

# EXHIBIT A



COMES NOW the Plaintiff, by and through counsel, who propounds the following Consolidated Discovery Requests to Defendant Facebook, Inc. ("Facebook"), to be answered in writing under oath within thirty (30) days of the service hereof pursuant to the Federal Rules of Civil Procedure. Each interrogatory, request for admission, request for production or subpart thereof is to be answered separately and objections, if any, should be made separately as to each interrogatory, request for admission, request for production, or subpart, if applicable.

### **INSTRUCTIONS**

In answering these interrogatories and requests for production, even though the questions will be directed to "you," furnish all information which is available to you, including, but not limited to, information in the possession of your attorneys, consultants, and accountants, and not merely such information known of your own knowledge. If you cannot answer the following interrogatories and requests for production in full, after exercising due diligence to secure the information to do so, state and answer to the extent possible, specifying your inability to answer the remainder.

You are required by the Federal Rules of Civil Procedure to supplement, by way of supplementary answers to these interrogatories, requests for admission, and requests for production, the identity and location of persons having knowledge of discoverable matters, the identity and location of each person expected to be called to testify as an expert witness, and all information required to be disclosed concerning your expert witnesses. You are also required by Rule 26(e) of the Federal Rules of Civil Procedure to amend all responses which were incorrect when made or if the facts stated in the interrogatories, requests for admission, and requests for production are no longer true.

If any document is withheld under a claim of privilege or other protection, so as to aid the Court and the parties hereto in determining the validity of the claim of privilege or other protection, please provide the following information with respect to any such document:

1. The identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;
2. The identity of the person(s) to whom the document was directed;
3. The nature and substance of the document with sufficient particularity to enable the Court and parties to identify the document;
4. The date of the document;
5. The identity of the person(s) having custody of or control over the document and each copy thereof;
6. The identity of the person(s) to whom copies of the document were furnished;
7. The number of pages in the document;
8. The basis on which any privilege or other protection is claimed; and
9. Whether any non-privileged or non-protected matter is included in the document.

Whenever you object to a particular demand, or portion thereof, you must produce all documents called for which are not subject to that objection. Similarly, whenever a document is not produced in full, please state with particularity the reason(s) it is not being produced in full, and describe, to the best of your knowledge, those portions of the document which are not produced.

## DEFINITIONS

As used in this set of interrogatories, requests for admission, and requests for production:

1. The terms "you," "your," "yours," and/or "Defendant" refer to Facebook and all representatives acting, or purporting to act, on behalf of Facebook with respect to any matter inquired about in these interrogatories, requests for admission, and requests for production, including, but not limited to, all such employees, attorneys, consultants, sureties, indemnitors, insurers, or agents;

2. "Statement(s)" include any oral communications, any written or graphic statement signed or otherwise adopted or approved by the person making it and any stenographic, mechanical, electrical, or other recordings, or a transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and/or contemporaneously recorded;

3. The term "document" is intended to be comprehensive and to include, without limitation, all original writings of any nature whatsoever, copies and drafts which, by reason of notes, changes, initials, or identification marks are not identical to the original, and all nonidentical original copies thereof. In all cases where the original is not available, "document" also means identical copies. It shall include communications in words, symbols, pictures, sound recordings, films, tapes, and information stored in, or accessible through, computer or other information storage or retrieval systems, together with the codes and/or programming instructions and other materials necessary to understand and use such systems.

The term "document" includes, but is not limited to, correspondence, electronic data, e-mails, transcripts of testimony, letters, notes, reports, papers, files, books, records, contracts, agreements, telegrams, teletypes, and other communications sent or received, diaries, calendars,

logs, notes or memoranda of telephonic or face-to-face conversations, drafts, work papers, agendas, bulletins, notices, circulars, announcements, instructions, schedules, minutes, summaries, notes, other records and recordings of any conferences, meetings, visits, statements, interviews, or telephone conversations, affidavits, printed matter (including published books, articles, speeches, and newspaper clippings), press releases, manuals, brochures, memoranda of all kinds to and from any persons, agencies or entities, and all other writings, the contents of which relate to discuss, consider, or otherwise refer to the subject matter of the particular discovery requested;

4. The term "relating to" includes referring to, embodying, in connection with, commenting on, responding to, sharing, describing, concerning, analyzing, reflecting, or constituting;

5. To "identify a person" means to state the full name of such person, as well as other names by which such person has been known; the title or position of each such person; the most recent business address and telephone number of each such person; and the most recent home address and telephone number of each such person.

6. The term "describe" means to state with sufficient and specific particularity all surrounding facts, events and occurrences; to identify by name, position, home and business address, home and business telephone number any person or persons connected with, associated with, or related to, whether directly or indirectly, such description; and to state specifically the date and time of any occurrence of events in such description.

7. The term "*ChainRxn*" shall refer to the infringing gaming application identified in the Plaintiff's Complaint.

8. The term “*Boomshine*” shall refer to the copyrighted work registered with the United States Copyright Office that is the subject of this litigation.

**PLAINTIFF'S FIRST INTERROGATORIES AND REQUESTS  
FOR PRODUCTION TO DEFENDANT FACEBOOK, INC.**

1. Please state the name, address, telephone number, place of employment, job title and a brief description of the duties of each person who answered and/or assisted in answering these discovery requests.

**RESPONSE:**

2. Please state the name, last known address, and telephone number of all Facebook employees, agents, or affiliated personnel, either past or present, known to you and/or your attorney(s) who have knowledge of facts and/or documents involved in the incident made the basis of this complaint, and briefly describe the knowledge and/or information that they possess.

**RESPONSE:**

3. Please provide the full name, last known address, and telephone numbers of the individuals identified as “Kieran” in documents previously produced by Facebook bates labeled “FBDM 061-064” and “Daisy” in documents previously produced by Facebook bates labeled “FBDM 084-085”, and state whether or not these individuals are presently employed by Facebook.

**RESPONSE:**

4. Please produce non-redacted copies of the documents previously produced by Facebook bates labeled “FBDM061-064” and “FBDM 084-085”. Should Facebook refuse to

comply with this request, please state with particularity the grounds or privilege upon which Facebook bases its refusal to comply.

**RESPONSE:**

5. If Facebook contends that it is protected from Plaintiff's copyright infringement claims by the Digital Millennium Copyright Act of 1998 ("DMCA"), please specify with particularity which safe harbor provision(s) of the DMCA protects Facebook and the legal and factual reasons and/or evidence that supports Facebook's contention that this safe harbor provision is applicable to it.

**RESPONSE:**

6. Please produce (and specify by bates label upon production) all documents of any nature whatsoever that support in any fashion Facebook's contention that it is protected from Plaintiff's copyright infringement claims by the DMCA.

**RESPONSE:**

7. Please state in plain language and with particularity Facebook's comprehensive policies and procedures to be implemented whenever it receives a complaint of copyright infringement concerning allegedly infringing content posted by a Facebook user on Facebook's website.

**RESPONSE:**



8. Please produce (and specify by bates label upon production) all documents of any nature whatsoever (other than the documents previously produced by Facebook bates labeled “FBDM 001-003; 024-027; 034-036; 038-040; 050; and 052-060”) that relate to the policies and procedures identified in response to Consolidated Discovery Request 7.

**RESPONSE:**

9. Please state in plain language and with particularity all actions taken by Facebook at any time unto the present, and by whom those actions were taken, in response to the Plaintiff and/or his attorney(s) complaints of copyright infringement concerning *ChainRxn* or any other *Zwigglers.com* applications.

**RESPONSE:**

10. Please produce (and specify by bates label upon production) all documents of any nature whatsoever that relate to, or evidence, any of the actions described in response to Consolidated Discovery Request 9.

**RESPONSE:**

11. Please identify the application identification number for *ChainRxn* and produce all documents in your possession of any nature whatsoever referencing, mentioning, or relating to, in any manner, this application identification number OR the *ChainRxn* application.

**RESPONSE:**

12. Please produce all documents of any nature whatsoever that evidence any communication between the Plaintiff and/or his attorney(s) and Facebook.

**RESPONSE:**

13. Please produce all documents of any nature whatsoever that evidence any communication between Facebook and any third party (other than Defendant Yao Wei Yeo or *Zwigglers.com*) wherein the Plaintiff, Defendant Yao Wei Yeo, *Boomshine*, or *ChainRxn* is referenced or mentioned. This would include, but not be limited to, any third party complaints to Facebook of copyright infringement regarding *ChainRxn*.

**RESPONSE:**

14. Please produce all documents of any nature whatsoever that evidence any communication between Yeo and/or *Zwigglers.com* and Facebook.

**RESPONSE:**

15. Please identify, to the day, the time period in which *ChainRxn* was listed in Facebook's application directory and/or accessible via Facebook's *ChainRxn* canvas page. If *ChainRxn* is no longer listed in Facebook's application directory and/or accessible via Facebook's *ChainRxn* canvas page, please identify who removed it, when it was removed, and why.

**RESPONSE:**

16. Please identify all individuals or entities whose advertising was placed around the *ChainRxn* application during the time period in which this application was “linked” or “framed” by, or on, the Facebook website, and for each such individual or entity, please quantify the amount of revenue received by Facebook during this time period from each such individual or entity and the means, formula, or contractual arrangement by which that revenue is, or was, calculated.

**RESPONSE:**

17. Please produce all contracts, agreements, or other arrangements, and any amendments thereto, between Facebook and the advertisers identified in response to Consolidated Discovery Request 16 relating to the purchase of advertising on Facebook.

**RESPONSE:**

18. Please produce all contracts, agreements, or other arrangements, and any amendments thereto, between Facebook and Yeo and/or *Zwigglers.com*.

**RESPONSE:**

19. Please explain the mechanism, procedure, or policy by which it is decided or determined which advertisements were, or are, placed around the *ChainRxn* application during the time period in which this application was “linked” or “framed” by, or on, the Facebook website, and the number of advertisements that would be placed around the *ChainRxn* application when it was “linked” or “framed” by, or on, the Facebook website.

**RESPONSE:**

20. Please quantify and itemize all costs and/or expenses incurred by Facebook as a result of *ChainRxn* having been developed utilizing the Facebook Platform and/or the costs and/or expenses incurred by Facebook as a result of the advertising activity identified in response to Consolidated Discovery Request 16.

**RESPONSE:**

21. Please produce (and specify by bates label upon production) all documents of any nature whatsoever that relate to the costs and/or expenses identified in response to Consolidated Discovery Request 20.

**RESPONSE:**

22. Please state whether advertising revenue received by Facebook is distributed in any manner to developers that utilize the Facebook Developer Platform and/or Facebook Application Programmable Interface (“API”) to develop and/or maintain applications such as *ChainRxn* and if so, please describe the means and/or formula by which it was determined how much advertising revenue would be distributed to Yeo and/or *Zwiggler.com* for *ChainRxn*, in particular, and for all of the Yeo/*Zwiggler.com* Facebook developed applications, in general.

**RESPONSE:**

23. Please produce (and specify by bates label upon production) all documents of any nature whatsoever that relate to the information identified in response to Consolidated Discovery Request 22.

**RESPONSE:**

24. Please state the following concerning each of your proposed expert witnesses:

- (a) the full name and address of the expert;
- (b) the educational background and qualifications of the expert; and
- (c) the substance of the facts and opinions to which each such expert is expected to

testify.

**RESPONSE:**

25. Please produce all documents obtained from or provided to any expert at any time during the pendency of this litigation.

**RESPONSE:**

26. Please produce all electronically stored information including, but not limited to, electronic mail, word processing documents, memoranda, text messages, and voicemail messages stored as either active data, cloned data, or residual and/or deleted data, in disk or paper format pertaining to, discussing, referencing, or relating in any way to Daniel Miller, *Boomshine*, K2xl.com, Yeo, *ChainRxn* and/or the factual and legal issues forming the basis of this lawsuit.

**RESPONSE:**

27. Please describe, and produce a copy of, your document retention and destruction policy.

**RESPONSE:**

28. Please produce all documentation and/or other information in your possession related in any way to the *ChainRxn* source code and/or programming language.

**RESPONSE:**

29. If it is Facebook's contention that the Plaintiff, and/or his attorney'(s), complaints and notifications of copyright infringement to Facebook regarding *ChainRxn* were deficient under any applicable federal or state law, statute, rule, or regulation, please identify the applicable law, statute, rule, or regulation and specify each deficiency under applicable law for each complaint received by Facebook from the Plaintiff and/or his attorney(s).

**RESPONSE:**

30. Please enumerate, identify, and define the types of information or data that Yeo and/or *Zwigglers.com* and Facebook are able to share, and/or shared, utilizing the Facebook Platform and/or Facebook API.

**RESPONSE:**

31. Please provide a detailed account of all amendments or other changes since January 1, 2009, to (a) Sections 9 and 11 of the Facebook Statement of Rights and Responsibilities; (b) Facebook's Privacy Policy; (c) Facebook's policies and procedures for complaints of copyright infringement concerning content or material available or accessible on Facebook's website and/or Facebook's application canvas pages and/or Facebook Platform; (d)

Facebook's Developer Principles & Policies; and (e) Facebook Advertising Guidelines.

**RESPONSE:**

32. Please produce (and specify by bates label upon production) all documents and/or data in your possession relating to or evidencing the following: (a) total number of Facebook users who played *ChainRxn* as well as the number of separate times each of these Facebook users accessed or played the *ChainRxn* application by means of the Facebook Platform and/or Facebook API and/or Facebook *ChainRxn* canvas page; (b) the number of invites to Facebook users to play *ChainRxn*; (c) Facebook's API calls/connections regarding *ChainRxn*; (d) total number of page impressions for *ChainRxn*; (e) total number of advertising impressions for advertising placed around the *ChainRxn* application during the time period in which this application was "linked" or "framed" by, or on, the Facebook website; (f) total number of clicks for *ChainRxn*; and (g) total number of clicks for advertising placed around the *ChainRxn* application during the time period in which this application was "linked" or "framed" by, or on, the Facebook website.

**RESPONSE:**

33. Please identify all tracking mechanisms employed or implemented by Facebook to record, compile, and/or maintain the information requested in Consolidated Discovery Request 32 and explain with particularity how these mechanisms function.

**RESPONSE:**

Dated: July 21, 2010

Respectfully submitted,

s/ Brian D. Hancock  
BRIAN D. HANCOCK (*pro hac vice*)  
HENINGER GARRISON DAVIS, LLC  
2224 1<sup>st</sup> Avenue North  
Birmingham, Alabama, 35203  
Telephone: (205) 326-3336  
Facsimile: (205) 326-3332  
[bdhancock@hgdllawfirm.com](mailto:bdhancock@hgdllawfirm.com)  
ATTORNEY FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT A COPY OF THE FOREGOING HAS BEEN SERVED UPON ALL COUNSEL TO THIS PROCEEDING BY ELECTRONIC MAIL AND U.S. MAIL, POSTAGE PREPAID, AND PROPERLY ADDRESSED ON THIS, THE 21<sup>ST</sup> DAY OF JULY, 2010, TO-WIT:

I. NEEL CHATTERJEE, ESQ.  
THOMAS J. GRAY, ESQ.  
JULIO C. AVALOS, ESQ.  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
1000 MARSH ROAD  
MENLO PARK, CA 94025  
*ATTORNEYS FOR DEFENDANT FACEBOOK, INC.*

s/ BRIAN D. HANCOCK  
BRIAN D. HANCOCK