

EXHIBIT F

KAYE SCHOLER LLP

1 Michael J. Malecek (State Bar No. 171034)
Email address: michael.malecek@kayescholer.com
2 Kenneth M. Maikish (State Bar No. 267265)
Email address: kenneth.maikish@kayescholer.com
3 KAYE SCHOLER LLP
Two Palo Alto Square, Suite 400
4 3000 El Camino Real
Palo Alto, California 94306
5 Telephone: (650) 319-4500
Facsimile: (650) 319-4700
6
7 Attorneys for Defendant
GOOGLE INC.

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10 **UNITED STATES DISTRICT COURT**
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

12 ICONFIND, INC.,)
13)
14 Plaintiff,) **Case No. 2:11-CV-00319 GEB JFM**
15 v.) **DEFENDANT GOOGLE INC.'S**
16) **OBJECTIONS AND RESPONSES TO**
17 GOOGLE INC.,) **PLAINTIFF'S FIRST SET OF**
18 Defendant.) **REQUESTS FOR PRODUCTION NOS.**
19) **1-45**
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1 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendant Google Inc.
2 (“Google”), by its attorneys, Kaye Scholer LLP, responds and objects to Plaintiff Iconfind, Inc.’s
3 (“Plaintiff”) First Set of Requests for Production of Documents (the “Requests”) as follows:

4 **GENERAL OBJECTIONS**

5 1. Google objects to the Requests to the extent that they seek information or material
6 protected by the attorney-client privilege, the work-product doctrine, the joint defense privilege, or
7 any other applicable privilege, immunity, or protection. Any inadvertent production of any
8 privileged documents in response to the Requests is not intended to constitute a waiver of any
9 applicable privilege and/or protection.

10 2. Google objects to the Requests to the extent that any of them, read alone or in
11 conjunction with the “Definitions” and/or “Instructions,” purports to impose obligations not
12 imposed or contemplated by the Federal Rules of Civil Procedure, the Local Rules of the United
13 States District Court for the Eastern District of California, or any agreements or stipulations
14 entered into by the parties.

15 3. Google objects to the Requests to the extent they seek documents that are not
16 relevant to the subject matter of this action and/or not reasonably calculated to lead to the discovery
17 of admissible evidence.

18 4. Google objects to the Requests to the extent they seek documents that are already in
19 Plaintiff’s possession, custody, or control, or that are publicly available or are as readily available
20 to Plaintiff as they are to Google.

21 5. Google objects to the Requests to the extent they seek documents whose disclosure
22 is governed by Google’s agreements with third parties, including confidentiality agreements.
23 Google will produce such documents only after complying with, and in compliance with, the terms
24 of such third-party agreements.

25 6. Google objects to the Requests to the extent they are vague, ambiguous, overly
26 broad, unduly burdensome, unreasonably cumulative, or duplicative.

1 7. Google expressly reserves the right to object to the admissibility at trial of these
2 Responses and Objections or any documents or information produced in response to these
3 Requests. Neither Google's Responses and Objections to the Requests nor the production of
4 materials in response to the Requests is intended as an admission or concession of the admissibility
5 of any information contained herein.

6 8. Google objects to the Requests to the extent they assume disputed facts or legal
7 conclusions in defining the information requested. Google denies any such disputed facts or legal
8 conclusions assumed by the Requests, and any response or objection to any Request is without
9 prejudice to this objection.

10 9. Google objects to the Requests, and to each and every individual request contained
11 therein, to the extent they call for Google to identify privileged documents created after the filing
12 of this lawsuit on the grounds that such Requests are overly broad and unduly burdensome and not
13 reasonably calculated to lead to the discovery of admissible evidence, and would call for counsel to
14 review all of its files and list most of the documents therein on a privilege log.

15 10. Google objects to the Requests to the extent they seek information protected by or
16 involving trade secrets or other confidential research, development, proprietary, or commercial
17 information that would not be covered by a Discovery Confidentiality Order, Protective Order, or
18 similar Order issued by the Court.

19 11. Google objects to the Requests to the extent they call for the production of
20 documents that are publicly available.

21 12. Google objects to the Requests to the extent they call for production of documents
22 that are not within its possession, custody, or control.

23 13. Google objects to the Requests to the extent they use undefined, vague, and
24 ambiguous terms.

25 14. Google objects to the Requests to the extent they purport to require Google to draw
26 a legal conclusion concerning the meaning or application of any terms or phrases used.

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15. Google objects to the Requests to the extent they exceed the limits of permissible discovery allowed under any court order or the local rules.

16. Google reserves the right at any time to revise, correct, add to, supplement, or clarify any of the responses contained herein.

17. Google objects to Plaintiff’s definition of “Google” as ambiguous, vague, overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks to include within its scope all of Google’s officers, directors, employees, partners, subsidiaries, affiliates, accountants, and agents. Google further objects to the term to the extent that it purports to include attorneys within its scope and thus seeks discovery of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege and/or immunity.

18. Google objects to Plaintiff’s definition of “Accused Google Instrumentality” as ambiguous, vague, overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Google will produce only documents related to Google Knol, Google Picasa and Google Books.

19. To the extent that Plaintiff offered a definition of “the Creative Commons Feature,” Google objects to this definition as ambiguous, vague, overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

20. Google objects to Plaintiff’s definition of “relevant” as ambiguous, vague, overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

21. Google objects to Plaintiff’s definitions of “relate,” “relating,” or “related” as ambiguous, vague, overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

1 22. Google objects to Plaintiff's definition of "document(s)" as ambiguous, vague,
2 overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible
3 evidence.

4 23. Google objects to Plaintiff's definition of "thing(s)," as ambiguous, vague,
5 overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible
6 evidence.

7 24. Google objects to Plaintiff's definitions of "infringe," "infringes," or "infringed" as
8 overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible
9 evidence. Google further objects to these definitions to the extent that they require Google to draw
10 a legal conclusion concerning the meaning or application of "direct infringement," "contributory
11 infringement," and/or "inducement to infringe."

12 25. Google objects to Plaintiff's definition of "prior art" as overbroad, unduly
13 burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Google
14 further objects to this definition to the extent that it requires Google to draw a legal conclusion
15 concerning the meaning or application of 35 U.S.C. §§ 102 and 103.

16 26. Google's agreement to produce responsive documents does not and shall not
17 constitute an admission that such responsive documents in fact exist. Rather, Google's agreement
18 to produce is only an agreement to produce responsive documents found after a reasonable search,
19 if in fact such responsive documents are found to exist.

20 27. The fact that Google produces documents pursuant to these requests is in no way to
21 be construed as a concession by Google that any document is relevant to, or admissible in, any
22 proceeding related to this action.

23 28. Google objects to Plaintiff's Instructions especially insofar as they deviate from the
24 parties' Document Production Agreement. Google's production of documents and its making
25 available of source code will be in conformity with the Document Production Agreement and the
26 Protective Order as entered by the Court in this matter.

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29. All of the General Objections set forth herein are hereby incorporated into each specific response set forth below and have the same force and effect as if fully set forth therein.

GENERAL STATEMENTS

The following General Statements apply to all of Google’s responses to the Requests.

1. All responses are made subject to the foregoing General Objections and these General Statements, which may not be repeated in each specific response. To the extent specific General Objections and/or General Statements are cited in a specific response, those specific citations are provided because they are believed to be particularly relevant to the specific interrogatory and are not to be construed as a waiver of any other General Objection or General Statement applicable to information falling within the scope of the request.

2. Where a partial response can be made to a request that is otherwise objectionable, such partial response will be made without waiving any stated objection.

3. These responses are made without waiver of, and with preservation of:

- a. all questions as to competency, relevancy, materiality, privilege, and admissibility of each response herein as evidence in any further proceeding in this action, including trial;
- b. the right to object to the use of any response herein, or the subject matter thereof, in any further proceedings in this action, including trial, and in any other lawsuit or proceedings;
- c. the right to object on any ground at any time to a demand or request for a further response to this or any other discovery involving or relating to the subject matter of the responses herein provided; and
- d. the right at any time to revise, correct, add to, supplement, or clarify any of the responses contained herein.

1 In responding to the Requests, Google does not concede that any of the information
2 sought or provided is relevant, material, admissible in evidence, or reasonably calculated to lead
3 to the discovery of admissible evidence.

4 **STATEMENT OF SUPPLEMENTATION**

5 Google's investigation in this action remains ongoing, and Google reserves the right to
6 rely on and introduce information in addition to any information provided herein at the trial of
7 this matter or in other related proceedings. Google has yet to receive complete discovery from
8 Plaintiff. Google anticipates that facts it learns in the later litigation may be responsive to one or
9 more of the Requests and Google reserves its right to supplement these responses at appropriate
10 points throughout this litigation without prejudice and/or to otherwise make available to Plaintiff
11 such information. Google also reserves the right to change, modify or enlarge the following
12 responses based on additional information, further analysis, and/or in light of events in the
13 litigation such as rulings by the Court. Google reserves the right to rely or otherwise use any such
14 amended response for future discovery, trial, or otherwise.

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16 **RESPONSES TO REQUEST FOR PRODUCTION**

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

18 All documents identified in Google's responses to any of Iconfind's interrogatories in this
19 action, such as Iconfind's First Set of Interrogatories (Nos. 1-15), including, but not limited to, all
20 documents consulted in the formulation of Google's responses thereto as well as all documents
21 relating to the subject matter of the interrogatories.

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

23 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
24 to lead to discovery of admissible evidence, and unduly burdensome. Google objects to this
25 Request as it fails to acknowledge Plaintiff's communication of June 14, 2011 in which Plaintiff
26 withdrew Interrogatory Nos. 2, 6, 7, and 9-16. Google objects to this Request to the extent it seeks

1 information or documents protected from discovery by the attorney-client privilege and/or the
2 attorney work-product doctrine or any other applicable privileges. Google objects to this Request
3 on the grounds that the terms and phrases in this Request are vague and ambiguous, including but
4 not limited to “documents consulted in the formulation of,” and “documents relating to the subject
5 matter of the interrogatories.” Google objects to this Request to the extent that it seeks proprietary,
6 trade secret or other confidential or competitively sensitive business or technical information.
7 Google will only produce such relevant, non-privileged information subject to adequate protections
8 for Google’s confidential, trade secret and/or proprietary business or technical information via a
9 protective order entered by the Court in this action. Google objects to this Request on the grounds
10 that it is overbroad and unduly burdensome particularly as it seeks “all documents.”

11 Subject to and without waiving the foregoing general and specific objections, Google
12 responds that it will produce documents responsive to this Request that are in its possession,
13 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
14 the extent responsive documents can be identified after a reasonable search.

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

16 Documents sufficient to show the past and present organizational and operational structure
17 of Google since 2007, including all divisions or subsidiaries, entities owned or controlled by
18 Google, affiliates, predecessors or successors in interest, whether in the United States or
19 anywhere else in the world (such as, without limitation, corporate family organizational charts),
20 and the identity of any officers, employees and sales agents, or representatives (such as, without
21 limitation, departmental officer/employee organizational charts).

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

23 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
24 to lead to discovery of admissible evidence, and unduly burdensome in that it is directed towards
25 the company as a whole rather than the accused product or functionality. Google objects to this
26 Request on the grounds that the terms and phrases in this Request are vague and ambiguous,
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1 including but not limited to “organizational and operational structure,” “entities owned or
2 controlled by Google,” “predecessors or successors in interest,” “corporate family organizational
3 charts,” “representatives,” and “departmental officer/employee organizational charts.” Google
4 objects to this Request to the extent that it seeks proprietary, trade secret or other confidential or
5 competitively sensitive business or technical information. Google will only produce such relevant,
6 non-privileged information subject to adequate protections for Google’s confidential, trade secret
7 and/or proprietary business or technical information via a protective order entered by the Court in
8 this action. Google further objects to this Request as seeking documents which are not relevant to
9 this matter and not reasonably calculated to lead to the discovery of admissible evidence in that it is
10 direct toward the company as a whole rather than any accused product or functionality and is not
11 limited to a time frame relevant to this litigation.

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

13 All documents sufficient to identify past and present officers, employees, agents,
14 consultants or representatives of Google who has and/or has had any involvement in the
15 incorporation, integration, development, testing or past and present functionality of the Creative
16 Commons Feature in the Accused Google Instrumentality.

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

18 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
19 to lead to discovery of admissible evidence, and unduly burdensome. Google objects to this
20 Request on the grounds that the terms and phrases in this Request are vague and ambiguous,
21 including but not limited to “consultants or representatives of Google,” “incorporation, integration,
22 development, testing or past and present functionality,” and “Creative Commons Feature.” Google
23 objects to this Request to the extent that it seeks proprietary, trade secret or other confidential or
24 competitively sensitive business or technical information. Google will only produce such relevant,
25 non-privileged information subject to adequate protections for Google’s confidential, trade secret
26 and/or proprietary business or technical information via a protective order entered by the Court in
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1 this action. Google objects to this Request on the grounds that it is overbroad and unduly
2 burdensome particularly as it seeks “all documents.”

3 Subject to and without waiving the foregoing general and specific objections, Google
4 responds that it will produce documents responsive to this Request that are in its possession,
5 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
6 the extent responsive documents can be identified after a reasonable search.

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

8 All documents pertaining to the reasons why and the circumstances under which the
9 Accused Google Instrumentality was conceived, designed, developed, manufactured, and
10 commercially exploited.

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

12 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
13 to lead to discovery of admissible evidence, and unduly burdensome. Google objects to this
14 Request on the grounds that the terms and phrases in this Request are vague and ambiguous,
15 including but not limited to “documents pertaining to the reasons why and the circumstances under
16 which,” and “conceived, designed, developed, manufactured, and commercially exploited.” Google
17 objects to this Request to the extent that it seeks proprietary, trade secret or other confidential or
18 competitively sensitive business or technical information. Google will only produce such relevant,
19 non-privileged information subject to adequate protections for Google’s confidential, trade secret
20 and/or proprietary business or technical information via a protective order entered by the Court in
21 this action. Google objects to this Request on the grounds that it is overbroad and unduly
22 burdensome particularly as it seeks “all documents.”

23 Subject to and without waiving the foregoing general and specific objections, Google
24 responds that it will produce documents responsive to this Request that are in its possession,
25 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
26 the extent responsive documents can be identified after a reasonable search.

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

2 All documents pertaining to Google's decision to incorporate the Creative Commons
3 Feature into the Google Accused Instrumentality.

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

5 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
6 to lead to discovery of admissible evidence, and unduly burdensome. Google objects to this
7 Request to the extent it seeks information or documents protected from discovery by the attorney-
8 client privilege and/or the attorney work-product doctrine or any other applicable privileges.
9 Google objects to this Request on the grounds that the terms and phrases in this Request are vague
10 and ambiguous, including but not limited to "Google's decision to incorporate," and "the Creative
11 Commons Feature." Google objects to this Request to the extent that it seeks proprietary, trade
12 secret or other confidential or competitively sensitive business or technical information. Google
13 will only produce such relevant, non-privileged information subject to adequate protections for
14 Google's confidential, trade secret and/or proprietary business or technical information via a
15 protective order entered by the Court in this action. Google objects to this Request on the grounds
16 that it is overbroad and unduly burdensome particularly as it seeks "all documents."

17 Subject to and without waiving the foregoing general and specific objections, Google
18 responds that it will produce documents responsive to this Request that are in its possession,
19 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
20 the extent responsive documents can be identified after a reasonable search.

21 **REQUEST FOR PRODUCTION NO 6:**

22 Documents sufficient to establish when the Creative Commons Feature was first used in
23 and incorporated into the Accused Google Instrumentality and the circumstances surrounding
24 such first use and incorporation.
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1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

2 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
3 to lead to discovery of admissible evidence, and unduly burdensome. Google objects to this
4 Request on the grounds that the terms and phrases in this Request are vague and ambiguous,
5 including but not limited to “first used,” “incorporated into,” “circumstances surrounding such first
6 use,” and “the Creative Commons Feature.” Google objects to this Request to the extent that it
7 seeks proprietary, trade secret or other confidential or competitively sensitive business or technical
8 information. Google will only produce such relevant, non-privileged information subject to
9 adequate protections for Google’s confidential, trade secret and/or proprietary business or technical
10 information via a protective order entered by the Court in this action.

11 Subject to and without waiving the foregoing general and specific objections, Google
12 responds that it will produce documents responsive to this Request that are in its possession,
13 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
14 the extent responsive documents can be identified after a reasonable search.

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

16 Documents sufficient to show the structure, function and operating characteristics of the
17 Accused Google Instrumentality including without limitation design schematics (for both discrete
18 parts and the entire system), source code, flowcharts, specification documents, test plans,
19 algorithms, pseudo-code, customer service/assistance manuals and guidelines, and system
20 protocols. All source code is specifically requested with comments intact and on computer
21 readable media.

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

23 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
24 to lead to discovery of admissible evidence, and unduly burdensome. Google objects to this
25 Request on the grounds that the terms and phrases in this Request are vague and ambiguous,
26 including but not limited to “structure, function and operating characteristics,” “design
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1 schematics,” “source code,” “flowcharts,” “specification documents,” “test plans,” “algorithms,”
2 “pseudo-code,” “customer service/assistance manuals and guidelines,” and “system protocols.”
3 Google objects to this Request to the extent that it seeks proprietary, trade secret or other
4 confidential or competitively sensitive business or technical information. Google will only
5 produce such relevant, non-privileged information subject to adequate protections for Google’s
6 confidential, trade secret and/or proprietary business or technical information via a protective order
7 entered by the Court in this action.

8 Subject to and without waiving the foregoing general and specific objections, Google
9 responds that it will produce documents responsive to this Request that are in its possession,
10 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
11 the extent responsive documents can be identified after a reasonable search. To the extent that this
12 Request seeks source code, such will be not be produced, but instead will be made available for
13 inspection pursuant to the terms of the protective order.

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

15 To the extent not requested in No. 7, documents sufficient to show the structure, function
16 and operating characteristics of Creative Commons Feature in the Accused Google
17 Instrumentality including without limitation design schematics (for both discrete parts and whole
18 systems), source code, diagrams, flowcharts, specification documents, drawings, datasheets,
19 requirements documents, test plans, set-up guides, customer service/assistance manuals and
20 guidelines, instruction manuals, algorithms, pseudo-code, and system protocols.

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

22 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
23 to lead to discovery of admissible evidence, unduly burdensome, unreasonable cumulative, and
24 duplicative. Google objects to this Request on the grounds that the terms and phrases in this
25 Request are vague and ambiguous, including but not limited to “structure, function and operating
26 characteristics,” “Creative Commons Feature,” “design schematics,” “source code,” “diagrams,”
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1 “flowcharts,” “specification documents,” “drawings,” “datasheets,” “requirements documents,”
2 “test plans,” “set-up guides,” “customer service/assistance manuals and guidelines,” “instruction
3 manuals,” “algorithms,” “pseudo-code,” and “system protocols.” Google objects to this Request to
4 the extent that it seeks proprietary, trade secret or other confidential or competitively sensitive
5 business or technical information. Google will only produce such relevant, non-privileged
6 information subject to adequate protections for Google’s confidential, trade secret and/or
7 proprietary business or technical information via a protective order entered by the Court in this
8 action.

9 Subject to and without waiving the foregoing general and specific objections, Google
10 responds that it will produce documents responsive to this Request that are in its possession,
11 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
12 the extent responsive documents can be identified after a reasonable search. To the extent that this
13 Request seeks source code, such will be not be produced, but instead will be made available for
14 inspection pursuant to the terms of the protective order.

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

16 All source code is specifically requested with comments intact and on computer readable
17 media.

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

19 This does not appear to be a document request.

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

21 Documents sufficient to identify the designer and/or supplier of the Accused Google
22 Instrumentality.

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

24 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
25 to lead to discovery of admissible evidence, unduly burdensome, unreasonable cumulative, and
26 duplicative. Google objects to this Request on the grounds that the terms and phrases in this
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1 Request are vague and ambiguous, including but not limited to “designer and/or supplier.” Google
2 objects to this Request to the extent that it seeks proprietary, trade secret or other confidential or
3 competitively sensitive business or technical information. Google will only produce such relevant,
4 non-privileged information subject to adequate protections for Google’s confidential, trade secret
5 and/or proprietary business or technical information via a protective order entered by the Court in
6 this action.

7 Subject to and without waiving the foregoing general and specific objections, Google
8 responds that it will produce documents responsive to this Request that are in its possession,
9 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
10 the extent responsive documents can be identified after a reasonable search.

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

12 One copy of the hypertext markup language (html, xml, jhtml or any other markup) code
13 for the Accused Google Instrumentality including copies of all support files of any type.

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

15 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
16 to lead to discovery of admissible evidence, unduly burdensome, unreasonable cumulative, and
17 duplicative. Google objects to this Request on the grounds that the terms and phrases in this
18 Request are vague and ambiguous, including but not limited to “hypertext markup language,” “any
19 other markup,” “code for,” and “support files.” Google objects to this Request to the extent that it
20 seeks proprietary, trade secret or other confidential or competitively sensitive business or technical
21 information. Google will only produce such relevant, non-privileged information subject to
22 adequate protections for Google’s confidential, trade secret and/or proprietary business or technical
23 information via a protective order entered by the Court in this action. Google objects to this
24 request insofar as it is equally easy for Plaintiff to obtain such documents as it is for Google.
25 Google is willing to meet and confer with Plaintiff to discuss clarifying this document request and
26 narrowing it to a more appropriate scope.

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REQUEST FOR PRODUCTION NO. 12:

All documents relating to the existence, substance or circumstance of any communications (i.e., the transmittal of information in the form of facts, ideas, inquiries, or otherwise) or correspondence (such as notes, e-mail, letters, memoranda, telephone call notes, calendar entries, etc.) between Google and any other person relating to the ‘459 Patent or the Lawsuit.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated to lead to discovery of admissible evidence, unduly burdensome. Google objects to this Request to the extent it seeks information or documents protected from discovery by the attorney-client privilege and/or the attorney work-product doctrine or any other applicable privileges. Google objects to this Request to the extent it purports to require Google to draw a legal conclusion concerning the meaning or application of “relating to the ‘459 Patent or the Lawsuit.” Google objects to this Request on the grounds that the terms and phrases in this Request are vague and ambiguous, including but not limited to “any communications,” “form of facts, ideas, inquiries, or otherwise,” “correspondence,” and “notes, e-mail, letters, memoranda, telephone call notes, calendar entries, etc.” Google objects to this Request to the extent that it seeks proprietary, trade secret or other confidential or competitively sensitive business or technical information. Google will only produce such relevant, non-privileged information subject to adequate protections for Google’s confidential, trade secret and/or proprietary business or technical information via a protective order entered by the Court in this action. Google objects to this Request on the grounds that it is overbroad and unduly burdensome particularly as it seeks “all documents.”

Subject to and without waiving the foregoing general and specific objections, Google responds that it will produce documents responsive to this Request that are in its possession, custody or control that are not protected from disclosure by any applicable privilege or doctrine to the extent responsive documents can be identified after a reasonable search.

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

2 All documents relating to the existence, substance or circumstance of any communications
3 (i.e., the transmittal of information in the form of facts, ideas, inquiries, or otherwise) or
4 correspondence (such as notes, e-mail, letters, memoranda, telephone call notes, calendar entries,
5 etc.) between Google and IconFind and/or Lee H. Grant.

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

7 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
8 to lead to discovery of admissible evidence, unduly burdensome. Google objects to this Request
9 on the grounds that the terms and phrases in this Request are vague and ambiguous, including but
10 not limited to “communications,” “in the form of facts, ideas, inquiries, or otherwise,”
11 “correspondence,” “notes, e-mail, letters, memoranda, telephone call notes, calendar entries, etc.,”
12 and “between Google and IconFind and/or Lee H. Grant.” Google objects to this Request to the
13 extent that it seeks proprietary, trade secret or other confidential or competitively sensitive business
14 or technical information. Google will only produce such relevant, non-privileged information
15 subject to adequate protections for Google’s confidential, trade secret and/or proprietary business
16 or technical information via a protective order entered by the Court in this action. Google objects to
17 this Request on the grounds that it is overbroad and unduly burdensome particularly as it seeks “all
18 documents.”

19 Subject to and without waiving the foregoing general and specific objections, Google
20 responds that it will produce documents responsive to this Request that are in its possession,
21 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
22 the extent responsive documents can be identified after a reasonable search.

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

24 All documents relating to the existence, substance or circumstance of any communications
25 (i.e., the transmittal of information in the form of facts, ideas, inquiries, or otherwise) or
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1 correspondence (such as notes, e-mail, letters, memoranda, telephone call notes, calendar entries,
2 etc.) between Google and Creative Commons Corporation.

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

4 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
5 to lead to discovery of admissible evidence, unduly burdensome. Google objects to this Request to
6 the extent it seeks information or documents protected from discovery by the attorney-client
7 privilege and/or the attorney work-product doctrine or any other applicable privileges. Google
8 objects to this Request to the extent that it seeks documents whose disclosure is governed by
9 Google's agreements with third parties, including confidentiality agreements. Google objects to
10 this Request on the grounds that the terms and phrases in this Request are vague and ambiguous,
11 including but not limited to "relating to the existence, substance or circumstance,"
12 "communications," "in the form of facts, ideas, inquiries, or otherwise," "correspondence," "notes,
13 e-mail, letters, memoranda, telephone call notes, calendar entries, etc.," and "between Google and
14 Creative Commons Corporation." Google objects to this Request to the extent that it seeks
15 proprietary, trade secret or other confidential or competitively sensitive business or technical
16 information. Google will only produce such relevant, non-privileged information subject to
17 adequate protections for Google's confidential, trade secret and/or proprietary business or technical
18 information via a protective order entered by the Court in this action. Google objects to this
19 Request on the grounds that it is overbroad and unduly burdensome particularly as it seeks "all
20 documents."

21 Subject to and without waiving the foregoing general and specific objections, Google
22 responds that it will produce documents responsive to this Request that are in its possession,
23 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
24 the extent responsive documents can be identified after a reasonable search.

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

2 Documents sufficient to identify Google's business relationship with Creative Commons
3 Corporation, including but not limited to license agreements, software license agreements, service
4 agreements, support agreements, service agreements, confidentiality agreements, partnership
5 agreements, revenue sharing agreements, joint venture agreements, and any other type of
6 agreement or contract, between Google and Creative Commons.

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

8 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
9 to lead to discovery of admissible evidence, unduly burdensome. Google objects to this Request to
10 the extent that it seeks documents whose disclosure is governed by Google's agreements with third
11 parties, including confidentiality agreements. Google objects to this Request on the grounds that
12 the terms and phrases in this Request are vague and ambiguous, including but not limited to
13 "business relationship," "Creative Commons Corporation," and "between Google and Creative
14 Commons." Google objects to this Request to the extent that it seeks proprietary, trade secret or
15 other confidential or competitively sensitive business or technical information. Google will only
16 produce such relevant, non-privileged information subject to adequate protections for Google's
17 confidential, trade secret and/or proprietary business or technical information via a protective order
18 entered by the Court in this action.

19 Subject to and without waiving the foregoing general and specific objections, Google
20 responds that it will produce documents responsive to this Request that are in its possession,
21 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
22 the extent responsive documents can be identified after a reasonable search.

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

24 Documents sufficient to establish the total number of web pages, photographs, books,
25 pages of books or other media or content that have been designated with a Creative Commons
26

1 label or licensed with a Creative Commons license through the Accused Google Instrumentality
2 since February 20, 2007.

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

4 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
5 to lead to discovery of admissible evidence, unduly burdensome. Google objects to this Request
6 on the grounds that the terms and phrases in this Request are vague and ambiguous, including but
7 not limited to “total number,” “web pages,” “photographs,” “books”, “pages of books,” “other
8 media or content,” “designated with a Creative Commons label,” “licensed with a Creative
9 Commons license,” and “through the Accused Google Instrumentality.” Google objects to this
10 Request to the extent that it seeks proprietary, trade secret or other confidential or competitively
11 sensitive business or technical information. Google will only produce such relevant, non-
12 privileged information subject to adequate protections for Google’s confidential, trade secret and/or
13 proprietary business or technical information via a protective order entered by the Court in this
14 action.

15 Subject to and without waiving the foregoing general and specific objections, Google
16 responds that it will produce documents responsive to this Request that are in its possession,
17 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
18 the extent responsive documents can be identified after a reasonable search.

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

20 Summary documents relating to Google's revenues, costs (fixed and variable), gross profit
21 and net profit realized by Google from the operation and use of the Accused Google
22 Instrumentality, including without limitation advertising revenue from 2007 to the present, with
23 projections through calendar year 2010.

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

25 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
26 to lead to discovery of admissible evidence, unduly burdensome. Google objects to this Request
27

1 on the grounds that the terms and phrases in this Request are vague and ambiguous, including but
2 not limited to “summary documents,” “relating to,” “revenues . . . from the operation and use of the
3 Accused Google Instrumentality,” “costs . . . from the operation and use of the Accused Google
4 Instrumentality,” “gross profit . . . from the operation and use of the Accused Google
5 Instrumentality,” “net profit . . . from the operation and use of the Accused Google
6 Instrumentality,” “advertising revenue,” “with projections through calendar year 2010.” Google
7 objects to this Request to the extent that it seeks proprietary, trade secret or other confidential or
8 competitively sensitive business or technical information. Google will only produce such relevant,
9 non-privileged information subject to adequate protections for Google’s confidential, trade secret
10 and/or proprietary business or technical information via a protective order entered by the Court in
11 this action.

12 Subject to and without waiving the foregoing general and specific objections, Google
13 responds that it will produce documents responsive to this Request that are in its possession,
14 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
15 the extent responsive documents can be identified after a reasonable search.

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

17 Summary documents relating to Google's revenues, costs (fixed and variable), gross profit
18 and net profit realized by Google from the operation and use of the Creative Commons Feature of
19 the Accused Google Instrumentality, including without limitation advertising revenue from 2007
20 to the present, with projections through calendar year 2010.

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

22 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
23 to lead to discovery of admissible evidence, unduly burdensome. Google objects to this Request
24 on the grounds that the terms and phrases in this Request are vague and ambiguous, including but
25 not limited to “summary documents,” “relating to,” “revenues . . . from the operation and use of the
26 Creative Commons Feature of the Accused Google Instrumentality,” “costs . . . from the operation
27

1 and use of the Creative Commons Feature of the Accused Google Instrumentality,” “gross profit . .
2 . from the operation and use of the Creative Commons Feature of the Accused Google
3 Instrumentality,” “net profit . . . from the operation and use of the Creative Commons Feature of
4 the Accused Google Instrumentality,” “the Creative Commons Feature,” “advertising revenue,”
5 “with projections through calendar year 2010.” Google objects to this Request to the extent that it
6 seeks proprietary, trade secret or other confidential or competitively sensitive business or technical
7 information. Google will only produce such relevant, non-privileged information subject to
8 adequate protections for Google’s confidential, trade secret and/or proprietary business or technical
9 information via a protective order entered by the Court in this action.

10 Subject to and without waiving the foregoing general and specific objections, Google
11 responds that it will produce documents responsive to this Request that are in its possession,
12 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
13 the extent responsive documents can be identified after a reasonable search.

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

15 Valuations pertaining to the Accused Google Instrumentality, specifically including but
16 not limited to valuations of the Creative Commons Feature.

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

18 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
19 to lead to discovery of admissible evidence, unduly burdensome. Google objects to this Request
20 on the grounds that the terms and phrases in this Request are vague and ambiguous, including but
21 not limited to “valuations pertaining to,” “valuations of,” and “the Creative Commons Feature.”
22 Google objects to this Request to the extent that it seeks proprietary, trade secret or other
23 confidential or competitively sensitive business or technical information. Google will only
24 produce such relevant, non-privileged information subject to adequate protections for Google’s
25 confidential, trade secret and/or proprietary business or technical information via a protective order
26 entered by the Court in this action.

1 Subject to and without waiving the foregoing general and specific objections, Google
2 responds that it will produce documents responsive to this Request that are in its possession,
3 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
4 the extent responsive documents can be identified after a reasonable search.

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

6 All documents relating to business plans, business meetings, financial forecasts, or other
7 financial activities involving the Accused Google Instrumentality, specifically including but not
8 limited to the Creative Commons Feature.

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

10 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
11 to lead to discovery of admissible evidence, unduly burdensome. Google objects to this Request
12 on the grounds that the terms and phrases in this Request are vague and ambiguous, including but
13 not limited to “relating to,” “business plans,” “business meetings,” “financial forecasts,” “other
14 financial activities” “involving the Accused Google Instrumentality,” and “the Creative Commons
15 Feature.” Google objects to this Request to the extent that it seeks proprietary, trade secret or other
16 confidential or competitively sensitive business or technical information. Google will only
17 produce such relevant, non-privileged information subject to adequate protections for Google’s
18 confidential, trade secret and/or proprietary business or technical information via a protective order
19 entered by the Court in this action. Google objects to this Request on the grounds that it is
20 overbroad and unduly burdensome particularly as it seeks “all documents.”

21 Subject to and without waiving the foregoing general and specific objections, Google
22 responds that it will produce documents responsive to this Request that are in its possession,
23 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
24 the extent responsive documents can be identified after a reasonable search.

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

2 All documents relating to communications with potential investors or other financially
3 interested parties relating to the Accused Google Instrumentality, specifically including but not
4 limited to the Creative Commons Feature.

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

6 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
7 to lead to discovery of admissible evidence, unduly burdensome. Google objects to this Request
8 on the grounds that the terms and phrases in this Request are vague and ambiguous, including but
9 not limited to “relating to,” “potential investors,” “other financially interested parties” and “the
10 Creative Commons Feature.” Google objects to this Request to the extent that it seeks proprietary,
11 trade secret or other confidential or competitively sensitive business or technical information.
12 Google will only produce such relevant, non-privileged information subject to adequate protections
13 for Google’s confidential, trade secret and/or proprietary business or technical information via a
14 protective order entered by the Court in this action. Google objects to this Request on the grounds
15 that it is overbroad and unduly burdensome particularly as it seeks “all documents.”

16 Subject to and without waiving the foregoing general and specific objections, Google
17 responds that it will produce documents responsive to this Request that are in its possession,
18 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
19 the extent responsive documents can be identified after a reasonable search.

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

21 Summary documents relating to the daily, weekly, monthly, quarterly and annual
22 website usage statistics of the Accused Google Instrumentality, including those provided by any
23 web analytics software or platform, from 2007 to the present.

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

25 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
26 to lead to discovery of admissible evidence, unduly burdensome. Google objects to this Request
27

1 on the grounds that the terms and phrases in this Request are vague and ambiguous, including but
2 not limited to “summary documents,” “relating to,” “website usage statistics,” “web analytics
3 software or platform.” Google objects to this Request to the extent that it seeks proprietary, trade
4 secret or other confidential or competitively sensitive business or technical information. Google
5 will only produce such relevant, non-privileged information subject to adequate protections for
6 Google’s confidential, trade secret and/or proprietary business or technical information via a
7 protective order entered by the Court in this action. Google objects to this interrogatory as
8 overbroad, unduly burdensome, and oppressive as it is not appropriately limited in time or limited
9 to the accused functionality of the accused instrumentalities. Google objects to this interrogatory as
10 overbroad, unduly burdensome, and oppressive as it is not appropriately limited in time or limited
11 to the accused functionality of the accused instrumentalities.

12 Subject to and without waiving the foregoing general and specific objections, Google
13 responds that it will produce documents responsive to this Request that are in its possession,
14 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
15 the extent responsive documents can be identified after a reasonable search.

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

17 All documents sufficient to establish the daily, weekly, monthly, quarterly and annual
18 website usage statistics of the Accused Google Instrumentality, including those provided by any
19 web analytics software or platform, including without limitation, (a) the number of client requests
20 made to Google’s server(s) to assign a Creative Commons designation to a page; (b) the number
21 of client requests made to Google’s server(s) to access pages containing a Creative Commons
22 designation; and (c) the number of client requests made to Google’s server(s) to search for a page
23 with a Creative Commons designation, from 2007 to the present.

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

25 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
26 to lead to discovery of admissible evidence, unduly burdensome. Google objects to this Request
27

1 on the grounds that the terms and phrases in this Request are vague and ambiguous, including but
2 not limited to “website usage statistics,” “web analytics software or platform,” “client requests
3 made to Google’s server(s),” “assign,” “Creative Commons designation,” and “page.” Google
4 objects to this Request to the extent that it seeks proprietary, trade secret or other confidential or
5 competitively sensitive business or technical information. Google will only produce such relevant,
6 non-privileged information subject to adequate protections for Google’s confidential, trade secret
7 and/or proprietary business or technical information via a protective order entered by the Court in
8 this action. Google objects to this Request on the grounds that it is overbroad and unduly
9 burdensome particularly as it seeks “all documents.” Google objects to this interrogatory as
10 overbroad, unduly burdensome, and oppressive as it is not appropriately limited in time or limited
11 to the accused functionality of the accused instrumentalities.

12 Subject to and without waiving the foregoing general and specific objections, Google
13 responds that it will produce documents responsive to this Request that are in its possession,
14 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
15 the extent responsive documents can be identified after a reasonable search.

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

17 All documents that constitute, refer to, reflect or identify any marketing, promotion and
18 advertising pertaining to the Accused Google Instrumentality, specifically including but not
19 limited to the Creative Commons Feature, such as marketing research, marketing plans, market
20 demand analyses, market share analyses, market research, customer surveys, and related press
21 releases.

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

23 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
24 to lead to discovery of admissible evidence, and unduly burdensome. Google objects to this
25 Request on the grounds that the terms and phrases in this Request are vague and ambiguous,
26 including but not limited to “constitute, refer to, reflect or identify,” “marketing, promotion and
27

1 advertising pertaining to,” “the Creative Commons Feature,” and “marketing research, marketing
2 plans, market demand analyses, market share analyses, market research, customer surveys, and
3 related press releases.” Google objects to this Request to the extent that it seeks proprietary, trade
4 secret or other confidential or competitively sensitive business or technical information. Google
5 will only produce such relevant, non-privileged information subject to adequate protections for
6 Google’s confidential, trade secret and/or proprietary business or technical information via a
7 protective order entered by the Court in this action. Google objects to this Request on the grounds
8 that it is overbroad and unduly burdensome particularly as it seeks “all documents.”

9 Subject to and without waiving the foregoing general and specific objections, Google
10 responds that it will produce documents responsive to this Request that are in its possession,
11 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
12 the extent responsive documents can be identified after a reasonable search.

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

14 All documents that constitute, refer to, reflect or identify any report, business plan,
15 strategic plan, prospectus, offering memorandum or similar document pertaining to the Accused
16 Google Instrumentality, specifically including but not limited to the Creative Commons Feature,
17 such as financial forecasts, business meetings, and related press releases.

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

19 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
20 to lead to discovery of admissible evidence, and unduly burdensome. Google objects to this
21 Request on the grounds that the terms and phrases in this Request are vague and ambiguous,
22 including but not limited to “constitute, refer to, reflect or identify any report, business plan,
23 strategic plan, prospectus, offering memorandum or similar document pertaining to,” “the Creative
24 Commons Feature,” and “financial forecasts, business meetings, and related press releases.”
25 Google objects to this Request to the extent that it seeks proprietary, trade secret or other
26 confidential or competitively sensitive business or technical information. Google will only
27

1 produce such relevant, non-privileged information subject to adequate protections for Google's
2 confidential, trade secret and/or proprietary business or technical information via a protective order
3 entered by the Court in this action. Google objects to this Request on the grounds that it is
4 overbroad and unduly burdensome particularly as it seeks "all documents."

5 Subject to and without waiving the foregoing general and specific objections, Google
6 responds that it will produce documents responsive to this Request that are in its possession,
7 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
8 the extent responsive documents can be identified after a reasonable search.

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

10 All documents pertaining to the Accused Google Instrumentally [sic], specifically
11 pertaining to but not limited to the Creative Commons Feature, used, distributed, displayed or
12 presented in trade shows, technical workshops, user conferences, user forums, user summits,
13 developer conferences, developer forums, developer summits or similar documents, such as
14 presentations, demonstrations and technical papers.

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

16 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
17 to lead to discovery of admissible evidence, and unduly burdensome. Google objects to this
18 Request on the grounds that the terms and phrases in this Request are vague and ambiguous,
19 including but not limited to "pertaining to," "the Creative Commons Feature," "used, distributed,
20 displayed or presented," "trade shows, technical workshops, user conferences, user forums, user
21 summits, developer conferences, developer forums, developer summits," "similar documents,
22 such as presentations, demonstrations and technical papers." Google objects to this Request on
23 the grounds that it is overbroad and unduly burdensome particularly as it seeks "all documents."

24 Subject to and without waiving the foregoing general and specific objections, Google
25 responds that it will produce documents responsive to this Request that are in its possession,
26 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
27

1 the extent responsive documents can be identified after a reasonable search. Google will only
2 produce “similar documents, such as presentations, demonstrations and technical papers” that
3 “pertain[]” to the Accused Google Instrumentality.

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

5 All documents pertaining to the existence, substance or circumstance of any feedback
6 (positive and negative) between Google and its customers pertaining to the Creative Commons
7 Feature of the Accused Google Instrumentality, including, without limitation, all troubleshooting
8 communications.

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

10 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
11 to lead to discovery of admissible evidence, and unduly burdensome. Google objects to this
12 Request on the grounds that the terms and phrases in this Request are vague and ambiguous,
13 including but not limited to “pertaining to the existence, substance or circumstance of any
14 feedback,” “between Google and its customers,” and “pertaining to the Creative Commons
15 Feature,” “troubleshooting communications.” Google objects to this Request to the extent that it
16 seeks proprietary, trade secret or other confidential or competitively sensitive business or
17 technical information. Google will only produce such relevant, non-privileged information
18 subject to adequate protections for Google’s confidential, trade secret and/or proprietary business
19 or technical information via a protective order entered by the Court in this action. Google objects
20 to this Request on the grounds that it is overbroad and unduly burdensome particularly as it seeks
21 “all documents.” Google is willing to meet and confer with Plaintiff to discuss clarifying this
22 document request and narrowing it to a more appropriate scope.

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

24 All documents pertaining to recognition, praise, awards and the like for the Accused
25 Google Instrumentality, including documents pertaining to but not limited to the Creative
26 Commons Feature.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated to lead to discovery of admissible evidence, and unduly burdensome. Google objects to this Request on the grounds that the terms and phrases in this Request are vague and ambiguous, including but not limited to “recognition, praise, awards and the like,” and “the Creative Commons Feature.” Google objects to this Request to the extent that it seeks proprietary, trade secret or other confidential or competitively sensitive business or technical information. Google will only produce such relevant, non-privileged information subject to adequate protections for Google’s confidential, trade secret and/or proprietary business or technical information via a protective order entered by the Court in this action. Google objects to this Request on the grounds that it is overbroad and unduly burdensome particularly as it seeks “all documents.”

Subject to and without waiving the foregoing general and specific objections, Google responds that it will produce documents responsive to this Request that are in its possession, custody or control that are not protected from disclosure by any applicable privilege or doctrine to the extent responsive documents can be identified after a reasonable search.

REQUEST FOR PRODUCTION NO. 29:

All documents pertaining to the existence, substance or circumstance of any competitive analyses pertaining to the Accused Google Instrumentality, including documents pertaining to, but not limited to, the Creative Commons Feature.

RESPONSE TO REQUEST FOR PRODUCTION NO. 29:

Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated to lead to discovery of admissible evidence, and unduly burdensome. Google objects to this Request on the grounds that the terms and phrases in this Request are vague and ambiguous, including but not limited to “pertaining to the existence, substance or circumstance of any competitive analyses,” and “the Creative Commons Feature.” Google objects to this Request to the extent that it seeks proprietary, trade secret or other confidential or competitively sensitive

1 business or technical information. Google will only produce such relevant, non-privileged
2 information subject to adequate protections for Google's confidential, trade secret and/or
3 proprietary business or technical information via a protective order entered by the Court in this
4 action. Google objects to this Request on the grounds that it is overbroad and unduly burdensome
5 particularly as it seeks "all documents."

6 Subject to and without waiving the foregoing general and specific objections, Google
7 responds that it will produce documents responsive to this Request that are in its possession,
8 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
9 the extent responsive documents can be identified after a reasonable search.

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

11 Documents sufficient to identify the date Google first learned of and/or received "notice
12 of infringement" of the '459 Patent.

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

14 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
15 to lead to discovery of admissible evidence, and unduly burdensome. Google objects to this
16 Request to the extent it purports to require Google to draw a legal conclusion concerning the
17 meaning or application of "'notice of infringement' of the '459 Patent or the Lawsuit." Google
18 objects to this Request on the grounds that the terms and phrases in this Request are vague and
19 ambiguous, including but not limited to "date Google first learned of" and "'notice of
20 infringement'."

21 Subject to and without waiving the foregoing general and specific objections, Google
22 responds that it will produce documents responsive to this Request that are in its possession,
23 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
24 the extent responsive documents can be identified after a reasonable search.

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

26 Any and all document retention policies in effect at Google since 2007.

1 relevant, non-privileged information subject to adequate protections for Google’s confidential,
2 trade secret and/or proprietary business or technical information via a protective order entered by
3 the Court in this action.

4 Subject to and without waiving the foregoing general and specific objections, Google
5 responds that it will produce documents responsive to this Request that are in its possession,
6 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
7 the extent responsive documents can be identified after a reasonable search.

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

9 All documents Google intends to use to support its Counterclaim II and Second
10 Affirmative Defense that the “[t]he ’459 patent is invalid under 35 U.S.C. § 101 because it “fails
11 to claim patentable subject matter insofar as it seeks to claim an abstract idea.”

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

13 Google objects to this Request as vague, ambiguous, overbroad, and unduly burdensome.
14 Google objects to this Request on the grounds that the terms and phrases in this Request are
15 vague and ambiguous, including but not limited to “intends to use to support.” Google objects to
16 this Request to the extent that it seeks proprietary, trade secret or other confidential or
17 competitively sensitive business or technical information. Google will only produce such
18 relevant, non-privileged information subject to adequate protections for Google’s confidential,
19 trade secret and/or proprietary business or technical information via a protective order entered by
20 the Court in this action.

21 Subject to and without waiving the foregoing general and specific objections, Google
22 responds that it will produce documents responsive to this Request that are in its possession,
23 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
24 the extent responsive documents can be identified after a reasonable search.

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

2 All documents Google intends to use to support its Counterclaim II that the '459 Patent is
3 invalid for failure to meet the "conditions of patentability of 35 USC § 102 because the inventions
4 are "is [sic] taught by" or "suggested by" the "prior art."

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

6 Google objects to this Request as vague, ambiguous, overbroad, and unduly burdensome.
7 Google objects to this Request on the grounds that the terms and phrases in this Request are
8 vague and ambiguous, including but not limited to "intends to use to support," "are 'is taught by'
9 or 'suggested by' the 'prior art'."

10 Subject to and without waiving the foregoing general and specific objections, Google
11 responds that it will produce documents responsive to this Request that are in its possession,
12 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
13 the extent responsive documents can be identified after a reasonable search.

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

15 All documents Google intends to use to support its Counterclaim II and Second
16 Affirmative Defense that the '459 Patent is invalid for failure to meet "the conditions for
17 patentability" of 35 USC § 103 because the alleged invention are "obvious in view of" the "prior
18 art."

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

20 Google objects to this Request as vague, ambiguous, overbroad, and unduly burdensome.
21 Google objects to this Request on the grounds that the terms and phrases in this Request are
22 vague and ambiguous, including but not limited to "intends to use to support."

23 Subject to and without waiving the foregoing general and specific objections, Google
24 responds that it will produce documents responsive to this Request that are in its possession,
25 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
26 the extent responsive documents can be identified after a reasonable search.

REQUEST FOR PRODUCTION NO. 36:

All documents Google intends to use to support its Counterclaim II and Second Affirmative Defense that the '459 Patent is invalid because it fails to meet "the conditions for patentability" of 35 USC § 112 because the inventions are "unsupported by the written description of the patented invention."

RESPONSE TO REQUEST FOR PRODUCTION NO. 36:

Google objects to this Request as vague, ambiguous, overbroad, and unduly burdensome. Google objects to this Request on the grounds that the terms and phrases in this Request are vague and ambiguous, including but not limited to "intends to use to support."

Subject to and without waiving the foregoing general and specific objections, Google responds that it will produce documents responsive to this Request that are in its possession, custody or control that are not protected from disclosure by any applicable privilege or doctrine to the extent responsive documents can be identified after a reasonable search.

REQUEST FOR PRODUCTION NO. 37:

All documents Google intends to use to support its Third Affirmative Defense that "IconFind's claim for damages, if any, against Google for alleged infringement of the '459 patent are limited by 35 U.S.C. §§ 286, 287, and/or 288."

RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

Google objects to this Request as vague, ambiguous, overbroad, and unduly burdensome. Google objects to this Request on the grounds that the terms and phrases in this Request are vague and ambiguous, including but not limited to "intends to use to support."

Subject to and without waiving the foregoing general and specific objections, Google responds that it will produce documents responsive to this Request that are in its possession, custody or control that are not protected from disclosure by any applicable privilege or doctrine to the extent responsive documents can be identified after a reasonable search.

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

2 All documents Google intends to use to support its Fourth Affirmative Defense that "[o]n
3 information and belief, IconFind's claims for relief are barred, in whole or in part, by the
4 equitable doctrines of laches and estoppel."

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

6 Google objects to this Request as vague, ambiguous, overbroad, and unduly burdensome.
7 Google objects to this Request on the grounds that the terms and phrases in this Request are
8 vague and ambiguous, including but not limited to "intends to use to support."

9 Subject to and without waiving the foregoing general and specific objections, Google
10 responds that it will produce documents responsive to this Request that are in its possession,
11 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
12 the extent responsive documents can be identified after a reasonable search.

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

14 All documents Google intends to use to support its Fifth Affirmative Defense that "[a]ny
15 and all products or actions accused of infringement have substantial uses that do not infringe and
16 do not induce or contribute to the alleged infringement of the claims of the '459 Patent."

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

18 Google objects to this Request as vague, ambiguous, overbroad, and unduly burdensome.
19 Google objects to this Request on the grounds that the terms and phrases in this Request are
20 vague and ambiguous, including but not limited to "intends to use to support."

21 Subject to and without waiving the foregoing general and specific objections, Google
22 responds that it will produce documents responsive to this Request that are in its possession,
23 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
24 the extent responsive documents can be identified after a reasonable search.

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

26 All documents and things that Google contends are prior art to the '459 Patent.

1 searches or investigations,” “relied upon, reviewed, generated, performed, commissioned,
2 ordered, requested, received, contracted or purchased,” “on behalf of Google,” and “relates in any
3 way to the ‘459 Patent.” Google objects to this Request on the grounds that it is overbroad and
4 unduly burdensome particularly as it seeks “all documents.”

5 Subject to and without waiving the foregoing general and specific objections, Google
6 responds that it will produce documents responsive to this Request that are in its possession,
7 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
8 the extent responsive documents can be identified after a reasonable search.

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

10 To the extent not requested above, any documents relating to any opinions of counsel
11 sought or obtained by Google that relate in any way to the '459 Patent or the subject matter of this
12 Lawsuit.

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

14 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
15 to lead to discovery of admissible evidence, and unduly burdensome. Google objects to this
16 Request to the extent it purports to require Google to draw a legal conclusion concerning the
17 meaning or application of “relate in any way to the ‘459 Patent.” Google objects to this Request
18 to the extent it seeks information or documents protected from discovery by the attorney-client
19 privilege and/or the attorney work-product doctrine or any other applicable privileges. Google
20 objects to this Request on the grounds that the terms and phrases in this Request are vague and
21 ambiguous, including but not limited to “documents relating to any opinions of counsel sought or
22 obtained by Google” and “relates in any way to the ‘459 Patent or the subject matter of this
23 Lawsuit.”

24 Subject to and without waiving the foregoing general and specific objections, Google
25 responds that it will produce documents responsive to this Request that are in its possession,
26 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
27

1 the extent responsive documents can be identified after a reasonable search.

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

3 Any and all documents relating to Google's contentions of the level of skill of a person of
4 ordinary skill in the art of the '459 Patent.

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

6 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
7 to lead to discovery of admissible evidence, and unduly burdensome. Google objects to this
8 Request to the extent it purports to require Google to draw a legal conclusion concerning the
9 meaning or application of "the art of the '459 Patent." Google objects to this Request to the
10 extent it seeks information or documents protected from discovery by the attorney-client privilege
11 and/or the attorney work-product doctrine or any other applicable privileges. Google objects to
12 this Request on the grounds that the terms and phrases in this Request are vague and ambiguous,
13 including but not limited to "relating to Google's contentions" and "the level of skill of a person
14 of ordinary skill in the art of the '459 Patent." Google objects to this Request on the grounds that
15 it is overbroad and unduly burdensome particularly as it seeks "all documents."

16 Subject to and without waiving the foregoing general and specific objections, Google
17 responds that it will produce documents responsive to this Request that are in its possession,
18 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
19 the extent responsive documents can be identified after a reasonable search.

20 **REQUEST FOR PRODUCTION NO. 44:**

21 All documents which Google contends are relevant to claim construction in this Lawsuit.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

23 Google objects to this Request as vague, ambiguous, overbroad, and unduly burdensome.
24 Google objects to this Request to the extent it seeks information or documents protected from
25 discovery by the attorney-client privilege and/or the attorney work-product doctrine or any other
26 applicable privileges. Google objects to this Request on the grounds that the terms and phrases in
27

1 this Request are vague and ambiguous, including but not limited to “Google contends are
2 relevant” and “relevant to claim construction.” Google further objects to this Request on the
3 grounds that it is premature this far in advance of claim construction.

4 Subject to and without waiving the foregoing general and specific objections, Google
5 responds that it will produce documents responsive to this Request that are in its possession,
6 custody or control that are not protected from disclosure by any applicable privilege or doctrine to
7 the extent responsive documents can be identified after a reasonable search.

8 **REQUEST FOR PRODUCTION NO. 45:**

9 All intellectual property licenses/agreements between Google and any third party
10 pertaining to the Creative Commons Feature of the Accused Google Instrumentality.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

12 Google objects to this Request as vague, ambiguous, overbroad, not reasonably calculated
13 to lead to discovery of admissible evidence, and unduly burdensome. Google objects to this
14 Request to the extent it seeks information or documents protected from discovery by the attorney-
15 client privilege and/or the attorney work-product doctrine or any other applicable privileges.
16 Google objects to this Request to the extent that it seeks documents whose disclosure is governed
17 by Google’s agreements with third parties, including confidentiality agreements. Google objects
18 to this Request on the grounds that the terms and phrases in this Request are vague and
19 ambiguous, including but not limited to “intellectual property licenses/agreements,” “pertaining
20 to,” and “the Creative Commons Feature.” Google objects to this Request to the extent that it
21 seeks proprietary, trade secret or other confidential or competitively sensitive business or
22 technical information. Google will only produce such relevant, non-privileged information
23 subject to adequate protections for Google’s confidential, trade secret and/or proprietary business
24 or technical information via a protective order entered by the Court in this action. Google objects
25 to this Request on the grounds that it is overbroad and unduly burdensome particularly as it seeks
26 “all documents.”

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Subject to and without waiving the foregoing general and specific objections, Google responds that it will produce documents responsive to this Request that are in its possession, custody or control that are not protected from disclosure by any applicable privilege or doctrine to the extent responsive documents can be identified after a reasonable search.

Dated: June 20, 2011

Respectfully submitted,
KAYE SCHOLER LLP

By: /s/ Michael J. Malecek
Michael J. Malecek
Kenneth M. Maikish
Attorneys for Defendant
GOOGLE INC.