

EXHIBIT G

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23 DANIEL M. MILLER

24 UNITED STATES DISTRICT COURT
25 NORTHERN DISTRICT OF CALIFORNIA
26 SAN FRANCISCO DIVISION

27 DANIEL M. MILLER,

28 Plaintiff,

vs.

FACEBOOK, INC. and YAO WEI YEO,

Defendants.

)
)
) CASE NO.: CV-10-264 (WHA)
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)
) PLAINTIFF'S OBJECTIONS AND
) RESPONSES TO DEFENDANT FACEBOOK,
) INC.'S FIRST INTERROGATORIES AND
) REQUESTS FOR PRODUCTION
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1 COMES NOW the Plaintiff, Daniel M. Miller ("Plaintiff"), pursuant to Rules 33 and 34 of
2 the Federal Rules of Civil Procedure ("Fed. R. Civ. P."), and hereby objects and responds to
3 Defendant Facebook, Inc.'s ("Defendant") First Set of Interrogatories and Requests for Production
4 of Documents as follows:

5
6 **PRELIMINARY STATEMENT**

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8 These objections are made solely for the purposes of this action. These objections are made
9 without waiving, or intending to waive but, on the contrary, expressly reserving: (1) the right to
10 object, on the grounds of competency, privilege, relevancy or materiality, or any other proper
11 grounds, to the use of the objection and response, for any purpose in whole or in part, in any
12 subsequent step or proceeding in this action or any other action; (b) the right to object on any and
13 all grounds, at any time, to other discovery requests or procedures; and (c) the right at any time to
14 revise, correct, add to, or clarify any of the objections and responses propounded herein.
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16 **GENERAL OBJECTIONS AND ASSERTIONS OF PRIVILEGE**

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18 Each of Plaintiff's responses herein, in addition to any specifically stated objection, is
19 subject to and incorporates the following General Objections:

20 1. Plaintiff objects to the discovery requests to the extent they seek information that
21 is not subject to disclosure under any applicable privilege, doctrine or immunity, including
22 without limitation the attorney-client privilege, the work product doctrine, the right of privacy,
23 and all other privileges recognized under the constitutional, statutory or decisional law of the
24 United States of America, the State of California or any other applicable jurisdiction.
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27 2. Plaintiff objects to each of these discovery requests to the extent it seeks
28 disclosure of documents or information containing Plaintiff's proprietary information, including,

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INTERROGATORY NO. 5:

IDENTIFY ALL rights in BOOMSHINE that you contend are covered by your Copyright.

RESPONSE: Plaintiff hereby incorporates the General Objections set forth above. Plaintiff objects to the term “rights” in that it is vague, ambiguous, and overly broad. Plaintiff objects to this interrogatory in so much as it is vague, ambiguous, overly broad, unduly burdensome, and calls for a legal conclusion.

Without waiving such objections, the *Boomshine* computer program including, but not limited to, its code, user interface, “look and feel”, screen displays, design, structure, sequence, organization, and the functionality and purpose of the program.

INTERROGATORY NO. 6 :

If YOU so contend, provide in detail the basis for your contention that CHAINRXN infringes BOOMSHINE's copyright, including ANY AND ALL evidence in your possession supporting said contention.

RESPONSE: Plaintiff hereby incorporates the General Objections set forth above. Plaintiff objects to this interrogatory as vague, ambiguous, overly broad and unduly burdensome. Plaintiff further objects to this interrogatory on the grounds that it is compound because it includes multiple parts, each of which should be counted as a separate request. Plaintiff objects to this interrogatory to the extent it seeks information protected by Plaintiff’s privacy rights. Plaintiff objects to this interrogatory to the extent that it calls for a legal conclusion.

Without waiving such objections, both *Boomshine* and *ChainRxn* have the same, or substantially similar, components as follows: (1) the object is to explode a certain number of circles, or balls, each level by starting a chain reaction so that if one ball collides with an explosion

1 from another ball, that ball will explode and this will continue in a chain reaction until a ball
2 doesn't collide with an explosion; (2) the playing screen background is black and rectangular and
3 once a level is completed by exploding a certain number of balls, the playing screen turns bright;
4 (3) there are multiple multi-colored balls moving in a linear fashion, at varying speeds, and
5 bouncing off the edges of the play screen to create a seemingly random overall ball movement; (4)
6 the number of balls on the playing screen as well the number of balls you must explode to advance
7 to the next level increases with each level; (5) on the first level, the player has to explode one out
8 of five balls to advance to the next level, on the second level, two out of ten balls, and with each
9 additional level, the total number of balls present on the playing screen increase in increments of
10 five; (6) the player begins a chain reaction by selecting a spot on the playing screen with the cursor
11 (which has an illuminated appearance against the black background) and clicking the mouse,
12 which the player can only do once in an attempt to pass a level, and this causes an explosion
13 which is an increase in circular diameter which if any ball touches will likewise explode by
14 increasing in diameter while maintaining its color and circular shape; (7) the explosions last for a
15 set period of time, after which, the diameter of the ball decreases until it is gone and explosions
16 continue until no balls come into contact with any explosions; (8) if the player fails to explode the
17 required number of balls, the player has to restart the level but does not go back to the first level or
18 any past level the player has already beaten; and (9) between each level, there are intermediate
19 screens that state whether or not you passed the current level and, if so, how many balls you have
20 to explode during the next level.
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25 **INTERROGATORY NO. 7:**

26 Describe in detail AND IDENTIFY when YOU first became aware of the existence of
27 CHAINRXN.
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1 Without waiving such objections, please see Plaintiff's response to Facebook's
2 Interrogatory Number 6.

3 **INTERROGATORY NO. 14:**

4 If you so contend, provide in detail the basis for your contention that DEFENDANT YEO
5 had access to BOOMSHINE prior to OR during the time he developed CHAINRXN.
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7 **RESPONSE:** Plaintiff hereby incorporates the General Objections set forth above.
8 Plaintiff objects to the terms "access" and "developed" on the grounds that these terms are vague
9 and ambiguous and render the interrogatory overly broad and unduly burdensome. Plaintiff
10 objects to this interrogatory as it is vague, ambiguous, overly broad, and unduly burdensome.
11 Plaintiff objects to this interrogatory to the extent it seeks information protected by Plaintiff's
12 privacy rights, the attorney-client privilege, and/or the work product doctrine. Plaintiff further
13 objects insofar as this interrogatory seeks discovery of matters that are the subject of expert
14 opinion.
15

16 Without waiving such objections, *Boomshine* has been available to anyone with Internet
17 access since it was first published in March, 2007.
18

19 **PLAINTIFF'S RESPONSES TO DEFENDANT'S REQUESTS FOR PRODUCTION**

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

21 ALL COMMUNICATIONS AND DOCUMENTS relating, referring or evidencing the
22 development, creation OR origin of BOOMSHINE.
23

24 **RESPONSE:** Plaintiff hereby incorporates the General Objections set forth above.
25 Plaintiff objects to the terms/phrases "development", "creation", and "origin" on the grounds that
26 these terms are vague and ambiguous and render the request overly broad and unduly burdensome.
27 Plaintiff further objects to this request in that it is so vague, ambiguous, overly broad,
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Daniel M. Miller

STATE OF GEORGIA)
COUNTY OF Polk)

I, Jesse Martinson, the undersigned notary public in and for said county and state, hereby certify that **Daniel M. Miller**, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, has executed the same voluntarily on the day the same bears date.

Given under my hand and seal this ____ day of December, 2010.

[Signature]
NOTARY PUBLIC
My Commission expires: _____

As to all Objections and Reservations Made Herein.

[Signature]
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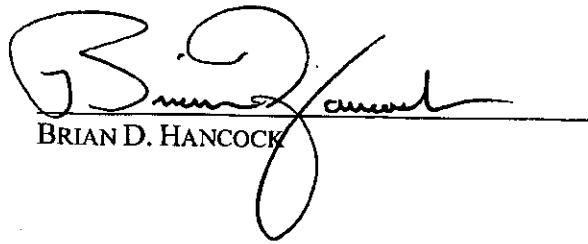
ATTORNEY FOR PLAINTIFF

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A COPY OF THE FOREGOING HAS BEEN SERVED UPON ALL COUNSEL TO THIS PROCEEDING BY ELECTRONIC MAIL ON THIS, THE 17TH DAY OF DECEMBER, 2010, TO-WIT:

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BRIAN D. HANCOCK