

EXHIBIT B

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 DANIEL M. MILLER,
14 Plaintiff,
15 v.
16 FACEBOOK, INC. and YAO WEI YEO,
17 Defendants.

Case No. 5:10-CV-00264 (WHA)
**DEFENDANT FACEBOOK, INC.'S
RESPONSES TO PLAINTIFF'S
FIRST CONSOLIDATED
DISCOVERY REQUESTS**

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1 Pursuant to Rule 33 and Rule 34 of the Federal Rules of Civil Procedure, Defendant
2 Facebook, Inc. ("Facebook") hereby objects and responds to Plaintiff Daniel Miller's ("Plaintiff"
3 or "Miller") First Consolidated Discovery Requests to Defendant Facebook, Inc.

4 **PRELIMINARY STATEMENT**

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

12 **GENERAL OBJECTIONS**

13 Each of Facebook's responses herein, in addition to any specifically stated objection, is
14 subject to and incorporates the following General Objections:

15 1. Facebook objects to these discovery requests on the grounds that they are
16 premature in light of Plaintiff's failure to properly serve and bring into this case Defendant Yao
17 Wei Yeo and Facebook's pending Motion To Dismiss Pursuant to Federal Rule of Civil
18 Procedure 41(B), filed on August 4, 2010 (Dkt. 70). Facebook reserves the right to supplement
19 its responses pending the resolution of its motion to dismiss.

20 2. Facebook 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.

25 3. Facebook objects to each of these discovery requests to the extent it seeks
26 disclosure of documents or information containing Facebook's proprietary information, including,
27 but not limited to, confidential business, trade secrets or other confidential information of
28 Facebook that are protected from disclosure, the dissemination of which would cause substantial

1 and irreparable harm to Facebook. Facebook will only provide such information, if at all, only
2 after an appropriate Protective Order has been agreed to by the parties and entered in this action.

3 4. Facebook objects to the discovery requests to the extent that they seek information
4 not relevant to the claims or defenses of any party to this action and not reasonably calculated to
5 lead to discovery of admissible evidence.

6 5. Facebook objects to the discovery requests to the extent they seek information that
7 by reason of public filing or otherwise is already in Miller's possession or is readily accessible to
8 Miller.

9 6. Facebook objects to the discovery requests as overly broad and unduly
10 burdensome to the extent that they place a burden or obligation on Facebook greater than or not
11 consistent with the requirements of the Federal Rules of Civil Procedure, the Local Rules of the
12 Northern District of California, and the applicable rules and orders of this Court.

13 7. Facebook objects to the discovery requests to the extent they seek the disclosure of
14 information (1) not currently within its possession, custody or control; (2) that Facebook cannot
15 locate after a reasonably diligent search; or (3) that refer to persons, entities, or events not known
16 to Facebook.

17 8. Facebook objects to the definitions and instructions to the extent such definitions
18 and instructions purport to enlarge, expand, or alter in any way the plain meaning and scope of
19 any specific term or specific requests on the ground that such enlargement, expansion, or
20 alteration renders such a term or request vague, ambiguous, unintelligible, overly broad, unduly
21 burdensome or uncertain.

22 9. Facebook objects to the following definitions in Miller's discovery requests:

23 (a) Facebook objects to the terms "relating to" (Definition ¶ 4), on the
24 grounds and to the extent that it is overbroad, unduly burdensome or is vague and ambiguous in
25 the context of the discovery requests as written and as those requests would be plainly understood
26 absent Miller's definitions.

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1 (b) Facebook objects to the definitions of the term “you,” “your,” “yours,” and
2 “Defendant” (Definition ¶ 1) as vague, ambiguous, overly broad and unduly burdensome.

3 Facebook further objects to these definitions to the extent such definitions would require the
4 disclosure of privileged information protected by any applicable privilege, including the attorney-
5 client privilege or the attorney work-product doctrine. Facebook will respond only on behalf of
6 Facebook, and any employees and agents operating on its behalf, and no other person or entity.

7 10. Facebook objects to these discovery requests to the extent that they may unfairly
8 seek to restrict the facts on which Facebook may rely at trial. Discovery has not been completed
9 and Facebook is not yet necessarily in possession of all the facts and documents upon Facebook
10 intends to rely. All of the responses submitted herewith are tendered to Miller with the
11 reservation that the responses are submitted without limiting the evidence on which Facebook
12 may rely to support the contentions and defenses that Facebook may assert at the trial of this
13 action and to rebut or impeach the contentions, assertions and evidence that Miller may present.
14 Facebook reserves the right to supplement or amend these responses on a future date.

15 11. Facebook reserves the right to object on any ground at any time to such other and
16 supplemental discovery requests as Miller may propound involving or relating to the same subject
17 matter of these requests.

18 12. Facebook objects to these discovery requests to the extent that they request
19 documents containing confidential information of third parties who have provided Facebook with
20 this information. Such documents shall be produced only with the consent of the relevant third
21 party or a court order compelling production.

22 13. In responding to these discovery requests, Facebook objects to, and does not
23 intend to comply with any instructions or definitions that seek to impose requirements in addition
24 to those imposed by the Federal Rules of Civil Procedure or any other applicable local rule.

25 14. Consistent with Rule 33(d) of the Federal Rules of Civil Procedure, Facebook
26 objects to providing responses to discovery requests that can be derived from documents that
27 have or will be produced (when requested in compliance with Rule 26) and where the burden to
28 derive such information is substantially the same for Miller as it is for Facebook.

1 15. Facebook objects to these discovery requests to the extent they call for a legal
2 conclusion. To the extent the discovery requests ask Facebook to provide information concerning
3 the legal basis of its defense of this matter, Facebook objects on the grounds that these discovery
4 requests impermissibly call for mental impressions, conclusions, opinions and/or legal theories of
5 Facebook's attorneys.

6 16. Facebook objects to these discovery requests to the extent they are compound and
7 contain multiple subparts, effectively exceeding the number of permitted interrogatories.

8 17. Facebook objects to these discovery requests as defective in form because plaintiff
9 Miller combined interrogatories and requests for production of documents into a single discovery
10 pleading, rather than serving separate interrogatories and requests for production of documents as
11 required by Federal Rules of Civil Procedure 33 and 34. Facebook also objects to each request
12 to the extent it improperly combines an interrogatory with a request for production.

13 18. Without waiving any of these General Objections, and incorporating each of them
14 by reference into each response below, Facebook responds more specifically to the requests as
15 follows:

16 **SPECIFIC OBJECTIONS AND RESPONSES TO REQUEST FOR PRODUCTION**

17 The General Objections, set forth above, are hereby incorporated by reference into each
18 and every one of the following Specific Responses as if fully set forth therein.

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

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

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

24 Defendant Facebook hereby incorporates the General Objections set forth above.
25 Facebook objects to the terms/phrases "answered" and "assisted in answering" on the grounds
26 that these terms render the request overly broad, unduly burdensome, vague and ambiguous.
27 Facebook further objects to this request on the grounds that it is compound because it includes
28 multiple parts, each of which should be counted as a separate request. Facebook objects to this

1 request to the extent it seeks information protected by Facebook's privacy rights as well as the
2 privacy rights of nonparties, including others' home address and telephone number information.

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

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

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

9 Defendant Facebook hereby incorporates the General Objections set forth above.
10 Facebook objects to the terms/phrases "affiliated," "knowledge and/or information," and
11 "incident made the basis of this complaint" on the grounds that these terms render the request
12 overly broad, unduly burdensome, vague and ambiguous. Facebook further objects to this request
13 on the grounds that it is compound because it includes multiple parts, each of which should be
14 counted as a separate request. Facebook objects to this request to the extent it seeks information
15 protected by Facebook's privacy rights as well as the privacy rights of nonparties, including
16 others' home address and telephone number information.

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

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

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

24 Defendant Facebook hereby incorporates the General Objections set forth above.
25 Facebook further objects to this request on the grounds that it is compound because it includes
26 multiple parts, each of which should be counted as a separate request. Facebook further objects
27 to this request to the extent it seeks information that is neither relevant to the subject matter of
28 this litigation nor reasonably calculated to lead to the discovery of admissible evidence.

1 Facebook objects to this request to the extent it seeks information protected by Facebook's
2 privacy rights as well as the privacy rights of nonparties, including others' home address and
3 telephone number information.

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

5 Please produce non-redacted copies of the documents previously produced by Facebook
6 bates labeled "FBDM061-064" and "FBDM 084-085". Should Facebook refuse to comply with
7 this request, please state with particularity the grounds or privilege upon which Facebook bases
8 its refusal to comply.

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

10 Defendant Facebook hereby incorporates the General Objections set forth above.
11 Facebook further objects to this request to the extent it seeks private, confidential, proprietary,
12 trade secret, or otherwise sensitive information protected by the constitutional and statutory laws
13 of California and the United States and to the extent it seeks private, confidential, proprietary,
14 trade secret or otherwise sensitive information, protected by the constitutional and statutory laws
15 of California and the United States regarding third parties to whom no notice has been given.
16 Facebook objects to this request because it seeks information that is neither relevant to the subject
17 matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence.

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

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

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

24 Defendant Facebook hereby incorporates the General Objections set forth above.
25 Facebook further objects to this request on the grounds that it is compound because it includes
26 multiple parts, each of which should be counted as a separate request. Facebook objects to this
27 request to the extent that it calls for a legal conclusion. To the extent the request asks Facebook
28 to provide information concerning the legal basis of its defense of this matter, Facebook objects

1 on the grounds that this request impermissibly calls for mental impressions, conclusions, opinions
2 and/or legal theories of Facebook's attorneys. Facebook further objects to the request as
3 premature, because it is a contention interrogatory propounded at a very early stage of discovery.
4 Facebook further objects insofar as the request seeks discovery of matters that are the subject of
5 expert opinion.

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

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

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

11 Defendant Facebook hereby incorporates the General Objections set forth above.
12 Facebook objects to the terms/phrases "all documents of any nature whatsoever" and "support in
13 any fashion" on the grounds that these terms render the request overly broad, unduly burdensome,
14 vague and ambiguous. Facebook also objects to this request as defective in form in that it
15 improperly combines an interrogatory with a request for production. Facebook objects to this
16 request to the extent it seeks private, confidential, proprietary, trade secret, or otherwise sensitive
17 information protected by the constitutional and statutory laws of California and the United States
18 and to the extent it seeks private, confidential, proprietary, trade secret or otherwise sensitive
19 information, protected by the constitutional and statutory laws of California and the United States
20 regarding third parties to whom no notice has been given. Facebook further objects to this
21 request to the extent that it seeks information that is protected by the attorney-client privilege, the
22 work-product doctrine, or any other applicable privilege or immunity under the law. To the
23 extent the request asks Facebook to provide information concerning the legal basis of its defense
24 of this matter, Facebook objects on the grounds that this request impermissibly calls for mental
25 impressions, conclusions, opinions and/or legal theories of Facebook's attorneys. Facebook
26 further objects to the request as premature, because it is a contention interrogatory propounded at
27 a very early stage of discovery. Facebook further objects insofar as the request seeks discovery of
28 matters that are the subject of expert opinion.

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

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

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

6 Defendant Facebook hereby incorporates the General Objections set forth above.
7 Facebook further objects to this request to the extent it is overbroad, unduly burdensome, and/or
8 seeks information that is neither relevant to the subject matter of this litigation nor reasonably
9 calculated to lead to the discovery of admissible evidence. Facebook further objects to this
10 request on the grounds that the phrases “in plain language,” “with particularity,” and
11 “comprehensive policies and procedures” are vague and ambiguous. The request is also
12 unintelligible insofar as it assumes or suggests that Facebook “implements” a set of policies and
13 procedures each time it receives a complaint of copyright infringement. Facebook also objects to
14 this request to the extent it seeks private, confidential, proprietary, trade secret, or otherwise
15 sensitive information protected by the constitutional and statutory laws of California and the
16 United States. Facebook will only respond to such requests subject to an appropriate Protective
17 Order entered in this action. Facebook further objects to this request to the extent that it seeks
18 information that is protected by the attorney-client privilege, the work-product doctrine, or any
19 other applicable privilege or immunity under the law.

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

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

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

26 Defendant Facebook hereby incorporates the General Objections set forth above.
27 Facebook further objects to this request to the extent it is overbroad, unduly burdensome, and/or
28 seeks information that is neither relevant to the subject matter of this litigation nor reasonably

1 calculated to lead to the discovery of admissible evidence. Facebook objects to this request on
2 the grounds that it is compound because it includes multiple parts, each of which should be
3 counted as a separate request. Facebook objects to the terms/phrases “all documents of any
4 nature whatsoever” on the grounds that these terms render the request overly broad, unduly
5 burdensome, vague and ambiguous. Facebook also objects to this request as defective in form in
6 that it improperly combines an interrogatory with a request for production. Facebook objects to
7 this request to the extent it seeks private, confidential, proprietary, trade secret, or otherwise
8 sensitive information protected by the constitutional and statutory laws of California and the
9 United States. Facebook will only respond to such requests subject to an appropriate Protective
10 Order entered in this action. Facebook further objects to this request to the extent that it seeks
11 information that is protected by the attorney-client privilege, the work-product doctrine, or any
12 other applicable privilege or immunity under the law.

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

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

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

19 Defendant Facebook hereby incorporates the General Objections set forth above.
20 Facebook further objects to this request to the extent it seeks information that is neither relevant
21 to the subject matter of this litigation nor reasonably calculated to lead to the discovery of
22 admissible evidence. Facebook further objects to this request on the grounds that it is compound
23 because it includes multiple parts, each of which should be counted as a separate request.
24 Facebook objects to this request because it is vague and ambiguous, overly broad (especially as to
25 time), unduly burdensome and oppressive. Facebook objects to this request to the extent it seeks
26 private, confidential, proprietary, trade secret, or otherwise sensitive information protected by the
27 constitutional and statutory laws of California and the United States and to the extent it seeks
28 private, confidential, proprietary, trade secret or otherwise sensitive information, protected by the

1 constitutional and statutory laws of California and the United States regarding third parties to
2 whom no notice has been given. Facebook further objects to this request to the extent that it
3 seeks information that is protected by the attorney-client privilege, the work-product doctrine, or
4 any other applicable privilege or immunity under the law.

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

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

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

10 Defendant Facebook hereby incorporates the General Objections set forth above.
11 Facebook further objects to this request to the extent it is overbroad, unduly burdensome, and/or
12 seeks information that is neither relevant to the subject matter of this litigation nor reasonably
13 calculated to lead to the discovery of admissible evidence. Facebook objects to the terms/phrases
14 "all documents of any nature whatsoever" on the grounds that these terms render the request
15 overly broad, unduly burdensome, vague and ambiguous. Facebook also objects to this request as
16 defective in form in that it improperly combines an interrogatory with a request for production.
17 Facebook objects to this request to the extent it seeks private, confidential, proprietary, trade
18 secret, or otherwise sensitive information protected by the constitutional and statutory laws of
19 California and the United States and to the extent it seeks private, confidential, proprietary, trade
20 secret or otherwise sensitive information, protected by the constitutional and statutory laws of
21 California and the United States regarding third parties to whom no notice has been given.
22 Facebook further objects to this request to the extent that it seeks information that is protected by
23 the attorney-client privilege, the work-product doctrine, or any other applicable privilege or
24 immunity under the law.

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

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

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

2 Defendant Facebook hereby incorporates the General Objections set forth above.
3 Facebook further objects to this request to the extent it seeks information that is neither relevant
4 to the subject matter of this litigation nor reasonably calculated to lead to the discovery of
5 admissible evidence. Facebook further objects to this request on the grounds that it is compound
6 because it includes multiple parts, each of which should be counted as a separate request.
7 Facebook objects to the terms/phrases “all documents in your possession of any nature
8 whatsoever” and “relating to, in any manner” on the grounds that these terms render the request
9 overly broad, unduly burdensome, vague and ambiguous. Facebook objects to this request to the
10 extent it seeks private, confidential, proprietary, trade secret, or otherwise sensitive information
11 protected by the constitutional and statutory laws of California and the United States and to the
12 extent it seeks private, confidential, proprietary, trade secret or otherwise sensitive information,
13 protected by the constitutional and statutory laws of California and the United States regarding
14 third parties to whom no notice has been given. Facebook will only respond to such requests
15 subject to an appropriate Protective Order entered in this action. Facebook further objects to this
16 request to the extent that it seeks information that is protected by the attorney-client privilege, the
17 work-product doctrine, or any other applicable privilege or immunity under the law.

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

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

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

22 Defendant Facebook hereby incorporates the General Objections set forth above.
23 Facebook further objects to this request to the extent it seeks information that is neither relevant
24 to the subject matter of this litigation nor reasonably calculated to lead to the discovery of
25 admissible evidence. Facebook objects to the terms/phrases “all documents of any nature
26 whatsoever” on the grounds that these terms render the request overly broad, unduly burdensome,
27 vague and ambiguous. Facebook also objects to the phrase “between the Plaintiff and/or his
28 attorney(s) and Facebook” as vague and ambiguous in that it fails to clearly identify who is

1 involved. Facebook objects to this request insofar as it seeks information that is already in
2 Miller's possession or is readily accessible to Miller. Facebook further objects to this request to
3 the extent that it seeks information that is protected by the attorney-client privilege, the work-
4 product doctrine, or any other applicable privilege or immunity under the law.

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

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

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

12 Defendant Facebook hereby incorporates the General Objections set forth above.
13 Facebook further objects to this request to the extent it is overbroad, unduly burdensome, and/or
14 seeks information that is neither relevant to the subject matter of this litigation nor reasonably
15 calculated to lead to the discovery of admissible evidence. Facebook further objects to this
16 request on the grounds that it is compound because it includes multiple parts, each of which
17 should be counted as a separate request. Facebook objects to this request to the extent it seeks
18 private, confidential, proprietary, trade secret, or otherwise sensitive information, protected by the
19 constitutional and statutory laws of California and the United States and to the extent it seeks
20 private, confidential, proprietary, or otherwise sensitive information, protected by the
21 constitutional and statutory laws of California and the United States regarding third parties to
22 whom no notice has been given. Facebook will only respond to such requests subject to an
23 appropriate Protective Order entered in this action. Facebook further objects to this request to the
24 extent that it seeks information that is protected by the attorney-client privilege, the work-product
25 doctrine, or any other applicable privilege or immunity under the law.

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

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

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

2 Defendant Facebook hereby incorporates the General Objections set forth above.
3 Facebook further objects to this request to the extent it is overbroad, unduly burdensome, and/or
4 seeks information that is neither relevant to the subject matter of this litigation nor reasonably
5 calculated to lead to the discovery of admissible evidence. Facebook also objects to the phrase
6 “between Yeo and/or *Zwigglers.com* and Facebook” as vague and ambiguous in that it fails to
7 clearly identify who is involved. Facebook objects to this request to the extent it seeks private,
8 confidential, proprietary, trade secret, or otherwise sensitive information, protected by the
9 constitutional and statutory laws of California and the United States and to the extent it seeks
10 private, confidential, proprietary, or otherwise sensitive information, protected by the
11 constitutional and statutory laws of California and the United States regarding third parties to
12 whom no notice has been given. Facebook will only respond to such requests subject to an
13 appropriate Protective Order entered in this action. Facebook will only respond to such requests
14 subject to an appropriate Protective Order entered in this action. Facebook further objects to this
15 request to the extent that it seeks information that is protected by the attorney-client privilege, the
16 work-product doctrine, or any other applicable privilege or immunity under the law.

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

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

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

23 Defendant Facebook hereby incorporates the General Objections set forth above.
24 Facebook further objects to this request to the extent it seeks information that is neither relevant
25 to the subject matter of this litigation nor reasonably calculated to lead to the discovery of
26 admissible evidence. Facebook objects to this request on the grounds that it is compound because
27 it includes multiple parts, each of which should be counted as a separate request. Facebook
28 objects to this request to the extent it seeks private, confidential, proprietary, trade secret, or

1 otherwise sensitive information protected by the constitutional and statutory laws of California
2 and the United States. Facebook will only respond to such requests subject to an appropriate
3 Protective Order entered in this action. Facebook further objects to this request to the extent that
4 it seeks information that is protected by the attorney-client privilege, the work-product doctrine,
5 or any other applicable privilege or immunity under the law.

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

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

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

14 Defendant Facebook hereby incorporates the General Objections set forth above.
15 Facebook further objects to this request to the extent it is overbroad, unduly burdensome, and/or
16 seeks information that is neither relevant to the subject matter of this litigation nor reasonably
17 calculated to lead to the discovery of admissible evidence. Facebook further objects to this
18 request on the ground that it is vague and ambiguous as to the terms “linked” and “framed.”
19 Facebook further objects to this request on the grounds that it is compound because it includes
20 multiple parts, each of which should be counted as a separate request. Facebook objects to this
21 request to the extent it seeks private, confidential, proprietary, trade secret, or otherwise sensitive
22 information, including privacy of confidential financial information, protected by the
23 constitutional and statutory laws of California and the United States and to the extent it seeks
24 private, confidential, proprietary, trade secret or otherwise sensitive information, protected by the
25 constitutional and statutory laws of California and the United States regarding third parties to
26 whom no notice has been given. Facebook will only respond to such requests subject to an
27 appropriate Protective Order entered in this action. Facebook further objects to this request to the
28

1 extent that it seeks information that is protected by the attorney-client privilege, the work-product
2 doctrine, or any other applicable privilege or immunity under the law.

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

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

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

8 Defendant Facebook hereby incorporates the General Objections set forth above.
9 Facebook further objects to this request to the extent it is overbroad, unduly burdensome, and/or
10 seeks information that is neither relevant to the subject matter of this litigation nor reasonably
11 calculated to lead to the discovery of admissible evidence. Facebook further objects to this
12 request on the grounds that it is compound because it includes multiple parts, each of which
13 should be counted as a separate request. Facebook objects to this request to the extent it seeks
14 private, confidential, proprietary, trade secret, or otherwise sensitive information, including
15 privacy of confidential financial information, protected by the constitutional and statutory laws of
16 California and the United States and to the extent it seeks private, confidential, proprietary, trade
17 secret or otherwise sensitive information, protected by the constitutional and statutory laws of
18 California and the United States regarding third parties to whom no notice has been given.
19 Facebook will only respond to such requests subject to an appropriate Protective Order entered in
20 this action. Facebook further objects to this request to the extent that it seeks information that is
21 protected by the attorney-client privilege, the work-product doctrine, or any other applicable
22 privilege or immunity under the law.

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

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

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

27 Defendant Facebook hereby incorporates the General Objections set forth above.
28 Facebook further objects to this request to the extent it seeks information that is neither relevant

1 to the subject matter of this litigation nor reasonably calculated to lead to the discovery of
2 admissible evidence. Facebook further objects to this request on the grounds that it is compound
3 because it includes multiple parts, each of which should be counted as a separate request.
4 Facebook also objects to the phrase “between Facebook and Yeo and/or *Zwigglers.com*” as vague
5 and ambiguous in that it fails to clearly identify who is involved. Facebook objects to this request
6 to the extent it seeks private, confidential, proprietary, trade secret, or otherwise sensitive
7 information, including privacy of confidential financial information, protected by the
8 constitutional and statutory laws of California and the United States and to the extent it seeks
9 private, confidential, proprietary, trade secret or otherwise sensitive information, protected by the
10 constitutional and statutory laws of California and the United States regarding third parties to
11 whom no notice has been given. Facebook will only respond to such requests subject to an
12 appropriate Protective Order entered in this action. Facebook further objects to this request to the
13 extent that it seeks information that is protected by the attorney-client privilege, the work-product
14 doctrine, or any other applicable privilege or immunity under the law.

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

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

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

22 Defendant Facebook hereby incorporates the General Objections set forth above.
23 Facebook further objects to this request to the extent it seeks information that is neither relevant
24 to the subject matter of this litigation nor reasonably calculated to lead to the discovery of
25 admissible evidence. Facebook further objects to this request on the ground that it is vague and
26 ambiguous as to the terms “linked” and “framed.” Facebook further objects to this request on the
27 grounds that it is compound because it includes multiple parts, each of which should be counted
28 as a separate request. Facebook objects to this request to the extent it seeks private, confidential,

1 proprietary, trade secret, or otherwise sensitive information, including privacy of confidential
2 financial information, protected by the constitutional and statutory laws of California and the
3 United States and to the extent it seeks private, confidential, proprietary, trade secret or otherwise
4 sensitive information, protected by the constitutional and statutory laws of California and the
5 United States regarding third parties to whom no notice has been given. Facebook will only
6 respond to such requests subject to an appropriate Protective Order entered in this action.
7 Facebook further objects to this request to the extent that it seeks information that is protected by
8 the attorney-client privilege, the work-product doctrine, or any other applicable privilege or
9 immunity under the law.

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

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

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

16 Defendant Facebook hereby incorporates the General Objections set forth above.
17 Facebook further objects to this request to the extent it is overbroad, unduly burdensome, and/or
18 seeks information that is neither relevant to the subject matter of this litigation nor reasonably
19 calculated to lead to the discovery of admissible evidence. Facebook also objects to this request
20 on the ground that it is vague and ambiguous as to the phrase “as a result of ChainRxn having
21 been developed utilizing the Facebook Platform.” Facebook further objects to this request on the
22 grounds that it is compound because it includes multiple parts, each of which should be counted
23 as a separate request. Facebook objects to this request to the extent it seeks private, confidential,
24 proprietary, trade secret, or otherwise sensitive information protected by the constitutional and
25 statutory laws of California and the United States and to the extent it seeks private, confidential,
26 proprietary, trade secret or otherwise sensitive information, protected by the constitutional and
27 statutory laws of California and the United States regarding third parties to whom no notice has
28 been given. Facebook will only respond to such requests subject to an appropriate Protective

1 Order entered in this action. Facebook further objects to this request to the extent that it seeks
2 information that is protected by the attorney-client privilege, the work-product doctrine, or any
3 other applicable privilege or immunity under the law.

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

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

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

9 Defendant Facebook hereby incorporates the General Objections set forth above.
10 Facebook further objects to this request to the extent it is overbroad, unduly burdensome, and/or
11 seeks information that is neither relevant to the subject matter of this litigation nor reasonably
12 calculated to lead to the discovery of admissible evidence. Facebook further objects to this
13 request on the grounds that it is compound because it includes multiple parts, each of which
14 should be counted as a separate request. Facebook also objects to this request as defective in
15 form in that it improperly combines an interrogatory with a request for production. Facebook
16 objects to this request to the extent it seeks private, confidential, proprietary, trade secret, or
17 otherwise sensitive information protected by the constitutional and statutory laws of California
18 and the United States and to the extent it seeks private, confidential, proprietary, trade secret or
19 otherwise sensitive information, protected by the constitutional and statutory laws of California
20 and the United States regarding third parties to whom no notice has been given. Facebook will
21 only respond to such requests subject to an appropriate Protective Order entered in this action.
22 Facebook further objects to this request to the extent that it seeks information that is protected by
23 the attorney-client privilege, the work-product doctrine, or any other applicable privilege or
24 immunity under the law.

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

26 Please state whether advertising revenue received by Facebook is distributed in any
27 manner to developers that utilize the Facebook Developer Platform and/or Facebook Application
28 Programmable Interface (“API”) to develop and/or maintain applications such as *ChainRxn* and if

1 so, please describe the means and/or formula by which it was determined how much advertising
2 revenue would be distributed to Yeo and/or *Zwigglers.com* for *ChainRxn*, in particular, and for all
3 of the Yeo/*Zwigglers.com* Facebook developed applications, in general.

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

5 Defendant Facebook hereby incorporates the General Objections set forth above.
6 Facebook further objects to this request to the extent it is overbroad, unduly burdensome, and/or
7 seeks information that is neither relevant to the subject matter of this litigation nor reasonably
8 calculated to lead to the discovery of admissible evidence. Facebook further objects to this
9 request on the grounds that it is compound because it includes multiple parts, each of which
10 should be counted as a separate request. Facebook objects to this request to the extent it seeks
11 private, confidential, proprietary, trade secret, or otherwise sensitive information protected by the
12 constitutional and statutory laws of California and the United States and to the extent it seeks
13 private, confidential, proprietary, trade secret or otherwise sensitive information, protected by the
14 constitutional and statutory laws of California and the United States regarding third parties to
15 whom no notice has been given. Facebook will only respond to such requests subject to an
16 appropriate Protective Order entered in this action. Facebook further objects to this request to the
17 extent that it seeks information that is protected by the attorney-client privilege, the work-product
18 doctrine, or any other applicable privilege or immunity under the law.

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

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

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

24 Defendant Facebook hereby incorporates the General Objections set forth above.
25 Facebook further objects to this request to the extent it seeks information that is neither relevant
26 to the subject matter of this litigation nor reasonably calculated to lead to the discovery of
27 admissible evidence. Facebook objects to the terms/phrases “all documents of any nature
28 whatsoever” on the grounds that these terms/phrases render the request overly broad, unduly

1 burdensome, vague and ambiguous. Facebook further objects to this request on the grounds that
2 it is compound because it includes multiple parts, each of which should be counted as a separate
3 request. Facebook also objects to this request as defective in form in that it improperly combines
4 an interrogatory with a request for production. Facebook objects to this request to the extent it
5 seeks private, confidential, proprietary, trade secret, or otherwise sensitive information protected
6 by the constitutional and statutory laws of California and the United States and to the extent it
7 seeks private, confidential, proprietary, trade secret or otherwise sensitive information, protected
8 by the constitutional and statutory laws of California and the United States regarding third parties
9 to whom no notice has been given. Facebook will only respond to such requests subject to an
10 appropriate Protective Order entered in this action. Facebook further objects to this request to the
11 extent that it seeks information that is protected by the attorney-client privilege, the work-product
12 doctrine, or any other applicable privilege or immunity under the law.

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

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

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

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

20 Defendant Facebook hereby incorporates the General Objections set forth above.
21 Facebook further objects to this request on the grounds that it is compound because it includes
22 multiple parts, each of which should be counted as a separate request. Facebook objects to this
23 request as premature because the parties have not yet designated expert witnesses for the trial of
24 this action. Facebook further objects to this request to the extent that it seeks information that is
25 protected by the attorney-client privilege, the work-product doctrine, or any other applicable
26 privilege or immunity under the law. Facebook further objects to this request on the ground that
27 it seeks expert opinion. In so doing, the requests seeks premature disclosure of expert witness
28

1 information and impermissible insight into the reasoning and thought processes of Facebook's
2 counsel.

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

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

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

7 Defendant Facebook hereby incorporates the General Objections set forth above.
8 Facebook objects to this request as premature because the parties have not yet designated expert
9 witnesses for the trial of this action. Facebook further objects to this request to the extent that it
10 seeks information that is protected by the attorney-client privilege, the work-product doctrine, or
11 any other applicable privilege or immunity under the law.

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

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

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

19 Defendant Facebook hereby incorporates the General Objections set forth above.
20 Facebook further objects to this request to the extent it is overbroad, unduly burdensome, and/or
21 seeks information that is neither relevant to the subject matter of this litigation nor reasonably
22 calculated to lead to the discovery of admissible evidence. Facebook also objects to this request
23 because it is vague and ambiguous as to "the factual and legal issues forming the basis of this
24 lawsuit." Facebook objects to this request to the extent it seeks private, confidential, proprietary,
25 trade secret, or otherwise sensitive information protected by the constitutional and statutory laws
26 of California and the United States and to the extent it seeks private, confidential, proprietary,
27 trade secret or otherwise sensitive information, protected by the constitutional and statutory laws
28 of California and the United States regarding third parties to whom no notice has been given.

1 Facebook further objects to this request to the extent that it seeks information that is protected by
2 the attorney-client privilege, the work-product doctrine, or any other applicable privilege or
3 immunity under the law. Facebook will only respond to such requests subject to an appropriate
4 Protective Order entered in this action. Facebook also objects to this request as exceeding the
5 total number of interrogatories allowed under Federal Rule of Civil Procedure 33.

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

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

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

9 Defendant Facebook hereby incorporates the General Objections set forth above.
10 Facebook further objects to this request to the extent it seeks information that is neither relevant
11 to the subject matter of this litigation nor reasonably calculated to lead to the discovery of
12 admissible evidence. Facebook objects to this request on the grounds that it is compound because
13 it includes multiple parts, each of which should be counted as a separate request. Facebook also
14 objects to this request as exceeding the total number of interrogatories allowed under Federal
15 Rule of Civil Procedure 33. Facebook also objects to this request as defective in form in that it
16 improperly combines an interrogatory with a request for production.

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

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

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

21 Defendant Facebook hereby incorporates the General Objections set forth above.
22 Facebook further objects to this request to the extent it is overbroad, unduly burdensome, and/or
23 seeks information that is neither relevant to the subject matter of this litigation nor reasonably
24 calculated to lead to the discovery of admissible evidence. Facebook objects to this request to the
25 extent it seeks private, confidential, proprietary, trade secret, or otherwise sensitive information
26 protected by the constitutional and statutory laws of California and the United States and to the
27 extent it seeks private, confidential, proprietary, trade secret or otherwise sensitive information,
28 protected by the constitutional and statutory laws of California and the United States regarding

1 third parties to whom no notice has been given. Facebook will only respond to such requests
2 subject to an appropriate Protective Order entered in this action. Facebook further objects to this
3 request to the extent that it seeks information that is protected by the attorney-client privilege, the
4 work-product doctrine, or any other applicable privilege or immunity under the law. Facebook
5 also objects to this request as exceeding the total number of interrogatories allowed under Federal
6 Rule of Civil Procedure 33.

7 **REQUEST FOR PRODUCTION NO. 29:**

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

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

14 Defendant Facebook hereby incorporates the General Objections set forth above.
15 Facebook further objects to this request on the grounds that it is compound because it includes
16 multiple parts, each of which should be counted as a separate request. Facebook further objects
17 to this request to the extent that it seeks information that is protected by the attorney-client
18 privilege, the work-product doctrine, or any other applicable privilege or immunity under the law.
19 Facebook objects to this request to the extent that it calls for a legal conclusion. To the extent the
20 requests asks Facebook to provide information concerning the legal basis of its defense of this
21 matter, Facebook objects on the grounds that this request impermissibly calls for mental
22 impressions, conclusions, opinions and/or legal theories of Facebook's attorneys. Facebook
23 further objects to the request as premature, because it is a contention interrogatory propounded at
24 a very early stage of discovery. Facebook further objects insofar as the request seeks discovery of
25 matters that are the subject of expert opinion. Facebook also objects to this request as exceeding
26 the total number of interrogatories allowed under Federal Rule of Civil Procedure 33.

27 ///

28 ///

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

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

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

6 Defendant Facebook hereby incorporates the General Objections set forth above.
7 Facebook further objects to this request to the extent it is overbroad, unduly burdensome, and/or
8 seeks information that is neither relevant to the subject matter of this litigation nor reasonably
9 calculated to lead to the discovery of admissible evidence. Facebook objects to the terms/phrases
10 "all types of information or data" and "are able to share, and/or shared" on the grounds that these
11 terms/phrases are vague and ambiguous. Facebook also objects to the phrase "that Yeo and/or
12 *Zwiggler.com* and Facebook" as vague and ambiguous in that it fails to clearly identify who is
13 involved. Facebook objects to this request to the extent it seeks private, confidential, proprietary,
14 trade secret, or otherwise sensitive information protected by the constitutional and statutory laws
15 of California and the United States and to the extent it seeks private, confidential, proprietary,
16 trade secret or otherwise sensitive information, protected by the constitutional and statutory laws
17 of California and the United States regarding third parties to whom no notice has been given.
18 Facebook will only respond to such requests subject to an appropriate Protective Order entered in
19 this action. Facebook further objects to this request to the extent that it seeks information that is
20 protected by the attorney-client privilege, the work-product doctrine, or any other applicable
21 privilege or immunity under the law. Facebook also objects to this request as exceeding the total
22 number of interrogatories allowed under Federal Rule of Civil Procedure 33.

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

24 Please provide a detailed account of all amendments or other changes since January 1,
25 2009, to (a) Sections 9 and 11 of the Facebook Statement of Rights and Responsibilities;
26 (b) Facebook's Privacy Policy; (c) Facebook's policies and procedures for complaints of
27 copyright infringement concerning content or material available or accessible on Facebook's
28

1 website and/or Facebook's application canvas pages and/or Facebook Platform; (d) Facebook's
2 Developer Principles & Policies; and (e) Facebook Advertising Guidelines.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

4 Defendant Facebook hereby incorporates the General Objections set forth above.
5 Facebook further objects to this request to the extent it is overbroad, unduly burdensome, and/or
6 seeks information that is neither relevant to the subject matter of this litigation nor reasonably
7 calculated to lead to the discovery of admissible evidence. Facebook further objects to this
8 request on the grounds that it is compound because it includes multiple subparts, each of which
9 should be counted as a separate request. Facebook objects to this request to the extent it seeks
10 private, confidential, proprietary, trade secret, or otherwise sensitive information protected by the
11 constitutional and statutory laws of California and the United States. Facebook will only respond
12 to such requests subject to an appropriate Protective Order entered in this action. Facebook
13 further objects to this request to the extent that it seeks information that is protected by the
14 attorney-client privilege, the work-product doctrine, or any other applicable privilege or immunity
15 under the law. Facebook objects to this request insofar as it seeks information that is already in
16 Miller's possession or is readily accessible to Miller. Facebook also objects to this request as
17 exceeding the total number of interrogatories allowed under Federal Rule of Civil Procedure 33.

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

19 Please produce (and specify by bates label upon production) all documents and/or data in
20 your possession relating to or evidencing the following: (a) total number of Facebook users who
21 played *ChainRxn* as well as the number of separate times each of these Facebook users accessed
22 or played the *ChainRxn* application by means of the Facebook Platform and/or Facebook API
23 and/or Facebook *ChainRxn* canvas page; (b) the number of invites to Facebook users to play
24 *ChainRxn*; (c) Facebook's API calls/connections regarding *ChainRxn*; (d) total number of page
25 impressions for *ChainRxn*; (e) total number of advertising impressions for advertising placed
26 around the *ChainRxn* application during the time period in which this application was "linked" or
27 "framed" by, or on, the Facebook website; (f) total number of clicks for *ChainRxn*; and (g) total
28

1 number of clicks for advertising placed around the *ChainRxn* application during the time period
2 in which this application was “linked” or “framed” by, or on, the Facebook website.

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

4 Defendant Facebook hereby incorporates the General Objections set forth above.
5 Facebook further objects to this request to the extent it is overbroad, unduly burdensome, and/or
6 seeks information that is neither relevant to the subject matter of this litigation nor reasonably
7 calculated to lead to the discovery of admissible evidence. Facebook further objects to this
8 request on the grounds that it is compound because it includes multiple subparts, each of which
9 should be counted as a separate request. Facebook further objects to this request on the ground
10 that it is vague and ambiguous as to the terms “linked” and “framed.” Facebook also objects to
11 this request as defective in form in that it improperly combines an interrogatory with a request for
12 production. Facebook objects to this request to the extent it seeks private, confidential,
13 proprietary, trade secret, or otherwise sensitive information protected by the constitutional and
14 statutory laws of California and the United States and to the extent it seeks private, confidential,
15 proprietary, trade secret or otherwise sensitive information, protected by the constitutional and
16 statutory laws of California and the United States regarding third parties to whom no notice has
17 been given. Facebook will only respond to such requests subject to an appropriate Protective
18 Order entered in this action. Facebook further objects to this request to the extent that it seeks
19 information that is protected by the attorney-client privilege, the work-product doctrine, or any
20 other applicable privilege or immunity under the law. Facebook also objects to this request as
21 exceeding the total number of interrogatories allowed under Federal Rule of Civil Procedure 33.

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

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

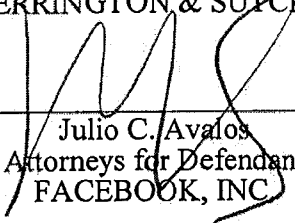
26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

27 Defendant Facebook hereby incorporates the General Objections set forth above.
28 Facebook further objects to this request to the extent it is overbroad, unduly burdensome, and/or

1 seeks information that is neither relevant to the subject matter of this litigation nor reasonably
2 calculated to lead to the discovery of admissible evidence. Facebook further objects to this
3 request on the grounds that it is compound because it includes multiple subparts, each of which
4 should be counted as a separate request. Facebook further objects to this request on the ground
5 that it is vague and ambiguous as to the terms "all tracking mechanisms" and "record, compile,
6 and/or maintain." Facebook objects to this request to the extent it seeks private, confidential,
7 proprietary, trade secret, or otherwise sensitive information protected by the constitutional and
8 statutory laws of California and the United States and to the extent it seeks private, confidential,
9 proprietary, trade secret or otherwise sensitive information, protected by the constitutional and
10 statutory laws of California and the United States regarding third parties to whom no notice has
11 been given. Facebook will only respond to such requests subject to an appropriate Protective
12 Order entered in this action. Facebook further objects to this request to the extent that it seeks
13 information that is protected by the attorney-client privilege, the work-product doctrine, or any
14 other applicable privilege or immunity under the law. Facebook also objects to this request as
15 exceeding the total number of interrogatories allowed under Federal Rule of Civil Procedure 33.

16 Dated: August 23, 2010

ORRICK, HERRINGTON & SUTCLIFFE LLP



Julio C. Avalos
Attorneys for Defendant
FACEBOOK, INC

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1 **PROOF OF SERVICE**

2 I am a resident of the State of California and over the age of eighteen years, and not a
3 party to the within action. On August 23, 2010, I served the within document(s):

4
5 **1. DEFENDANT FACEBOOK, INC.'S RESPONSES TO PLAINTIFF'S FIRST
6 CONSOLIDATED DISCOVERY REQUESTS.**

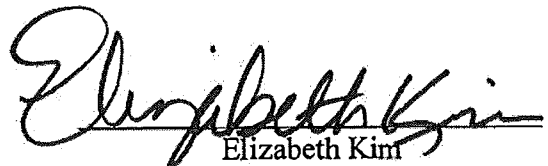
7 X	By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Irvine, California addressed as set forth below on August 23, 2010.
8	By transmitting via facsimile the document(s) listed above to the fax number(s) set forth below before 5:00 p.m. on August 23, 2010.
9	By causing personal delivery by WESTERN MESSENGER of the document(s) listed above to the person(s) at the address(es) set forth below.
10	By personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
11	By placing a true and correct copy of the document(s) in a Federal Express envelope addressed as set forth below and then sealing the envelope, affixing a pre-paid Federal Express air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.
12	
13	
14	
15	
16	

17 Douglas L. Bridges
18 **HENINGER GARRISON DAVIS, LLC**
19 1 Glenlake Parkway
20 Suite 700
21 Atlanta, GA 30328
22 email: doug@hgdlawfirm.com
23 Tel: 678.638.6308
24 Fax: 678.638.6201
25 Main: 678.638.6309

Brian D. Hancock
HENINGER GARRISON & DAVIS LLC
2224 1st Avenue North
Birmingham, AL 35203
email: bdhancock@hgdlawfirm.com
Main: 205-326-3336
Fax: (205)-326-3332

26 Executed on August 23, 2010, at Irvine, California.

27 I declare under penalty of perjury under the laws of the United States that the foregoing is
28 true and correct.


Elizabeth Kim