ("search") side. The project pertaining to searches for people has been created and

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developed by teams and individuals working on the search side at Google, not the advertising side.  
I am informed and believe that Mr. Mote works on the advertising side at Google, not the search side, which is where I work.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Mountain View, CA on April 8, 2011.

  
Bryan Horling

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# EXHIBIT I

DECLARATION OF DAVID BAU

I, David Bau, declare as follows:

1. I am over the age of eighteen years. The matters stated below are true of my own personal knowledge except for those matters expressly stated on information and belief, which matters I believe to be true. If called as a witness, I could and would testify to the following.

2. I hold a Bachelor of Arts degree in Mathematics from Harvard, and a Master of Science degree from Cornell. I started working for Google Inc. ("Google") in 2004. Prior to working for Google, I worked as a Software Engineer at BEA Systems for approximately three years, and also worked as a Software Engineer at Microsoft Corporation for five years.

3. I am a Software Engineer at Google and have been since I started here in 2004. When I first joined Google, I worked on the development of Google instant messaging.

4. I am informed and believe that Google.com users have been able to run searches for people since the website was launched in or about 1997. Towards the end of 2005, I began working on a project at Google to improve searches for people. The goal was to try to provide Google.com users with better search results in response to their queries regarding people's names, and to present those results in an easy-to-read, user-friendly manner.

5. My project to improve Google's search features for people began in 2005. I eventually headed a small team of Google engineers devoted to working on my project to develop search services and features for people. I continued working on this project until approximately May 2008.

6. Because I worked with them, I am familiar with the individuals who contributed to the development of search services and features for people at Google from late 2005 to May 2008. During that time period, Google's search features pertaining to people were created and developed entirely in-house by Google. Nick Mote did not play any role in the creation or development of the search features for people. Google distinguishes between employees working on the "advertising" side and those working on the search engine ("search") side. People search has been created and developed by teams and individuals working on the search side at Google, not the advertising side. I am informed and believe that Mr. Mote works on the advertising side at Google, not the search

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side, which is where I work.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in CAMBRIDGE, MASSACHUSETTS on April 8, 2011.



David Bau

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# EXHIBIT J

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Attorneys for Defendants  
Google Inc. and Nick Mote

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Superior Court of California  
County of Los Angeles

OCT 06 2011

John A. Clarke, Executive Officer/Clerk  
By ~~\_\_\_\_\_~~ Dep.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

Booloon, Inc., a Delaware Corporation,  
Qin Zhang, an individual,

Plaintiffs,

vs.

Google Inc., a Delaware Corporation, Nick  
Mote, an individual, and DOES 1 through  
100, inclusive,

Defendants.

Case No. BC 438806

Related Case No. SC 112586

[Assigned to Hon. Rita Miller]

~~\_\_\_\_\_~~ JUDGMENT

Complaint Filed: May 28, 2010

1 On August 25, 2011, this Court granted Defendants' Motion for Summary Judgment as to  
2 all Plaintiffs' remaining causes of action in this action,

3 NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Plaintiffs take  
4 nothing in this action and Judgment be entered in favor of Defendants and against Plaintiffs and  
5 awarding costs and disbursements to Defendants in the sum of \$ \_\_\_\_\_  
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9 DATE: 10/6, 2011

  
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Hon. Rita Miller  
Judge, Los Angeles Superior Court

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14 BOSTWICK & JASSY LLP

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16 By:   
17 Gary L. Bostwick

18 Attorneys for Defendants  
19 GOOGLE INC. and NICK MOTE  
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ORDER

AUG 25 2011

HEARING DATE: August 12, 2011  
CASE NUMBER: BC438806  
CASE NAME: *Booloon, Inc. et al. v. Google, Inc., et al.*  
MOVING PARTY: Plaintiffs  
RESPONDING PARTY: Defendants  
MOTION: Motion for Summary Judgment or in the Alternative Summary Adjudication

ORDER: The court grants summary judgment, as summary adjudication is appropriate as to issues 5, 11 and 17 and the resolution of these issues resolves all causes of action remaining in the complaint. The grounds for this order are: 1) that the remaining causes of action in the complaint (the 4<sup>th</sup>, 5<sup>th</sup> and 7<sup>th</sup>) are preempted by the California Uniform Trade Secrets Act, and 2) summary adjudication is proper as to issues 3, 9 and 15, as there are no triable issues of fact that need to be resolved to establish that defendant Google independently created the information alleged in the complaint to have been wrongfully obtained from plaintiffs.

Discussion:

*Preemption*

*Issue 5. The fourth cause of action for fraud is preempted by the California Uniform Trade Secrets Act.*

*Issue 11. The fifth cause of action for constructive fraud is preempted by the California Uniform Trade Secrets Act.*

*Issue 17. The seventh cause of action for constructive trust is preempted by the California Uniform Trade Secrets Act.*

The only causes of action that remain in the complaint are the fourth, fifth and seventh. It is undisputed that, despite the fact that plaintiffs refer to these causes of action as involving misappropriation of "confidential information," or information that was confidential but has ceased to be confidential since the complaint was filed ("previously confidential information"), all of these causes of action arise from an alleged misappropriation by defendants of plaintiffs' trade secrets. (See plaintiffs' response of "Undisputed" to defendants' separate statement at paragraphs 23-26, 52-55, and 84 - 87 - e.g., refraining from disputing that the fourth, fifth and seventh causes of action are: 1) "predicated on Google's alleged 'use' and/or 'benefit from' Plaintiffs' 'confidential information;'" 2) admitting that, in deposition, plaintiff Zhang "testified that all of the 'confidential information' that was allegedly communicated [to defendants] was a trade secret." 3) admitting that plaintiffs "objected to nearly all of Defendants' document demands on confidentiality grounds by invoking Evidence Code § 1060" [which expressly

protects trade secrets], and 4) admitting that “In meet and confer correspondence concerning Plaintiffs’ written discovery responses, Zhang repeatedly referred to the ‘confidential information’ as ‘trade secrets.’”)

The court of appeal recently made clear in *K.C. Multimedia, Inc. v. Bank of America Technology & Operations, Inc.* (2009) 171 Cal.App.4th 939, 962 that the California Uniform Trade Secrets Act (“CUTSA”) “preempt[s] claims based on the same nucleus of facts as trade secret misappropriation.” Thus, it follows that, if someone alleges theft of trade secrets but calls it “confidential information” or “previously confidential information,” CUTSA still applies and preempts other claims.

The court in *Silvaco Data Systems v. Inel Corporation* (2010) 184 Cal.App.4th 210, 237 [overruled on other grounds in *Kwikset Corp. v. Superior Court* (2011) 310, 337] reaffirmed that “CUTSA provides the exclusive civil remedy for conduct falling within its terms, so as to supersede other civil remedies “based upon misappropriation of a trade secret.” (§ 3426.7, subds. (a), (b).)”

Civil Code section 3426.7 sets forth parameters as to what causes of action are **not** “superseded” by CUTSA. It provides:

“(a) Except as otherwise expressly provided, this title [CUTSA] does not supersede any statute relating to misappropriation of a trade secret, or any statute otherwise regulating trade secrets.  
(b) This title does not affect (1) contractual remedies, whether or not based upon misappropriation of a trade secret, (2) other civil remedies that are not based upon misappropriation of a trade secret, or (3) criminal remedies, whether or not based upon misappropriation of a trade secret. . . .” (Civ. Code, § 3426.7.)

It is evident that CUTSA supersedes and preempts all other remedies here because all causes of action remaining in the complaint arise from a nucleus of fact that revolves around misappropriation of trade secrets. Here, although plaintiff refers to the misappropriated property as “confidential information” or “previously confidential information,” the use of these terms does not circumvent preemption under CUTSA.

In particular, the fourth cause of action for fraud alleges defendants obtained plaintiffs’ trade secrets through fraud. The nucleus of facts is that defendants had and used plaintiffs’ trade secrets. This cause of action is preempted. The fifth cause of action for constructive fraud also alleges the same nucleus of facts: that defendants obtained and used plaintiffs’ trade secrets. Similarly, the seventh cause of action for constructive trust alleges that defendants obtained profits from the use of the trade secrets, which should be disgorged to plaintiffs.

As granting summary adjudication as to these three issues resolves the entire complaint, summary judgment is appropriate.

*Issue 3. The fourth cause of action for fraud fails based on the defense of independent creation.*  
*Issue 9. The fifth cause of action for constructive fraud fails based on the defense of independent creation.*

*Issue 15. The sixth cause of action for constructive trust fails based on the defense of independent creation.*

### *Independent Creation*

Even if the causes of action were properly pleaded under the Uniform Trade Secrets Act, summary judgment still would be granted because plaintiffs' opposition and responses to discovery demonstrate that they have no evidence and no ability to present any evidence that negates defendants' evidence that Google independently created the material that plaintiffs claim it misappropriated. This is because, where plaintiffs have answered comprehensive interrogatories indicating that they have no specific facts supporting their claims and that they have no further information responsive to the interrogatories, defendants moving for summary judgment satisfy the initial burden of proof, shifting the burden to plaintiffs. (*Andrews v. Foster Wheeler LLC* (2006) 138 Cal.App.4th 96, 107.)

Here, plaintiffs' responses to discovery do not contain any facts that would support their contention that Google misappropriated their trade secrets/confidential information rather than creating the material independently. In particular, plaintiffs' response to "state-all-facts" interrogatories boils down only to the following: that plaintiffs disclosed the information to Mote at the meeting after Mote promised not to disclose the information to anyone else, that Zhang called Mote and he was rude to her, and that a few months later Zhang and Hong noticed changes in Google's local business search and people search features that looked as if they had come from the trade secrets/confidential information disclosed by plaintiffs. The only new evidence plaintiffs submitted in support of the opposition is that Google did not list the items constituting the trade secrets on any patent or patent application.

Plaintiffs' evidence is nothing more than speculation. A similar factual situation was considered by the court in *Hollywood Screentest of America, Inc. v. NBC Universal, Inc.* (2007) 151 Cal.App.4th 631. There, the court affirmed summary judgment granted to defendant on the grounds of independent creation. In that case, plaintiff had numerous communications with defendant, including one of defendant's top vice-presidents who signed a confidentiality agreement, regarding an idea for a television program. After defendant publicized a new television program with similar features, plaintiff filed action. Defendant submitted evidence that its new television program had been independently created by persons without knowledge of the ideas communicated to defendant by plaintiff.

The following lengthy quotation from *Hollywood Screentest* is informative here because it has so much in common with this case. It is set forth in italics to avoid confusion.

*"The independent creation doctrine is set forth in Teich v. General Mills, Inc., supra, 170 Cal. App. 2d 791 (Teich). In Teich, the plaintiff had developed an idea for a children's item and submitted the idea to General Mills with the thought that it might be used as a cereal box prize. In the summer of 1955 he met with an advertising and sales promotion manager at a division of General Mills, who encouraged him to develop the idea. Teich's subsequent efforts to contact this manager were unsuccessful, but the following January he noticed a promotion for a similar item on a General Mills cereal box and, upon purchasing and opening the box, found inside the*

box an item markedly similar to the one he had presented to the company. (*Id.* at pp. 796–798.) He sued General Mills, claiming that the company had used his idea and that he was therefore entitled to compensation. He won before the jury but the trial court granted General Mills's motion for judgment notwithstanding the verdict. (*Id.* at pp. 803–806. The Court of Appeal affirmed the trial court's grant of judgment notwithstanding the verdict. The court explained that the defendant's receipt of the plaintiff's idea for the product, and the similarity between the plaintiff's idea and the defendant's product, created an "inference" that the defendant used the plaintiff's idea. (*Teich, supra*, 170 Cal. App. 2d at p. 797.) However, the court found that this inference of use could be dispelled as a matter of law by direct evidence of independent creation. Such evidence existed in *Teich*. It consisted of the testimony of three witnesses and documentary evidence. (*Id.* at pp. 799–800.) The court held that this evidence dispelled the inference of use as a matter of law and explained "it follows from the absence of copying that plaintiff has no cause of action." (*Id.* at p. 805; see also *Mann v. Columbia Pictures, Inc.* (1982) 128 Cal. App. 3d 628, 650 [180 Cal. Rptr. 522] [evidence of the author's independent creation of the screenplay *Shampoo* rebutted plaintiff's inference of access to and use of her work].) NBC contends that the inference of use in this case is similarly rebutted by uncontradicted evidence that GRB Entertainment, Brass Ring Productions, and Silver Pictures independently created the concept for *Next Action Star* without any input from NBC." (*Hollywood Screentest, supra*, at pp. 646–647.)

The court found plaintiff failed to negate the evidence of independent creation. "Appellants point to no evidence that NBC actually used their ideas. Instead, they ask that we draw inferences based on general similarities and timing. They argue that a fact question exists as to whether *Next Action Star* was independently created by virtue of (1) the numerous similarities between *Hollywood Screentest* and *Next Action Star*; (2) the modifications of *Next Action Star* from its original "stuntman" concept to the "actor" concept previously provided to NBC by Pascucci; and (3) NBC's simultaneous and suspicious acceptance of the modified *Next Action Star*'s concept and Zucker's final rejection of *Hollywood Screentest*. Appellants' speculation as to NBC's use is insufficient to create a disputed issue of fact. An inference of use sufficient to challenge NBC's "clear, positive and uncontradicted evidence" of independent creation may not be drawn from " . . . suspicion alone, or . . . imagination, speculation, supposition, surmise, conjecture, or guesswork." [Citation.] " (*Mann v. Columbia Pictures, Inc.*, *supra*, 128 Cal. App. 3d at pp. 648, 650–651.) Thus, the similarities and timing are insufficient to create a disputed issue of fact. In addition, the declaration of Rick Telles of Brass Ring Productions and the testimony of Sara Chazen of United Talent Agency—neither of which is contradicted by appellants—show that the concept of making the male and female winners "stars" of the movie, rather than just stuntmen, occurred as early as December 2001, at least six months before the creators of *Next Action Star* communicated with NBC regarding the show." (*Id.* at p. 349.)

In this case, defendants submitted evidence from five engineers at Google with responsibility for the local business search and people search features. They provided evidence that the features were online prior to the disclosure of confidential information to Mote, that the features were developed in-house by the search team, that Mote is not on the search team, and that there was no contact between the search teams regarding local business search and people search features and Mote. Defendants also submitted Mote's declaration that he works in advertising and has never had any input into those search teams.

On the other hand, plaintiffs submitted no evidence to raise a triable issue of fact. Plaintiffs merely speculate that what may be a coincidence of timing (which is contradicted by 6 witnesses) is evidence of misappropriation of trade secrets. Plaintiff does submit a hearsay statement by Mote that he gives advice to various groups at Google. Even if the evidence were admissible, it would not contradict the evidence that he gave no advice to search teams working on the local business search and people search features.

That Google has not applied for a patent for the features at issue does not raise a factual issue. There is no requirement that anyone seek to obtain a patent. Trade secrets are not patented, but protected by their trade secret status. Indeed, many inventors prefer not to obtain a patent because their invention loses the competitive advantage of secrecy by being patented. That a patent has not been sought does not raise an inference of wrongdoing or anything else useful to plaintiffs.

The combination of summary adjudication on the issues of preemption and independent creation provides Google and Mote a complete defense to the action.

As plaintiff lacks evidence to support her allegations, there is no reason to grant leave to amend to allege causes of action under the California Uniform Trade Secret Act.

All future dates in this case are vacated.

Defendants are to submit a form of judgment for signature by the court.





# EXHIBIT K

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

COURT OF APPEAL - SECOND DISTRICT

DIVISION THREE

**FILED**

MAY 25 2012

JOSEPH A. LANE Clerk

Deputy Clerk

BOOLOON, INC. et al.

B236734

Plaintiffs and Appellants,

(Los Angeles County  
Super. Ct. No. BC438806)

v.

GOOGLE, INC. et al.,

Defendants and Respondents.

APPEAL from a judgment of the Superior Court of Los Angeles County, Rita Miller, Judge. Affirmed.

Qin Zhang, in pro. per., for Plaintiffs and Appellants.

Bostwick & Jassy, Gary L. Bostwick, Jean-Paul Jassy and Kevin L. Vick for Defendants and Respondents.

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## 2. *Communications between Mote and Plaintiffs*

On Sunday, June 1, 2008, Mote met at a coffee shop with Zhang, Zhang's brother Hong Zhang, and her friend Kai He. Kai He and Mote attended the same church and were acquaintances. Mote agreed to attend the meeting with Zhang at Kai He's request. According to Mote, he did not attend the meeting acting or claiming to act as an agent or employee of Google. Rather, he did so as a "favor" to Kai He. Zhang contends that Mote's role at the meeting was to "give evaluation and/or advice" regarding her technology.

During the meeting Zhang showed Mote a demonstration software program and database. Mote was not given any copies of Zhang's materials. Zhang claims she disclosed "confidential information" to Mote. According to Mote, "[t]he Zhangs asked [him] for pointers so [he] referred them to some academic research that might address their problems."

Shortly after the meeting, Zhang called Mote and had a very brief conversation. Zhang claims that Mote refused to talk with her. Mote contends that Zhang asked to meet again or help her develop a search engine, but he declined. Mote did not have any further communications with Zhang.

## 3. *Allegations in the First Amended Complaint*

On May 28, 2010, plaintiffs filed a complaint against Google and Mote. Plaintiffs filed the first amended complaint (FAC), their operative pleading, on September 29, 2010.

The FAC alleges the following. Zhang "developed technology in language processing system that can be used for internet search ('The Technology')." Zhang licensed the Technology to Booloon.

Zhang, Hong Zhang and Kai He met with Mote on June 1, 2008, so that Mote "could help to further implement the Technology." At the meeting, Mote orally agreed to keep the information he received "confidential." Based on that promise, Zhang showed Mote "a demo software program to illustrate what the Technology can do." Zhang also "showed the display of the database structure" and disclosed "confidential information."

In violation of his oral agreement with Zhang, Mote "disclosed the confidential information" he obtained at the meeting to Google. Google used this confidential

5. *Plaintiffs' Ex Parte Application for Leave to Amend the FAC*

On March 3, 2011, plaintiffs filed an ex parte application for an order granting them leave to amend the FAC. The proposed second amended complaint included two additional causes of action, one for breach of implied-in-fact contract and another for negligent misrepresentation.<sup>2</sup> On April 6, 2011, the trial court issued a minute order denying the application (motion) “for reasons indicated on the record.” Unfortunately, plaintiffs did not file a reporter’s transcript, and thus the trial court’s grounds for denying the motion are not in the appellate record.

6. *Google's Discovery Motion*

On April 4, 2011, Google filed a motion to compel further responses to its first sets of requests for production to Boonloon and Zhang. On April 28, 2011, the court granted the motion in part and denied it in part.<sup>3</sup>

7. *Defendants' Motion for Summary Judgment*

On April 8, 2011, defendants filed a motion for summary judgment or, in the alternative, summary adjudication of issues. In support of their motion, defendants filed a declaration by Mote, as well as declarations by other Google employees. Mote stated the following in his declaration regarding his communications with other people at Google: “I did not mention anything that was communicated at the June 2008 Meeting to anyone at Google until May 2010 when I was informed and believed that Ms. Zhang had sent a letter

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<sup>2</sup> The proposed breach of implied-in-fact contract cause of action was based on *Desny v. Wilder* (1956) 46 Cal.2d 715. Defendants contend plaintiffs were barred from asserting this cause of action under the sham pleading doctrine. According to defendants, all of the causes of action in the FAC were based on the factual assertion that Mote promised *not to disclose* confidential information to Google. But this cause of action, defendants contend, is based on Mote’s alleged agreement that plaintiffs would be compensated *for Mote’s disclosure* to Google. We do not reach the issue of whether the sham pleading doctrine applies because we conclude that plaintiffs forfeited arguments relating to their motion for leave to amend.

<sup>3</sup> Google also filed motions to compel further responses to interrogatories and requests for admission. The record, however, does not include copies of the moving papers or the trial court’s rulings on the motions.

After a hearing, the trial court granted the motion for summary judgment on August 25, 2011. In its order granting the motion, the court found that plaintiff's three remaining causes of action were "preempted" by the California Uniform Trade Secrets Act, Civil Code section 3426 et seq. (CUTSA),<sup>5</sup> and that defendants were not liable for fraud, constructive fraud and constructive trust because Google "independently created the information alleged in the complaint to have been wrongfully obtained from plaintiffs."

#### 8. *Judgment and Appeal*

On October 6, 2011, the trial court entered judgment in favor of defendants and against plaintiffs based on its rulings on defendants' demurrer and motion for summary judgment. Plaintiffs timely appealed the judgment.

### CONTENTIONS

Plaintiffs' main arguments concern the substantive merits of their claims. They contend that the trial court erroneously sustained defendants' demurrer to five causes of action in the FAC and erroneously granted defendants' motion for summary judgment. Plaintiffs argue that defendants did not meet their initial burden of showing the nonexistence of a triable issue of material fact, that Google did not independently create its search related features, and that their claims are not preempted by the CUTSA or the 1976 Copyright Act. Additionally, plaintiffs argue that the trial court abused its discretion in denying them leave to amend their FAC. Finally, plaintiffs contend that discovery regarding their "technology" should have been limited by the trial court.

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<sup>5</sup> "[T]he doctrine of preemption concerns whether a federal law has superseded a state law or a state law has superseded a local law, not whether one provision of state law has displaced other provisions of state law." (*Zengen, Inc. v. Comerica Bank* (2007) 41 Cal.4th 239, 247, fn. 5.) The issue here is whether the CUSTA "supersedes" plaintiff's state-law causes of action. (See *Silvaco Data Systems v. Intel Corp.* (2010) 184 Cal.App.4th 210, 232, disapproved on other grounds by *Kwikset Corp. v. Superior Court* (2001) 51 Cal.4th 310, 337.) We do not reach this issue because we affirm the judgment on other grounds.

b. *Actual and Constructive Fraud*

The fourth and fifth causes of action of the FAC are for fraud and constructive fraud, respectively. An essential element of both causes of action is that the plaintiff sustained damages proximately caused by the defendant's fraudulent conduct.<sup>6</sup> (*Goehring v. Chapman University* (2004) 121 Cal.App.4th 353, 364 [fraud]; *Alliance Mortgage Co. v. Rothwell* (1995) 10 Cal.4th 1226, 1239, fn. 4 [constructive fraud].)

Defendants met their burden of showing that plaintiffs cannot establish the element of damages. With sworn declarations, plaintiffs established that Mote never disclosed the so-called "confidential information" he obtained from plaintiffs to the employees of Google who created and developed its search engine and that Google independently developed local business search and people search features. This is a prima facie showing that defendants are entitled to judgment because defendants' allegedly fraudulent conduct did not cause plaintiff to incur damages.<sup>7</sup>

The burden thus shifts to plaintiffs to show with admissible evidence that Mote disclosed their confidential information to employees at Google involved with the search engine and that Google in fact used the confidential information in its search engine. As we shall explain, plaintiffs failed to make such a showing, and thus failed to raise a triable issue of material fact.

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<sup>6</sup> Constructive fraud depends on the existence of a fiduciary or special confidential relationship of some kind between the plaintiff and defendant. (5 Witkin, Cal. Procedure (5th ed. 2008) Pleading, § 717, at p. 133.) Assuming plaintiffs' allegations are true, there was no such relationship between the parties here. Even if Mote agreed to keep the information he learned from plaintiffs confidential, at most there was an arms-length transaction between the parties. There are no facts in the FAC indicating that Mote was a fiduciary, employee or agent of plaintiffs or that Google had a relationship with plaintiffs of any kind. The constructive fraud cause of action therefore fails for the additional reason that plaintiffs did not have the requisite relationship with defendants.

<sup>7</sup> Plaintiffs do not dispute that their fraud, constructive fraud and constructive trust causes of action are predicated on Mote's alleged disclosure of "confidential information" to Google and Google's use of such information.

Accordingly, Zhang’s conclusionary statements regarding Google’s use of plaintiffs’ confidential information does not raise a triable issue of material fact.

The trial court correctly granted defendants summary judgment with respect to plaintiffs’ fraud, constructive fraud and constructive trust causes of action.

2. *The Judgment Was Correctly Entered with Respect to the Remaining Causes of Action in the FAC*

When the trial court sustains a general demurrer, we review the operative complaint de novo to determine whether it alleges facts stating a cause of action under any legal theory. (*Rakestraw v. California Physicians’ Service* (2000) 81 Cal.App.4th 39, 43.) The sufficiency of the complaint, however, is not the only thing we review in determining whether to affirm a judgment following an order sustaining a demurrer.

The California Constitution provides that no judgment shall be set aside unless the trial court’s error resulted in a “miscarriage of justice.” (Cal. Const., art. VI, § 13.) In light of this principle, “a judgment correct in law will not be reversed merely because given for the wrong reason; we review the trial court’s judgment, not its reasoning.” (*Mayer v. C.W. Driver* (2002) 98 Cal.App.4th 48, 64.) Accordingly, even if a demurrer to a cause of action is erroneously sustained, the judgment must be affirmed if the plaintiff cannot prevail on that cause of action as a matter of law. (*Johnson Rancho etc. Dist. v. County of Yuba* (1963) 223 Cal.App.2d 681, 685 [Although court’s ruling sustaining defendants’ demurrer without leave to amend was erroneous, judgment of dismissal was affirmed because “an inevitable dismissal based upon a summary judgment motion would immediately follow the remittitur”]; *Anderson v. McNally* (1957) 150 Cal.App.2d 778, 784-785 [Although the court’s ruling sustaining the defendant’s demurrer without leave to amend was erroneous, the judgment was affirmed because there was no miscarriage of justice]; *People v. Edward D. Jones & Co.* (2007) 154 Cal.App.4th 627, 634 [granting of motion for judgment on the pleadings cannot be affirmed unless there was a miscarriage of justice].)

In this case, we do not reach the issue of whether the FAC fails to state a cause of action—due to preemption under federal copyright law or for some other reason—because we can affirm the judgment with respect to the remaining five causes of action without



denied plaintiffs' motion "for the reasons indicated on the record." This indicates that the trial court orally stated its reasons for denying the motion and that its statements from the bench were memorialized by the court reporter. Plaintiffs, however, did not include the reporter's transcript in the appellate record. Because it was their burden to provide a sufficient record, plaintiffs forfeited this issue on appeal. (*Wagner v. Wagner* (2008) 162 Cal.App.4th 249, 259 [holding that challenge to order denying a motion for relief under Code of Civil Procedure section 473 was forfeited because plaintiff did not provide a transcript of the hearing on the motion].)

4. *Plaintiffs Forfeited Their Argument Regarding the Trial Court's Rulings on Discovery Motions*

Plaintiffs' final argument is that the trial court erroneously ordered them to disclose their confidential information and technology during the discovery process. Unfortunately, plaintiffs do not identify the specific discovery requests they are complaining about, make references to any orders in the record they contend are erroneous, or set forth a coherent legal argument regarding why the judgment should be reversed based on some sort of alleged error regarding a discovery dispute. Plaintiffs therefore forfeited this issue on appeal. (*Badie v. Bank of America* (1998) 67 Cal.App.4th 779, 784-785 ["When an appellant fails to raise a point, or asserts it but fails to support it with reasoned argument and citations to authority, we treat the point as waived"]; *Moulton Niguel Water Dist. v. Colombo* (2003) 111 Cal.App.4th 1210, 1215 ["Contentions are waived when a party fails to support them with reasoned argument and citations to authority"]; *Sporn v. Home Depot USA, Inc.* (2005) 126 Cal.App.4th 1294, 1303 [same].)

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and third, when in doubt, refer back to rules one and two." (*Protect Our Water v. County of Merced* (2003) 110 Cal.App.4th 362, 364.)

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Philip S. Gutierrez and the assigned discovery Magistrate Judge is Patrick J. Walsh.

The case number on all documents filed with the Court should read as follows:

**CV13 - 24 PSG (PJWx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

**Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

**Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

**Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:  
QIN ZHANG, SBN 225324  
P. O. Box 66309  
Los Angeles, CA 90066

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Booloon, Inc., a Delaware Corporation, and  
Qin Zhang, an individual,

PLAINTIFF(S)

v.

Google Inc., (see attachment)

DEFENDANT(S).

CASE NUMBER

CV13-00024

PSG (PJWx)

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached  complaint  \_\_\_\_\_ amended complaint  counterclaim  cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, QIN ZHANG, whose address is P. O. Box 66309, Los Angeles, CA 90066. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

JAN - 2 2013

Dated: \_\_\_\_\_

Clerk, U.S. District Court

By: \_\_\_\_\_

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

1 QIN ZHANG, SBN 225324  
2 P. O. Box 66309  
3 Los Angeles, CA 90066  
4 Tel: (310) 948-1280  
5 Email: qinzhang0@yahoo.com

6 For Plaintiffs

7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA

9  
10 Booloon, Inc., a Delaware Corporation, and )  
11 Qin Zhang, an individual, )

12 Plaintiffs, )

13 vs. )

14 Google Inc., a Delaware Corporation, )  
15 Nick Mote, an individual, )  
16 Bostwick & Jassy, LLP., a California Limited )  
17 Partnership, )  
18 Gary Bostwick, an individual, )  
19 Jean-Paul Jassy, an individual, )  
20 Kevin Vick, an individual, )  
21 Rita Miller, an individual, )  
22 Richard D. Aldrich, an individual, )  
23 H. Walter Croskey, an individual, )  
24 Patti S. Kitching, an individual, )

25 and DOES 1 through 10, Inclusive. )

26 Defendants. )  
27 )  
28 )

CASE NO.:  
COMPLAINT  
AND DEMAND FOR JURY TRIAL

Name & Address:  
QIN ZHANG, SBN 225324  
P. O. Box 66309  
Los Angeles, CA 90066

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Booloon, Inc., a Delaware Corporation, and  
Qin Zhang, an individual,

PLAINTIFF(S)

v.

Google Inc., (see attachment)

DEFENDANT(S).

CASE NUMBER

CV13-00024 PSH (PJWx)

SUMMONS

TO: DEFENDANT(S):

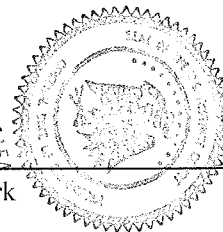
A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached  complaint  \_\_\_\_\_ amended complaint  counterclaim  cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, QIN ZHANG, whose address is P. O. Box 66309, Los Angeles, CA 90066. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: JAN - 2 2013

By: JULIE PRADO  
Deputy Clerk



(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

1 QIN ZHANG, SBN 225324  
2 P. O. Box 66309  
3 Los Angeles, CA 90066  
4 Tel: (310) 948-1280  
5 Email: qinzhang0@yahoo.com

6 For Plaintiffs

7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA

9  
10 Booloon, Inc., a Delaware Corporation, and  
11 Qin Zhang, an individual,

12 Plaintiffs,

13 vs.

14 Google Inc., a Delaware Corporation,  
15 Nick Mote, an individual,  
16 Bostwick & Jassy, LLP., a California Limited  
17 Partnership,  
18 Gary Bostwick, an individual,  
19 Jean-Paul Jassy, an individual,  
20 Kevin Vick, an individual,  
21 Rita Miller, an individual,  
22 Richard D. Aldrich, an individual,  
23 H. Walter Croskey, an individual,  
24 Patti S. Kitching, an individual,

25 and DOES 1 through 10, Inclusive.

26 Defendants.  
27  
28

) CASE NO.:

) COMPLAINT

) AND DEMAND FOR JURY TRIAL

COMPLAINT

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input checked="" type="checkbox"/> ) Booloon, Inc. Qin Zhang	<b>DEFENDANTS</b> Google Inc., Nick Mote, Bostwick & Jassy, LLP., Gary Bostwick, Jean-Paul Jassy, Kevin Vick, Rita Miller, Richard D. Aldrich, H. Walter Croskey, Patti S. Kitching
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  QIN ZHANG, SBN 225324 P. O. Box 66309, Los Angeles, CA 90066 Tel: (310) 948-1280, Email: qinzhang0@yahoo.com	Attorneys (If Known)

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. ORIGIN** (Place an X in one box only.)

1 Original Proceeding    
  2 Removed from State Court    
  3 Remanded from Appellate Court    
  4 Reinstated or Reopened    
  5 Transferred from another district (specify): \_\_\_\_\_    
  6 Multi-District Litigation    
  7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT:**     **JURY DEMAND:**  Yes      No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION** under F.R.C.P. 23:      Yes      No         **MONEY DEMANDED IN COMPLAINT:** \$ \_\_\_\_\_

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

*Civil right action under 42 U.S.C. §1983*

**VII. NATURE OF SUIT** (Place an X in one box only.)

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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**FOR OFFICE USE ONLY:**     Case Number: CV13-00024

**AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.**

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed?  No  Yes

If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case?  No  Yes

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply)  A. Arise from the same or closely related transactions, happenings, or events; or  
 B. Call for determination of the same or substantially related or similar questions of law and fact; or  
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note:** In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date December 28, 2012

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))