

EXHIBIT B

(Part 2 of 3)

1 documents sufficient to reasonably describe the development of Blockbuster Online
2 and will produce such documents so located that have not already been produced in
3 this case.

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

5 DOCUMENTS sufficient to describe fully the corporate organization
6 of BLOCKBUSTER and each of its divisions, subdivisions, units, subsidiaries or
7 affiliates, including but not limited to organizational charts, personnel directories,
8 telephone directories, and electronic mail user and address lists.

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

10 Each of Blockbuster's General Objections is incorporated here by
11 reference. Blockbuster specifically objects to this request to the extent it seeks
12 documents that are protected by the attorney-client privilege, the attorney work-
13 product doctrine, or any other applicable privilege or immunity and to the extent
14 that it seeks documents that are confidential or proprietary. Blockbuster further
15 specifically objects to this request on the grounds that it is vague, ambiguous,
16 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
17 calculated to lead to the discovery of admissible evidence in this case, and is
18 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
19 The bases for these objections include, without limitation, this request's use of the
20 term "BLOCKBUSTERONLINE."

21 Subject to and without waiving the foregoing objections, Blockbuster
22 will conduct a reasonable and diligent search for non-privileged, non-work-product
23 documents sufficient to reasonably describe the corporate organization of
24 Blockbuster Inc. since 2004 and will produce such documents so located that have
25 not already been produced in this case.

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

27 DOCUMENTS sufficient to identify each and every BLOCKBUSTER
28 officer, manager, director, agent, and employee who had responsibility for, or who

1 was assigned to implement, the design, research, development, testing, and
2 operation of BLOCKBUSTERONLINE.

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

4 Each of Blockbuster's General Objections is incorporated here by
5 reference. Blockbuster specifically objects to this request to the extent it seeks
6 documents that are protected by the attorney-client privilege, the attorney work-
7 product doctrine, or any other applicable privilege or immunity and to the extent
8 that it seeks documents that are confidential or proprietary. Blockbuster further
9 specifically objects to this request on the grounds that it is vague, ambiguous,
10 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
11 calculated to lead to the discovery of admissible evidence in this case, and is
12 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
13 The bases for these objections include, without limitation, this request's use of the
14 terms "BLOCKBUSTER" and "BLOCKBUSTERONLINE."

15 Subject to and without waiving the foregoing objections, Blockbuster
16 will conduct a reasonable and diligent search for non-privileged, non-work-product
17 documents sufficient to reasonably identify employees of Blockbuster Online and
18 will produce such documents so located that have not already been produced in this
19 case.

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

21 All DOCUMENTS RELATING TO agreements between
22 BLOCKBUSTER and any consultant, including but not limited to ACCENTURE,
23 IBM, and David Perkovich, to provide consultation services or products to
24 BLOCKBUSTER relating to the development or operation of
25 BLOCKBUSTERONLINE.

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

27 Each of Blockbuster's General Objections is incorporated here by
28 reference. Blockbuster specifically objects to this request to the extent it seeks

1 documents that are protected by the attorney-client privilege, the attorney work-
2 product doctrine, or any other applicable privilege or immunity and to the extent
3 that it seeks documents that are confidential or proprietary. Blockbuster further
4 specifically objects to this request on the grounds that it is vague, ambiguous,
5 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
6 calculated to lead to the discovery of admissible evidence in this case, and is
7 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
8 The bases for these objections include, without limitation, this request's use of the
9 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "ACCENTURE,"
10 "IBM," and "RELATING TO."

11 Subject to and without waiving the foregoing objections, Blockbuster
12 will conduct a reasonable and diligent search for non-privileged, non-work-product
13 documents sufficient to reasonably describe any agreements by Blockbuster Inc. for
14 consulting services provided by Accenture, IBM, and David Perkovich for
15 Blockbuster Online and will produce such documents so located that have not
16 already been produced in this case.

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

18 All DOCUMENTS exchanged between BLOCKBUSTER and any
19 consultant, including but not limited to ACCENTURE, IBM, and David Perkovich,
20 in connection with any agreement to provide consulting services or products to
21 BLOCKBUSTER relating to the development or operation of
22 BLOCKBUSTERONLINE.

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

24 Each of Blockbuster's General Objections is incorporated here by
25 reference. Blockbuster specifically objects to this request to the extent it seeks
26 documents that are protected by the attorney-client privilege, the attorney work-
27 product doctrine, or any other applicable privilege or immunity and to the extent
28 that it seeks documents that are confidential or proprietary. Blockbuster further

1 specifically objects to this request on the grounds that it is vague, ambiguous,
2 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
3 calculated to lead to the discovery of admissible evidence in this case, and is
4 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
5 The bases for these objections include, without limitation, this request's use of the
6 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "ACCENTURE," and
7 "IBM."

8 Subject to and without waiving the foregoing objections, Blockbuster
9 will conduct a reasonable and diligent search for non-privileged, non-work-product
10 documents sufficient to reasonably describe consulting services provided by
11 Accenture, IBM, and David Perkovich for Blockbuster Online and will produce
12 such documents so located that have not already been produced in this case.

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

14 DOCUMENTS sufficient to identify the employees, contractors, or
15 agents of any consultant, including but not limited to ACCENTURE, IBM and
16 DVDrentalCentral, who provided any information or performed any service for
17 BLOCKBUSTER in connection with the design, research, development, testing,
18 marketing, and operation of BLOCKBUSTERONLINE.

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

20 Each of Blockbuster's General Objections is incorporated here by
21 reference. Blockbuster specifically objects to this request to the extent it seeks
22 documents that are protected by the attorney-client privilege, the attorney work-
23 product doctrine, or any other applicable privilege or immunity and to the extent
24 that it seeks documents that are confidential or proprietary. Blockbuster further
25 specifically objects to this request on the grounds that it is vague, ambiguous,
26 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
27 calculated to lead to the discovery of admissible evidence in this case, and is
28 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.

1 The bases for these objections include, without limitation, this request's use of the
2 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "ACCENTURE," and
3 "IBM."

4 Subject to and without waiving the foregoing objections, Blockbuster
5 will conduct a reasonable and diligent search for non-privileged, non-work-product
6 reasonably identify employees of Accenture, IBM, and David Perkovich who are
7 known to Blockbuster Inc. to have had significant involvement in providing
8 consulting services for Blockbuster Online and will produce such documents so
9 located that have not already been produced in this case.

10 **REQUEST FOR PRODUCTION NO. 37:**

11 All DOCUMENTS RELATING TO the consideration by
12 BLOCKBUSTER, or by any consultant retained in connection with developing or
13 operating BLOCKBUSTERONLINE, of NETFLIX's ON-LINE rental system,
14 products, services, website, or methods.

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

16 Each of Blockbuster's General Objections is incorporated here by
17 reference. Blockbuster specifically objects to this request to the extent it seeks
18 documents that are protected by the attorney-client privilege, the attorney work-
19 product doctrine, or any other applicable privilege or immunity and to the extent
20 that it seeks documents that are confidential or proprietary. Blockbuster further
21 specifically objects to this request on the grounds that it is vague, ambiguous,
22 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
23 calculated to lead to the discovery of admissible evidence in this case, and is
24 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
25 The bases for these objections include, without limitation, this request's use of the
26 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "NETFLIX," and "ON-
27 LINE."

28 Subject to and without waiving the foregoing objections, Blockbuster

1 will conduct a reasonable and diligent search for non-privileged, non-work-product
2 documents discussing consideration of Netflix in connection with developing or
3 operating Blockbuster Online and will produce such documents so located that have
4 not already been produced in this case.

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

6 All DOCUMENTS RELATING TO the consideration by
7 BLOCKBUSTER, or by any consultant retained in connection with developing or
8 operating BLOCKBUSTERONLINE, of any NETFLIX patents or patent
9 applications.

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

11 Each of Blockbuster's General Objections is incorporated here by
12 reference. Blockbuster specifically objects to this request to the extent it seeks
13 documents that are protected by the attorney-client privilege, the attorney work-
14 product doctrine, or any other applicable privilege or immunity and to the extent
15 that it seeks documents that are confidential or proprietary. Blockbuster further
16 specifically objects to this request on the grounds that it is vague, ambiguous,
17 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
18 calculated to lead to the discovery of admissible evidence in this case, and is
19 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
20 The bases for these objections include, without limitation, this request's use of the
21 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," and "NETFLIX."

22 Subject to and without waiving the foregoing objections, Blockbuster
23 will conduct a reasonable and diligent search for non-privileged, non-work-product
24 documents discussing consideration of Netflix patents or patent applications in
25 connection with developing or operating Blockbuster Online and will produce such
26 documents so located that have not already been produced in this case.

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

28 DOCUMENTS sufficient to show when BLOCKBUSTER, or any

1 consultant retained by BLOCKBUSTER in connection with
2 BLOCKBUSTERONLINE, first became aware of each of the PATENTS-IN-SUIT.

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

4 Each of Blockbuster's General Objections is incorporated here by
5 reference. Blockbuster specifically objects to this request to the extent it seeks
6 documents that are protected by the attorney-client privilege, the attorney work-
7 product doctrine, or any other applicable privilege or immunity and to the extent
8 that it seeks documents that are confidential or proprietary. Blockbuster further
9 specifically objects to this request on the grounds that it is vague, ambiguous,
10 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
11 calculated to lead to the discovery of admissible evidence in this case, and is
12 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
13 The bases for these objections include, without limitation, this request's use of the
14 terms "BLOCKBUSTER" and "BLOCKBUSTERONLINE."

15 Subject to and without waiving the foregoing objections, Blockbuster
16 will conduct a reasonable and diligent search for non-privileged, non-work-product
17 documents sufficient to reasonably show when Blockbuster Inc. became aware of
18 the patents-in-suit and will produce such documents so located that have not
19 already been produced in this case.

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

21 All DOCUMENTS RELATING TO the patentability of any claim of
22 the PATENTS-IN-SUIT including without limitation, any study, analysis, review,
23 conclusions, or opinions, whether written or oral.

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

25 Each of Blockbuster's General Objections is incorporated here by
26 reference. Blockbuster specifically objects to this request to the extent it seeks
27 documents that are protected by the attorney-client privilege, the attorney work-
28 product doctrine, or any other applicable privilege or immunity and to the extent

1 that it seeks documents that are confidential or proprietary. Blockbuster further
2 specifically objects to this request on the grounds that it is vague, ambiguous,
3 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
4 calculated to lead to the discovery of admissible evidence in this case, and is
5 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,
6 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases
7 for these objections include, without limitation, this request's use of the term
8 "RELATING TO."

9 Subject to and without waiving the foregoing objections, Blockbuster
10 will conduct a reasonable and diligent search for non-privileged, non-work-product
11 documents providing evidence whether claims of the patents-in-suit were or are
12 patentable and will produce such documents so located that have not already been
13 produced in this case.

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

15 All DOCUMENTS RELATING TO the validity or invalidity of any
16 claim of the PATENTS-IN-SUIT, including without limitation, any study, analysis,
17 review, conclusions, research, investigation, or opinions, whether written or oral.

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

19 Each of Blockbuster's General Objections is incorporated here by
20 reference. Blockbuster specifically objects to this request to the extent it seeks
21 documents that are protected by the attorney-client privilege, the attorney work-
22 product doctrine, or any other applicable privilege or immunity and to the extent
23 that it seeks documents that are confidential or proprietary. Blockbuster further
24 specifically objects to this request on the grounds that it is vague, ambiguous,
25 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
26 calculated to lead to the discovery of admissible evidence in this case, and is
27 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,
28 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases

1 for these objections include, without limitation, this request's use of the term
2 "RELATING TO."

3 Subject to and without waiving the foregoing objections, Blockbuster
4 will conduct a reasonable and diligent search for non-privileged, non-work-product
5 documents providing evidence whether claims of the patents-in-suit were or are
6 valid and will produce such documents so located that have not already been
7 produced in this case.

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

9 All DOCUMENTS RELATING TO the novelty or lack thereof of any
10 claim of the PATENTS-IN-SUIT, including without limitation, any study, analysis,
11 review, conclusions, research, investigation, or options, whether written or oral.

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

13 Each of Blockbuster's General Objections is incorporated here by
14 reference. Blockbuster specifically objects to this request to the extent it seeks
15 documents that are protected by the attorney-client privilege, the attorney work-
16 product doctrine, or any other applicable privilege or immunity and to the extent
17 that it seeks documents that are confidential or proprietary. Blockbuster further
18 specifically objects to this request on the grounds that it is vague, ambiguous,
19 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
20 calculated to lead to the discovery of admissible evidence in this case, and is
21 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,
22 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases
23 for these objections include, without limitation, this request's use of the term
24 "RELATING TO."

25 Subject to and without waiving the foregoing objections, Blockbuster
26 will conduct a reasonable and diligent search for non-privileged, non-work-product
27 documents providing evidence whether claims of the patents-in-suit were novel and
28 will produce such documents so located that have not already been produced in this

1 case.

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

3 All DOCUMENTS RELATING TO the obviousness or non-
4 obviousness of any claim of the PATENTS-IN-SUIT, including without limitation,
5 any study, analysis, review, conclusions, research, investigation, or opinions,
6 whether written or oral.

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

8 Each of Blockbuster's General Objections is incorporated here by
9 reference. Blockbuster specifically objects to this request to the extent it seeks
10 documents that are protected by the attorney-client privilege, the attorney work-
11 product doctrine, or any other applicable privilege or immunity and to the extent
12 that it seeks documents that are confidential or proprietary. Blockbuster further
13 specifically objects to this request on the grounds that it is vague, ambiguous,
14 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
15 calculated to lead to the discovery of admissible evidence in this case, and is
16 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,
17 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases
18 for these objections include, without limitation, this request's use of the term
19 "RELATING TO."

20 Subject to and without waiving the foregoing objections, Blockbuster
21 will conduct a reasonable and diligent search for non-privileged, non-work-product
22 documents providing evidence whether claims of the patents-in-suit were obvious
23 and will produce such documents so located that have not already been produced in
24 this case.

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

26 All DOCUMENTS RELATING TO the enforceability or non-
27 enforceability of any claim of the PATENTS-IN-SUIT, including without
28 limitation, any study, analysis, review, conclusions, research, investigation, or

1 opinions, whether written or oral.

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

3 Each of Blockbuster's General Objections is incorporated here by
4 reference. Blockbuster specifically objects to this request to the extent it seeks
5 documents that are protected by the attorney-client privilege, the attorney work-
6 product doctrine, or any other applicable privilege or immunity and to the extent
7 that it seeks documents that are confidential or proprietary. Blockbuster further
8 specifically objects to this request on the grounds that it is vague, ambiguous,
9 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
10 calculated to lead to the discovery of admissible evidence in this case, and is
11 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,
12 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases
13 for these objections include, without limitation, this request's use of the term
14 "RELATING TO."

15 Subject to and without waiving the foregoing objections, Blockbuster
16 will conduct a reasonable and diligent search for non-privileged, non-work-product
17 documents providing evidence whether claims of the patents-in-suit were or are
18 enforceable and will produce such documents so located that have not already been
19 produced in this case.

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

21 All DOCUMENTS RELATING TO actual or potential infringement
22 or non-infringement of any claim of the PATENTS-IN-SUIT by
23 BLOCKBUSTERONLINE, including without limitation, any study, analysis,
24 review, conclusions, research, investigation or opinions, whether written or oral.

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

26 Each of Blockbuster's General Objections is incorporated here by
27 reference. Blockbuster specifically objects to this request to the extent it seeks
28 documents that are protected by the attorney-client privilege, the attorney work-

1 product doctrine, or any other applicable privilege or immunity and to the extent
2 that it seeks documents that are confidential or proprietary. Blockbuster further
3 specifically objects to this request on the grounds that it is vague, ambiguous,
4 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
5 calculated to lead to the discovery of admissible evidence in this case, and is
6 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,
7 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases
8 for these objections include, without limitation, this request's use of the terms
9 "BLOCKBUSTERONLINE" and "RELATING TO."

10 Subject to and without waiving the foregoing objections, Blockbuster
11 will conduct a reasonable and diligent search for non-privileged, non-work-product
12 documents discussing infringement or non-infringement of the patents-in-suit and
13 will produce such documents so located that have not already been produced in this
14 case.

15 **REQUEST FOR PRODUCTION NO. 46:**

16 All DOCUMENTS RELATING TO any opinion of legal counsel with
17 respect to infringement, non-infringement, validity, invalidity, enforceability,
18 interpretation or scope of any claim of the PATENTS-IN-SUIT, including without
19 limitation any oral or written options or advice.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 46:**

21 Each of Blockbuster's General Objections is incorporated here by
22 reference. Blockbuster specifically objects to this request to the extent it seeks
23 documents that are protected by the attorney-client privilege, the attorney work-
24 product doctrine, or any other applicable privilege or immunity and to the extent
25 that it seeks documents that are confidential or proprietary. Blockbuster further
26 specifically objects to this request on the grounds that it is vague, ambiguous,
27 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
28 calculated to lead to the discovery of admissible evidence in this case, and is

1 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,
2 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases
3 for these objections include, without limitation, this request's use of the term
4 "RELATING TO."

5 Subject to and without waiving the foregoing objections, Blockbuster
6 will produce any requested documents only at the time provided in the Court's
7 scheduling order.

8 **REQUEST FOR PRODUCTION NO. 47:**

9 All DOCUMENTS RELATING TO any COMMUNICATION
10 between BLOCKBUSTER, or anyone acting on its behalf, and any other third party
11 about the patentability, validity, enforceability, scope, or infringement by
12 BLOCKBUSTERONLINE of any claim of the PATENTS-IN-SUIT.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 47:**

14 Each of Blockbuster's General Objections is incorporated here by
15 reference. Blockbuster specifically objects to this request to the extent it seeks
16 documents that are protected by the attorney-client privilege, the attorney work-
17 product doctrine, or any other applicable privilege or immunity and to the extent
18 that it seeks documents that are confidential or proprietary. Blockbuster further
19 specifically objects to this request on the grounds that it is vague, ambiguous,
20 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
21 calculated to lead to the discovery of admissible evidence in this case, and is
22 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
23 The bases for these objections include, without limitation, this request's use of the
24 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "RELATING TO," and
25 "other third party."

26 Subject to and without waiving the foregoing objections, Blockbuster
27 will conduct a reasonable and diligent search for non-privileged, non-work-product
28 communications between Blockbuster and unrelated third parties discussing

1 patentability, validity, enforceability, scope, or infringement by Blockbuster Online
2 of the patents-in-suit and will produce such documents so located that have not
3 already been produced in this case.

4 **REQUEST FOR PRODUCTION NO. 48:**

5 All DOCUMENTS RELATING TO any COMMUNICATION, study,
6 analysis, review, conclusions, or opinions, whether written or oral, regarding any of
7 the NCR PATENTS.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 48:**

9 Each of Blockbuster's General Objections is incorporated here by
10 reference. Blockbuster specifically objects to this request to the extent it seeks
11 documents that are protected by the attorney-client privilege, the attorney work-
12 product doctrine, or any other applicable privilege or immunity and to the extent
13 that it seeks documents that are confidential or proprietary. Blockbuster further
14 specifically objects to this request on the grounds that it is vague, ambiguous,
15 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
16 calculated to lead to the discovery of admissible evidence in this case, and is
17 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
18 The bases for these objections include, without limitation, this request's use of the
19 term "RELATING TO."

20 Subject to and without waiving the foregoing objections, Blockbuster
21 will conduct a reasonable and diligent search for non-privileged, non-work-product
22 documents discussing the NCR patents and will produce such documents so located
23 that have not already been produced in this case.

24 **REQUEST FOR PRODUCTION NO. 49:**

25 All DOCUMENTS RELATING TO any COMMUNICATION, study,
26 analysis, review, conclusions, or opinions, whether written or oral, as to United
27 States Patent. No. 5,459,306, issued on October 17, 1995, entitled "Method and
28 System for Delivering On Demand, Individually Targeted Promotions."

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 49:**

2 Each of Blockbuster's General Objections is incorporated here by
3 reference. Blockbuster specifically objects to this request to the extent it seeks
4 documents that are protected by the attorney-client privilege, the attorney work-
5 product doctrine, or any other applicable privilege or immunity and to the extent
6 that it seeks documents that are confidential or proprietary. Blockbuster further
7 specifically objects to this request on the grounds that it is vague, ambiguous,
8 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
9 calculated to lead to the discovery of admissible evidence in this case, and is
10 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
11 The bases for these objections include, without limitation, this request's use of the
12 term "RELATING TO."

13 Subject to and without waiving the foregoing objections, Blockbuster
14 will conduct a reasonable and diligent search for non-privileged, non-work-product
15 documents discussing the '306 patent and will produce such documents so located
16 that have not already been produced in this case.

17 **REQUEST FOR PRODUCTION NO. 50:**

18 All DOCUMENTS RELATING TO any comparison of the functions,
19 features, or characteristics of BLOCKBUSTERONLINE with any of the functions,
20 features, or characteristics of NETFLIX's system.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 50:**

22 Each of Blockbuster's General Objections is incorporated here by
23 reference. Blockbuster specifically objects to this request to the extent it seeks
24 documents that are protected by the attorney-client privilege, the attorney work-
25 product doctrine, or any other applicable privilege or immunity and to the extent
26 that it seeks documents that are confidential or proprietary. Blockbuster further
27 specifically objects to this request on the grounds that it is vague, ambiguous,
28 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor

1 calculated to lead to the discovery of admissible evidence in this case, and is
2 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
3 The bases for these objections include, without limitation, this request's use of the
4 terms "BLOCKBUSTERONLINE" and "RELATING TO."

5 Subject to and without waiving the foregoing objections, Blockbuster
6 will conduct a reasonable and diligent search for non-privileged, non-work-product
7 documents comparing Blockbuster Online with Netflix and will produce such
8 documents so located that have not already been produced in this case.

9 **REQUEST FOR PRODUCTION NO. 51:**

10 All DOCUMENTS RELATING to any comparison of the functions,
11 features, or characteristics of BLOCKBUSTERONLINE with any claim of the
12 PATENTS-IN-SUIT.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 51:**

14 Each of Blockbuster's General Objections is incorporated here by
15 reference. Blockbuster specifically objects to this request to the extent it seeks
16 documents that are protected by the attorney-client privilege, the attorney work-
17 product doctrine, or any other applicable privilege or immunity and to the extent
18 that it seeks documents that are confidential or proprietary. Blockbuster further
19 specifically objects to this request on the grounds that it is vague, ambiguous,
20 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
21 calculated to lead to the discovery of admissible evidence in this case, and is
22 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
23 The bases for these objections include, without limitation, this request's use of the
24 terms "BLOCKBUSTERONLINE," "NETFLIX," and "RELATING TO."

25 Subject to and without waiving the foregoing objections, Blockbuster
26 will conduct a reasonable and diligent search for non-privileged, non-work-product
27 documents comparing Blockbuster Online with the patents-in-suit and will produce
28 such documents so located that have not already been produced in this case.

1 **REQUEST FOR PRODUCTION NO. 52:**

2 All DOCUMENTS RELATING to any comparison of the functions,
3 features, or claims of the NCR PATENTS with any claim of the PATENTS-IN-
4 SUIT.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 52:**

6 Each of Blockbuster's General Objections is incorporated here by
7 reference. Blockbuster specifically objects to this request to the extent it seeks
8 documents that are protected by the attorney-client privilege, the attorney work-
9 product doctrine, or any other applicable privilege or immunity and to the extent
10 that it seeks documents that are confidential or proprietary. Blockbuster further
11 specifically objects to this request on the grounds that it is vague, ambiguous,
12 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
13 calculated to lead to the discovery of admissible evidence in this case, and is
14 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
15 The bases for these objections include, without limitation, this request's use of the
16 term "RELATING TO."

17 Subject to and without waiving the foregoing objections, Blockbuster
18 will conduct a reasonable and diligent search for non-privileged, non-work-product
19 documents comparing the NCR patents with any claims of the patents-in-suit and
20 will produce such documents so located that have not already been produced in this
21 case.

22 **REQUEST FOR PRODUCTION NO. 53:**

23 All DOCUMENTS RELATING to any comparison of the functions,
24 features, or claims of United States Patent. No. 5,459,306, issued on October 17,
25 1995, entitled "Method and System for Delivering On Demand, Individually
26 Targeted Promotions," with any claim of the PATENTS-IN-SUIT.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 53:**

28 Each of Blockbuster's General Objections is incorporated here by

1 reference. Blockbuster specifically objects to this request to the extent it seeks
2 documents that are protected by the attorney-client privilege, the attorney work-
3 product doctrine, or any other applicable privilege or immunity and to the extent
4 that it seeks documents that are confidential or proprietary. Blockbuster further
5 specifically objects to this request on the grounds that it is vague, ambiguous,
6 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
7 calculated to lead to the discovery of admissible evidence in this case, and is
8 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
9 The bases for these objections include, without limitation, this request's use of the
10 term "RELATING TO."

11 Subject to and without waiving the foregoing objections, Blockbuster
12 will conduct a reasonable and diligent search for non-privileged, non-work-product
13 documents comparing the '306 patent with any claims of the patents-in-suit and
14 will produce such documents so located that have not already been produced in this
15 case.

16 **REQUEST FOR PRODUCTION NO. 54:**

17 All DOCUMENTS RELATING TO any patent, literature or prior art
18 search conducted with respect to either of the PATENTS-IN-SUIT.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 54:**

20 Each of Blockbuster's General Objections is incorporated here by
21 reference. Blockbuster specifically objects to this request to the extent it seeks
22 documents that are protected by the attorney-client privilege, the attorney work-
23 product doctrine, or any other applicable privilege or immunity and to the extent
24 that it seeks documents that are confidential or proprietary. Blockbuster further
25 specifically objects to this request on the grounds that it is vague, ambiguous,
26 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
27 calculated to lead to the discovery of admissible evidence in this case, and is
28 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,

1 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases
2 for these objections include, without limitation, this request's use of the term
3 "RELATING TO."

4 Subject to and without waiving the foregoing objections, Blockbuster
5 will conduct a reasonable and diligent search for non-privileged, non-work-product
6 documents discussing searches referred to in this request and will produce such
7 documents so located that have not already been produced in this case.

8 **REQUEST FOR PRODUCTION NO. 55:**

9 All DOCUMENTS RELATING TO any COMMUNICATIONS
10 between BLOCKBUSTER and NETFLIX.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 55:**

12 Each of Blockbuster's General Objections is incorporated here by
13 reference. Blockbuster specifically objects to this request to the extent it seeks
14 documents that are protected by the attorney-client privilege, the attorney work-
15 product doctrine, or any other applicable privilege or immunity and to the extent
16 that it seeks documents that are confidential or proprietary. Blockbuster further
17 specifically objects to this request on the grounds that it is vague, ambiguous,
18 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
19 calculated to lead to the discovery of admissible evidence in this case, and is
20 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
21 The bases for these objections include, without limitation, this request's use of the
22 terms "BLOCKBUSTER," "NETFLIX," and "RELATING TO."

23 Subject to and without waiving the foregoing objections, Blockbuster
24 will conduct a reasonable and diligent search for non-privileged, non-work-product
25 documents constituting or recording communications between Blockbuster Inc. and
26 Netflix, Inc., and will produce such documents so located that have not already
27 been produced in this case.

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1 **REQUEST FOR PRODUCTION NO. 56:**

2 DOCUMENTS sufficient to describe fully BLOCKBUSTER's
3 electronic mail, electronic mail backup, and electronic mail deletion policies.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 56:**

5 Each of Blockbuster's General Objections is incorporated here by
6 reference. Blockbuster specifically objects to this request to the extent it seeks
7 documents that are protected by the attorney-client privilege, the attorney work-
8 product doctrine, or any other applicable privilege or immunity and to the extent
9 that it seeks documents that are confidential or proprietary. Blockbuster further
10 specifically objects to this request on the grounds that it is vague, ambiguous,
11 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
12 calculated to lead to the discovery of admissible evidence in this case, and is
13 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
14 The bases for these objections include, without limitation, this request's use of the
15 term "BLOCKBUSTER."

16 Subject to and without waiving the foregoing objections, Blockbuster
17 will conduct a reasonable and diligent search for non-privileged, non-work-product
18 documents sufficient to reasonably describe any potentially relevant email policies
19 of Blockbuster Inc. in effect between January 1, 2003 and the present and will
20 produce such documents so located that have not already been produced in this
21 case.

22 **REQUEST FOR PRODUCTION NO. 57:**

23 DOCUMENTS sufficient to describe fully each of BLOCKBUSTER's
24 document retention policies in effect between January 1, 2003 to the present.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 57:**

26 Each of Blockbuster's General Objections is incorporated here by
27 reference. Blockbuster specifically objects to this request to the extent it seeks
28 documents that are protected by the attorney-client privilege, the attorney work-

1 product doctrine, or any other applicable privilege or immunity and to the extent
2 that it seeks documents that are confidential or proprietary. Blockbuster further
3 specifically objects to this request on the grounds that it is vague, ambiguous,
4 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
5 calculated to lead to the discovery of admissible evidence in this case, and is
6 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
7 The bases for these objections include, without limitation, this request's use of the
8 term "BLOCKBUSTER."

9 Subject to and without waiving the foregoing objections, Blockbuster
10 will conduct a reasonable and diligent search for non-privileged, non-work-product
11 documents sufficient to reasonably describe any potentially relevant document
12 retention policies of Blockbuster Inc. during the stated period and will produce such
13 documents so located that have not already been produced in this case.

14 **REQUEST FOR PRODUCTION NO. 58:**

15 All DOCUMENTS RELATING TO BLOCKBUSTER's expenditures
16 to develop and implement BLOCKBUSTERONLINE.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 58:**

18 Each of Blockbuster's General Objections is incorporated here by
19 reference. Blockbuster specifically objects to this request to the extent it seeks
20 documents that are protected by the attorney-client privilege, the attorney work-
21 product doctrine, or any other applicable privilege or immunity and to the extent
22 that it seeks documents that are confidential or proprietary. Blockbuster further
23 specifically objects to this request on the grounds that it is vague, ambiguous,
24 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
25 calculated to lead to the discovery of admissible evidence in this case, and is
26 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
27 The bases for these objections include, without limitation, this request's use of the
28 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," and "RELATING TO."

1 Subject to and without waiving the foregoing objections, Blockbuster
2 will conduct a reasonable and diligent search for non-privileged, non-work-product
3 documents sufficient to reasonably describe expenditures to develop and implement
4 Blockbuster Online and will produce such documents so located that have not
5 already been produced in this case.

6 **REQUEST FOR PRODUCTION NO. 59:**

7 All DOCUMENTS RELATING TO BLOCKBUSTER's expenditures
8 to maintain and operate BLOCKBUSTERONLINE from launch to the present.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 59:**

10 Each of Blockbuster's General Objections is incorporated here by
11 reference. Blockbuster specifically objects to this request to the extent it seeks
12 documents that are protected by the attorney-client privilege, the attorney work-
13 product doctrine, or any other applicable privilege or immunity and to the extent
14 that it seeks documents that are confidential or proprietary. Blockbuster further
15 specifically objects to this request on the grounds that it is vague, ambiguous,
16 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
17 calculated to lead to the discovery of admissible evidence in this case, and is
18 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
19 The bases for these objections include, without limitation, this request's use of the
20 terms "BLOCKBUSTER," and "BLOCKBUSTERONLINE," and "RELATING
21 TO."

22 Subject to and without waiving the foregoing objections, Blockbuster
23 will conduct a reasonable and diligent search for non-privileged, non-work-product
24 documents sufficient to reasonably describe expenditures to maintain and operate
25 Blockbuster Online and will produce such documents so located that have not
26 already been produced in this case.

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1 **REQUEST FOR PRODUCTION NO. 60:**

2 All DOCUMENTS RELATING TO BLOCKBUSTER'S
3 consideration(s) of acquiring NETFLIX, including without limitation any
4 COMMUNICATION, plan, report, analysis and research.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 60:**

6 Each of Blockbuster's General Objections is incorporated here by
7 reference. Blockbuster specifically objects to this request to the extent it seeks
8 documents that are protected by the attorney-client privilege, the attorney work-
9 product doctrine, or any other applicable privilege or immunity and to the extent
10 that it seeks documents that are confidential or proprietary. Blockbuster further
11 specifically objects to this request on the grounds that it is vague, ambiguous,
12 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
13 calculated to lead to the discovery of admissible evidence in this case, and is
14 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
15 The bases for these objections include, without limitation, this request's use of the
16 terms "BLOCKBUSTER," and "NETFLIX," and "RELATING TO."

17 Subject to and without waiving the foregoing objections, Blockbuster
18 will conduct a reasonable and diligent search for non-privileged, non-work-product
19 documents discussing Blockbuster Inc.'s acquiring Netflix and will produce such
20 documents so located that have not already been produced in this case.

21 **REQUEST FOR PRODUCTION NO. 61:**

22 All DOCUMENTS RELATING TO any actions taken by
23 BLOCKBUSTER RELATING TO the potential acquisition of NETFLIX,
24 including without limitation any plans or financial arrangements.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 61:**

26 Each of Blockbuster's General Objections is incorporated here by
27 reference. Blockbuster specifically objects to this request to the extent it seeks
28 documents that are protected by the attorney-client privilege, the attorney work-

1 product doctrine, or any other applicable privilege or immunity and to the extent
2 that it seeks documents that are confidential or proprietary. Blockbuster further
3 specifically objects to this request on the grounds that it is vague, ambiguous,
4 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
5 calculated to lead to the discovery of admissible evidence in this case, and is
6 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
7 The bases for these objections include, without limitation, this request's use of the
8 terms "BLOCKBUSTER," "NETFLIX," and "RELATING TO."

9 Subject to and without waiving the foregoing objections, Blockbuster
10 will conduct a reasonable and diligent search for non-privileged, non-work-product
11 documents discussing actions taken by Blockbuster Inc. to acquire Netflix and will
12 produce such documents so located that have not already been produced in this
13 case.

14 **REQUEST FOR PRODUCTION NO. 62:**

15 All DOCUMENTS RELATING TO BLOCKBUSTER'S
16 consideration of selling BLOCKBUSTERONLINE to any company, including
17 without limitation any COMMUNICATION, plan, report, analysis, or research.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 62:**

19 Each of Blockbuster's General Objections is incorporated here by
20 reference. Blockbuster specifically objects to this request to the extent it seeks
21 documents that are protected by the attorney-client privilege, the attorney work-
22 product doctrine, or any other applicable privilege or immunity and to the extent
23 that it seeks documents that are confidential or proprietary. Blockbuster further
24 specifically objects to this request on the grounds that it is vague, ambiguous,
25 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
26 calculated to lead to the discovery of admissible evidence in this case, and is
27 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
28 The bases for these objections include, without limitation, this request's use of the

1 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," and "RELATING TO."

2 Subject to and without waiving the foregoing objections, Blockbuster
3 will conduct a reasonable and diligent search for non-privileged, non-work-product
4 documents discussing Blockbuster Inc.'s selling Blockbuster Online and will
5 produce such documents so located that have not already been produced in this
6 case.

7 **REQUEST FOR PRODUCTION NO. 63:**

8 All DOCUMENTS RELATING TO the possibility of
9 BLOCKBUSTER'S obtaining a license to any of the PATENTS-IN-SUIT from
10 NETFLIX, including without limitation any COMMUNICATION, plan, report,
11 analysis, or research.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 63:**

13 Each of Blockbuster's General Objections is incorporated here by
14 reference. Blockbuster specifically objects to this request to the extent it seeks
15 documents that are protected by the attorney-client privilege, the attorney work-
16 product doctrine, or any other applicable privilege or immunity and to the extent
17 that it seeks documents that are confidential or proprietary. Blockbuster further
18 specifically objects to this request on the grounds that it is vague, ambiguous,
19 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
20 calculated to lead to the discovery of admissible evidence in this case, and is
21 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
22 The bases for these objections include, without limitation, this request's use of the
23 terms "BLOCKBUSTER," "NETFLIX," and "RELATING TO."

24 Subject to and without waiving the foregoing objections, Blockbuster
25 will conduct a reasonable and diligent search for non-privileged, non-work-product
26 documents discussing Blockbuster Inc.'s obtaining a license to the patents-in-suit
27 from Netflix and will produce such documents so located that have not already been
28 produced in this case.

1 **REQUEST FOR PRODUCTION NO. 64:**

2 All DOCUMENTS referred to or described an Pages 72 through 77 of
3 BLOCKBUSTER's July 28, 2006 Supplemented Initial Disclosures as documents
4 that may BLOCKBUSTER may use to support its claims and defenses.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 64:**

6 Each of Blockbuster's General Objections is incorporated here by
7 reference. Subject to and without waiving the foregoing objections, Blockbuster
8 will conduct a reasonable and diligent search for non-privileged, non-work-product
9 documents as requested by this request and will produce such documents so located
10 that have not already been produced in this case.

11 **REQUEST FOR PRODUCTION NO. 65:**

12 All DOCUMENTS RELATING to the categories of damages and the
13 computation thereof described on pages 77 through 79 of BLOCKBUSTER's July
14 28, 2006 Supplemented Initial Disclosures.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 65:**

16 Each of Blockbuster's General Objections is incorporated here by
17 reference. Blockbuster specifically objects to this request to the extent it seeks
18 documents that are protected by the attorney-client privilege, the attorney work-
19 product doctrine, or any other applicable privilege or immunity and to the extent
20 that it seeks documents that are confidential or proprietary. Blockbuster further
21 specifically objects to this request on the grounds that it is vague, ambiguous,
22 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
23 calculated to lead to the discovery of admissible evidence in this case, and is
24 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
25 The bases for these objections include, without limitation, this request's use of the
26 term "RELATING TO."

27 Subject to and without waiving the foregoing objections, Blockbuster
28 will conduct a reasonable and diligent search for non-privileged, non-work-product

1 documents showing the damages referred to in this request and will produce such
2 documents so located that have not already been produced in this case.

3 **REQUEST FOR PRODUCTION NO. 66:**

4 All DOCUMENTS on Page 79 of BLOCKBUSTER's July 28, 2006
5 Supplemented Initial Disclosures as documents supporting Blockbuster Inc.'s
6 damages.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 66:**

8 Each of Blockbuster's General Objections is incorporated here by
9 reference. Subject to and without waiving the foregoing objections, Blockbuster
10 will conduct a reasonable and diligent search for non-privileged, non-work-product
11 documents as requested by this request and will produce such documents so located
12 that have not already been produced in this case.

13 **REQUEST FOR PRODUCTION NO. 67:**

14 All DOCUMENTS RELATING TO BLOCKBUSTER's allegation in
15 its ANSWER, ¶ 88, that "[t]he relevant product market...is the market for ON-
16 LINE DVD rentals and related subscription services," including without limitation
17 all documents that tend to support or contradict that allegation.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 67:**

19 Each of Blockbuster's General Objections is incorporated here by
20 reference. Blockbuster specifically objects to this request to the extent it seeks
21 documents that are protected by the attorney-client privilege, the attorney work-
22 product doctrine, or any other applicable privilege or immunity and to the extent
23 that it seeks documents that are confidential or proprietary. Blockbuster further
24 specifically objects to this request on the grounds that it is vague, ambiguous,
25 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
26 calculated to lead to the discovery of admissible evidence in this case, and is
27 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
28 The bases for these objections include, without limitation, this request's use of the

1 terms "ON-LINE" and "RELATING TO."

2 Subject to and without waiving the foregoing objections, Blockbuster
3 will conduct a reasonable and diligent search for non-privileged, non-work-product
4 documents sufficient to reasonably describe and support the relevant market
5 referred to in this request and will produce such documents so located that have not
6 already been produced in this case.

7 **REQUEST FOR PRODUCTION NO. 68:**

8 All DOCUMENTS RELATING TO the market(s) in which ONLINE
9 DVD rental companies such as BLOCKBUSTERONLINE and NETFLIX compete
10 or may compete, including without limitation any reports, analyses, studies, or
11 statements made by BLOCKBUSTER, or on its behalf, concerning such market(s)
12 or market definitions.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 68:**

14 Each of Blockbuster's General Objections is incorporated here by
15 reference. Blockbuster specifically objects to this request to the extent it seeks
16 documents that are protected by the attorney-client privilege, the attorney work-
17 product doctrine, or any other applicable privilege or immunity and to the extent
18 that it seeks documents that are confidential or proprietary. Blockbuster further
19 specifically objects to this request on the grounds that it is vague, ambiguous,
20 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
21 calculated to lead to the discovery of admissible evidence in this case, and is
22 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
23 The bases for these objections include, without limitation, this request's use of the
24 terms "BLOCKBUSTER," "NETFLIX," "ON-LINE," and "RELATING TO."

25 Subject to and without waiving the foregoing objections, Blockbuster
26 will conduct a reasonable and diligent search for non-privileged, non-work-product
27 documents sufficient to reasonably describe and support the market referred to in
28 this request and will produce such documents so located that have not already been

1 produced in this case.

2 **REQUEST FOR PRODUCTION NO. 69:**

3 All DOCUMENTS RELATING TO the identity or characteristics of
4 actual or prospective competitors with ONLINE DVD rental companies, such as
5 BLOCKBUSTERONLINE and NETFLIX, including without limitation any
6 reports, analyses, studies, or statements made by BLOCKBUSTER, or on its behalf,
7 concerning actual or prospective competition from IN-STORE rentals, new or used
8 DVD sales, Broadband Internet, or video on demand.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 69:**

10 Each of Blockbuster's General Objections is incorporated here by
11 reference. Blockbuster specifically objects to this request to the extent it seeks
12 documents that are protected by the attorney-client privilege, the attorney work-
13 product doctrine, or any other applicable privilege or immunity and to the extent
14 that it seeks documents that are confidential or proprietary. Blockbuster further
15 specifically objects to this request on the grounds that it is vague, ambiguous,
16 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
17 calculated to lead to the discovery of admissible evidence in this case, and is
18 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
19 The bases for these objections include, without limitation, this request's use of the
20 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "NETFLIX," "ON-
21 LINE," and "RELATING TO."

22 Subject to and without waiving the foregoing objections, Blockbuster
23 will conduct a reasonable and diligent search for non-privileged, non-work-product
24 documents sufficient to reasonably identify competitors referred to in this request
25 and will produce such documents so located that have not already been produced in
26 this case.

27 **REQUEST FOR PRODUCTION NO. 70:**

28 All DOCUMENTS RELATING TO BLOCKBUSTER's allegation in

1 its ANSWER, ¶ 88, that “the relevant geographical market is the United States and
2 its territories as a whole,” including without limitation all documents that tend to
3 support or contradict that allegation.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 70:**

5 Each of Blockbuster’s General Objections is incorporated here by
6 reference. Blockbuster specifically objects to this request to the extent it seeks
7 documents that are protected by the attorney-client privilege, the attorney work-
8 product doctrine, or any other applicable privilege or immunity and to the extent
9 that it seeks documents that are confidential or proprietary. Blockbuster further
10 specifically objects to this request on the grounds that it is vague, ambiguous,
11 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
12 calculated to lead to the discovery of admissible evidence in this case, and is
13 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
14 The bases for these objections include, without limitation, this request’s use of the
15 term “RELATING TO.”

16 Subject to and without waiving the foregoing objections, Blockbuster
17 will conduct a reasonable and diligent search for non-privileged, non-work-product
18 documents sufficient to reasonably describe and support the market referred to in
19 this request and will produce such documents so located that have not already been
20 produced in this case.

21 **REQUEST FOR PRODUCTION NO. 71:**

22 All DOCUMENTS RELATING TO BLOCKBUSTER’s allegation in
23 its ANSWER, ¶ 89, that “throughout the relevant time period up to and including
24 the present, Netflix has had market power in the relevant product and geographical
25 markets,” including without limitation all documents that tend to support or
26 contradict that allegation.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 71:**

28 Each of Blockbuster’s General Objections is incorporated here by