

Exhibit 3

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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 TWITTER, INC., a Delaware corporation,

18 Plaintiff,

19 v.

20 SKOOTLE CORP., a Tennessee corporation;
21 and JAMES KESTER, an individual,

22 Defendants.

CASE NO. 3:12-CV-1721 SI

**SKOOTLE CORP.'S RESPONSES AND
OBJECTIONS TO TWITTER'S
REQUEST FOR PRODUCTION OF
DOCUMENTS [SET ONE]**

Filing Date: April 5, 2012

Trial Date: NONE SET

23 PROPOUNDING PARTY: TWITTER, INC.

24 RESPONDING PARTY: SKOOTLE CORP.

25 SET NUMBER: ONE (1)

1 Defendant Skootle Corp. (“Skootle”) hereby responds and objects to Plaintiff Twitter Inc.’s
2 (“Twitter”) Request for Production of Documents, Set Number One, as follows:

3 **GENERAL OBJECTIONS**

4 Each of Skootle’s responses herein, in addition to any specifically stated objections, is subject
5 to and incorporates the following general objections:

6 1. Skootle objects to each of the requests and the definitions to the extent they purport to
7 impose obligations greater or more extensive than those required by the Federal Rules of Civil
8 Procedure, the Local Rules of the United States District Court – Northern District of California, or
9 other applicable law.

10 2. Skootle objects to each of the requests and definitions to the extent they purport to
11 impose a burden of producing documents that cannot be found in the course of a reasonable search.

12 3. Skootle objects to each of the requests to the extent it seeks documents that are neither
13 relevant to any claim or defense raised in this litigation, nor reasonably calculated to lead to the
14 discovery of admissible evidence.

15 4. Skootle objects to each of the requests to the extent it is unreasonably cumulative or
16 duplicative of other discovery requests, or seeks documents that are obtainable from some other
17 source that is more convenient, less burdensome, or less expensive.

18 5. Skootle objects to each of the requests to the extent it is overbroad, harassing,
19 oppressive, or unduly burdensome.

20 6. Skootle objects to each of the requests to the extent it seeks documents for which the
21 burden or expense of obtaining and disclosing outweighs its likely benefit in resolving the issues of
22 this action.

23 7. Skootle objects to each of the requests to the extent it fails to describe with reasonable
24 particularity the documents requested.

25 8. Skootle objects to each of the requests to the extent it seeks documents that are
26 protected from production by the attorney-client privilege, work product immunity, and/or any other
27 privilege, immunity, or exemption.

- 1 9. Skootle objects to each of the requests to the extent it is vague or ambiguous.
- 2 10. Skootle objects to each of the requests to the extent it seeks documents that are subject
3 to confidentiality agreements with third parties.
- 4 11. Skootle objects to each of the requests to the extent it seeks documents not in
5 Skootle’s possession, custody, or control.
- 6 12. Skootle’s objection to the production of any document, or category of documents, or
7 agreement to provide any responsive documents, is not and shall not be construed as an admission
8 that any such documents or category of documents exists.
- 9 13. Skootle objects to each of the requests on the grounds that discovery is continuing in
10 this action and Skootle has not completed its factual investigation. Accordingly, without asserting an
11 obligation to do so, and without waiving its objections, Skootle reserves the right to amend and/or
12 supplement its responses if and when additional facts or documents are discovered. Additionally, as
13 Skootle’s responses are based on facts and documents that Skootle has identified to date, they do not
14 preclude Skootle from later relying on facts or documents discovered or generated pursuant to
15 subsequent investigation or discovery.
- 16 14. Skootle’s responses are made without prejudice to its right to subsequently add to,
17 modify, or otherwise change or amend these responses and objections. Furthermore, Skootle
18 specifically reserves the right to (i) introduce at trial other information, documents, or things that it
19 may discover or upon which it may come to rely; (ii) revise, correct, supplement, or clarify any of its
20 written responses at any time; and (iii) use at trial information, documents, or things that he may later
21 determine to have been responsive to the requests.

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1 **RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS**

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

3 A copy of the complete source code, in source code (human readable) format, for each version
4 of the TweetAdder Software.

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

6 In addition to the foregoing general objections, which are expressly incorporated herein,
7 Skootle objects to this request on the grounds and to the extent that it (1) is overbroad and unduly
8 burdensome; and (2) seeks disclosure of document not in Skootle’s possession, custody, or control.

9 Subject to and without waiver of the foregoing general and specific objections, Skootle
10 responds as follows: Skootle is not in possession, custody, or control of the source code for the
11 TweetAdder Software.

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

13 An operational copy of each version of the TweetAdder Software, including the executable
14 file and any and all other files necessary for a user to successfully operate each such version of the
15 TweetAdder Software from a personal computer.

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

17 In addition to the foregoing general objections, which are expressly incorporated herein,
18 Skootle objects to this request on the grounds and to the extent that it (1) is overbroad and unduly
19 burdensome; and (2) seeks information that is irrelevant to the claims and defenses at issue in this
20 case and not reasonably calculated to lead to the discovery of admissible evidence.

21 Subject to and without waiver of the foregoing general and specific objections, Skootle
22 responds as follows: Skootle will produce an operational copy of the latest version of the
23 TweetAdder Software.

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

25 Documents sufficient to show the ownership, corporate organization, and management of
26 Skootle.

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

2 In addition to the foregoing general objections, which are expressly incorporated herein,
3 Skootle objects to this request on the grounds and to the extent that it (1) is irrelevant to the claims
4 and defenses at issue in this case and not reasonably calculated to lead to the discovery of admissible
5 evidence; and (2) seeks information protected from disclosure by the attorney-client privilege and/or
6 the attorney work-product doctrine.

7 Subject to and without waiver of the foregoing general and specific objections, Skootle
8 responds as follows: Skootle will produce all non-privileged documents responsive to this request
9 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

11 Documents sufficient to identify the names, dates of employ or agency, and known addresses
12 and other contact information of all past and present employees, officers, executives, directors,
13 independent contractors, and consultants of Skootle.

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

15 In addition to the foregoing general objections, which are expressly incorporated herein,
16 Skootle objects to this request on the grounds and to the extent that it (1) is irrelevant to the claims
17 and defenses at issue in this case and not reasonably calculated to lead to the discovery of admissible
18 evidence; (2) overbroad and unduly burdensome; and (3) is vague and ambiguous as to the definition
19 of the term “identify.”

20 Subject to and without waiver of the foregoing general and specific objections, Skootle
21 responds as follows: Skootle will produce all non-privileged documents responsive to this request
22 within its possession, custody, or control, if any, that it is able to locate after a reasonable search to
23 the extent they relate to Skootle’s TweetAdder Software.

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

25 Documents sufficient to identify all providers of hosting services for the Internet domains
26 tweetadder.com, tweetadder.freshdesk.com, and skootle.com.

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

2 In addition to the foregoing general objections, which are expressly incorporated herein,
3 Skootle objects to this request on the grounds and to the extent that it (1) is compound; (2) is vague
4 and ambiguous as to the definition of the term “identify;” and (3) is irrelevant to the claims and
5 defenses at issue in this case and not reasonably calculated to lead to the discovery of admissible
6 evidence.

7 Subject to and without waiver of the foregoing general and specific objections, Skootle
8 responds as follows: Skootle will produce all non-privileged documents responsive to this request
9 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

11 Documents sufficient to show the location and number of all servers owned, licensed, leased,
12 or controlled by Skootle.

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

14 In addition to the foregoing general objections, which are expressly incorporated herein,
15 Skootle objects to this request on the grounds and to the extent that it (1) is irrelevant to the claims
16 and defenses at issue in this case and not reasonably calculated to lead to the discovery of admissible
17 evidence; and (2) is overly broad and unduly burdensome.

18 Subject to and without waiver of the foregoing general and specific objections, Skootle
19 responds as follows: Skootle will produce all non-privileged documents responsive to this request
20 within its possession, custody, or control, if any, that it is able to locate after a reasonable search to
21 the extent they relate to Skootle’s work with Skootle’s TweetAdder Software.

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

23 Documents sufficient to show all versions of each webpage currently or previously posted on
24 the tweetadder.com domain.

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

26 In addition to the foregoing general objections, which are expressly incorporated herein,
27 Skootle objects to this request on the grounds and to the extent that it (1) is overly broad and unduly
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1 burdensome; and (2) seeks information that is irrelevant to the claims and defenses in this case and
2 not reasonably calculated to lead to the discovery of admissible evidence.

3 Subject to and without waiver of the foregoing general and specific objections, Skootle
4 responds as follows: Skootle will produce all non-privileged documents responsive to this request
5 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

7 Documents sufficient to show all versions of each webpage currently or previously posted on
8 the tweetadder.freshdesk.com domain.

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

10 In addition to the foregoing general objections, which are expressly incorporated herein,
11 Skootle objects to this request on the grounds and to the extent that it (1) is overly broad and unduly
12 burdensome; and (2) seeks information that is irrelevant to the claims and defenses in this case and
13 not reasonably calculated to lead to the discovery of admissible evidence.

14 Subject to and without waiver of the foregoing general and specific objections, Skootle
15 responds as follows: Skootle will produce all non-privileged documents responsive to this request
16 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

18 Documents sufficient to show all versions of each webpage currently or previously linked
19 from the tweetadder.com domain or the tweetadder.freshdesk.com domain that refers or relates to
20 TweetAdder.

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

22 In addition to the foregoing general objections, which are expressly incorporated herein,
23 Skootle objects to this request on the grounds and to the extent that it (1) is compound; (2) vague and
24 ambiguous as to the definition of the term “currently or previously linked;” (3) is overbroad and
25 unduly burdensome; (4) seeks information not within Skootle’s possession, custody or control; and
26 (5) seeks information that is irrelevant to the claims and defenses in this case and not reasonably
27 calculated to lead to the discovery of admissible evidence.

1 Subject to and without waiver of the foregoing general and specific objections, Skootle
2 responds as follows: Skootle will produce all non-privileged documents responsive to this request
3 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

5 Documents sufficient to show all versions of each webpage currently or previously posted on
6 the domain skootle.com that refers or relates to TweetAdder.

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

8 In addition to the foregoing general objections, which are expressly incorporated herein,
9 Skootle objects to this request on the grounds and to the extent that it (1) is compound; (2) vague and
10 ambiguous as to the definition of the term “currently or previously posted;” (3) is overbroad and
11 unduly burdensome; and (4) seeks information that is irrelevant to the claims and defenses in this
12 case and not reasonably calculated to lead to the discovery of admissible evidence.

13 Subject to and without waiver of the foregoing general and specific objections, Skootle
14 responds as follows: Skootle will produce all non-privileged documents responsive to this request
15 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

17 All documents and things that relate to any change or changes made since April 5, 2012 to the
18 contents, code, existence, or Uniform Resource Locator (URL) of any webpage that was located on
19 the tweetadder.com domain as of April 5, 2012

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

21 In addition to the foregoing general objections, which are expressly incorporated herein,
22 Skootle objects to this request on the grounds and to the extent that it (1) vague and ambiguous as to
23 the definition of the term “change or changes made;” (2) is overbroad and unduly burdensome; (3)
24 seeks information protected from disclosure by the attorney-client privilege or the attorney work-
25 product doctrine; and (4) seeks information irrelevant to the claims and defenses at issue in this case
26 and is not reasonably calculated to lead to the discovery of admissible evidence.

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

2 All documents and things that relate or refer to advertising, marketing, or product information
3 concerning the TweetAdder Software.

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

5 In addition to the foregoing general objections, which are expressly incorporated herein,
6 Skootle objects to this request on the grounds and to the extent that it (1) is vague and ambiguous as
7 to the definition of the term “currently or previously linked;” and (2) seeks information protected
8 from disclosure by the attorney-client privilege or the attorney work-product doctrine.

9 Subject to and without waiver of the foregoing general and specific objections, Skootle
10 responds as follows: Skootle will produce all non-privileged documents responsive to this request
11 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

13 Documents sufficient to identify all third parties Skootle believes are or have been customers,
14 licensees, users, and/or recipients of any version of the TweetAdder Software, including but not
15 limited to customer lists.

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

17 In addition to the foregoing general objections, which are expressly incorporated herein,
18 Skootle objects to this request on the grounds and to the extent that it (1) is overbroad and unduly
19 burdensome; and (2) seeks information that is irrelevant to the claims and defenses in this case and
20 not reasonably calculated to lead to the discovery of admissible evidence.

21 Subject to and without waiver of the foregoing general and specific objections, Skootle
22 responds as follows: Skootle will produce all non-privileged documents responsive to this request
23 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

25 Documents sufficient to show Skootle’s revenues from each version of the TweetAdder
26 Software.

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

2 In addition to the foregoing general objections, which are expressly incorporated herein,
3 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
4 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
5 discovery of admissible evidence; (2) is overly broad and unduly burdensome; (3) seeks information
6 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine;
7 and (4) violates Skootle’s rights to privacy under the California constitution and other protections.

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

9 All financial statements and tax records prepared by or on behalf of Skootle since January 1,
10 2005.

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

12 In addition to the foregoing general objections, which are expressly incorporated herein,
13 Skootle objects to this request on the grounds and to the extent that it (1) is overbroad and unduly
14 burdensome; (2) seeks information irrelevant to the claims and defenses at issue in this case and is
15 not reasonably calculated to lead to the discovery of admissible evidence; and (3) seeks information
16 protected from disclosure by Skootle’s right to privacy under the California constitution and other
17 protections.

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

19 All documents and things that relate to any change to, or modification of, the TweetAdder
20 Software that have been proposed, contemplated, attempted, or implemented since April 5, 2012.

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

22 In addition to the foregoing general objections, which are expressly incorporated herein,
23 Skootle objects to this request on the grounds and to the extent that it (1) is vague and ambiguous as
24 to the definition of the term “change or changes made;” (2) is overbroad and unduly burdensome; (3)
25 seeks information protected from disclosure by the attorney-client privilege or the attorney work-
26 product doctrine; and (4) seeks information irrelevant to the claims and defenses at issue in this case
27 and is not reasonably calculated to lead to the discovery of admissible evidence.

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

2 Documents sufficient to identify the name, version number, and release date of each and
3 every version of the TweetAdder Software ever marketed, sold, licensed, leased, distributed,
4 disseminated or offered for sale, license, lease, distribution, or dissemination.

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

6 In addition to the foregoing general objections, which are expressly incorporated herein,
7 Skootle objects to this request on the grounds and to the extent that it (1) is overly broad and unduly
8 burdensome; and (2) seeks information that is irrelevant to the claims and defenses in this case and
9 not reasonably calculated to lead to the discovery of admissible evidence.

10 Subject to and without waiver of the foregoing general and specific objections, Skootle
11 responds as follows: The TweetAdder software does not have different names or version numbers.
12 However, Skootle will produce non-privileged documents within its possession, custody, or control,
13 if any, that it is able to locate after a reasonable search that identify various changes to the
14 TweetAdder software.

15 **REQUEST FOR PRODUCTION NO. 18**

16 All communications referring or relating to Twitter.

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

18 In addition to the foregoing general objections, which are expressly incorporated herein,
19 Skootle objects to this request on the grounds and to the extent that it (1) is overbroad and unduly
20 burdensome; (2) seeks information protected from disclosure by the attorney-client privilege or the
21 attorney work-product doctrine; and (3) seeks information irrelevant to the claims and defenses at
22 issue in this case and is not reasonably calculated to lead to the discovery of admissible evidence.

23 Subject to and without waiver of the foregoing general and specific objections, Skootle
24 responds as follows: Skootle will produce all non-privileged documents responsive to this request
25 within its possession, custody, or control, if any, that it is able to locate after a reasonable search to
26 the extent they are to, from, or of a subject matter that materially concerns Twitter.

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

2 All communications referring or relating to the Twitter service.

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

4 In addition to the foregoing general objections, which are expressly incorporated herein,
5 Skootle objects to this request on the grounds and to the extent that it (1) is overbroad and unduly
6 burdensome; (2) seeks information protected from disclosure by the attorney-client privilege or the
7 attorney work-product doctrine; (3) seeks information irrelevant to the claims and defenses at issue in
8 this case and is not reasonably calculated to lead to the discovery of admissible evidence; and (4) is
9 duplicative of Request for Production 18, above.

10 Subject to and without waiver of the foregoing general and specific objections, Skootle
11 responds as follows: Skootle will produce all non-privileged documents responsive to this request
12 within its possession, custody, or control, if any, that it is able to locate after a reasonable search the
13 extent they are to, from, or of a subject matter that materially concerns Twitter.

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

15 All communications referring or relating to any version of, or any portion of, the Twitter
16 Terms of Service, the Twitter Rules, or Twitter's Privacy Policy.

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

18 In addition to the foregoing general objections, which are expressly incorporated herein,
19 Skootle objects to this request on the grounds and to the extent that it (1) seeks information protected
20 from disclosure by the attorney-client privilege or the attorney work-product doctrine; and (2) seeks
21 information that is irrelevant to the claims and defenses in this case and not reasonably calculated to
22 lead to the discovery of admissible evidence.

23 Subject to and without waiver of the foregoing general and specific objections, Skootle
24 responds as follows: Skootle will produce all non-privileged documents responsive to this request
25 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.
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1 **REQUEST FOR PRODUCTION NO. 21:**

2 All communications referring or relating to Twitter’s Application Programming Interface
3 (“API”) and/or Twitter’s API documentation.

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

5 In addition to the foregoing general objections, which are expressly incorporated herein,
6 Skootle objects to this request on the grounds and to the extent that it seeks information protected
7 from disclosure by the attorney-client privilege or the attorney work-product doctrine.

8 Subject to and without waiver of the foregoing general and specific objections, Skootle
9 responds as follows: Skootle will produce all non-privileged documents responsive to this request
10 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

12 All communications between Skootle and any user of any version of the TweetAdder
13 Software referring or relating to Twitter’s actual or contemplated policies regarding user conduct on
14 Twitter’s service.

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

16 In addition to the foregoing general objections, which are expressly incorporated herein,
17 Skootle objects to this request on the grounds and to the extent that it (1) is vague and ambiguous as
18 to time and scope; (2) assumes facts not in evidence; (3) is vague and ambiguous as to the meaning of
19 the term “user conduct;” (4) is overbroad and unduly burdensome; (5) seeks information that is
20 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
21 discovery of admissible evidence; and (6) seeks information protected from disclosure by the
22 attorney-client privilege and/or the attorney work-product doctrine.

23 Subject to and without waiver of the foregoing general and specific objections, Skootle
24 responds as follows: Skootle will produce all non-privileged documents responsive to this request
25 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.
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1 **REQUEST FOR PRODUCTION NO. 23:**

2 All communications between Skootle and any past or present user of any version of the
3 TweetAdder user that mention both Twitter and the TweetAdder Software.

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

5 In addition to the foregoing general objections, which are expressly incorporated herein,
6 Skootle objects to this request on the grounds and to the extent that it is vague and ambiguous and the
7 scope of the requested information cannot be determined.

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

9 All communications between Skootle and any past or present user of any version of the
10 TweetAdder Software that refers or relates to the Twitter API and/or Twitter’s API documentation.

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

12 In addition to the foregoing general objections, which are expressly incorporated herein,
13 Skootle objects to this request on the grounds and to the extent that it (1) is overbroad and unduly
14 burdensome; (2) is vague and ambiguous as to the definition of the term “Twitter’s API
15 documentation;” (3) seeks information that is irrelevant to the claims and defenses in this case and
16 not reasonably calculated to lead to the discovery of admissible evidence; and (4) seeks information
17 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine.

18 Subject to and without waiver of the foregoing general and specific objections, Skootle
19 responds as follows: Skootle will produce all non-privileged documents responsive to this request
20 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

22 All communications between Skootle and any past or present TweetAdder user that refers or
23 relates to suspension of one or more user accounts by Twitter.

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

25 In addition to the foregoing general objections, which are expressly incorporated herein,
26 Skootle objects to this request on the grounds and to the extent that it (1) is vague and ambiguous as
27 to the definition of the term “suspension;” (2) seeks information that is irrelevant to the claims and
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1 defenses in this case and not reasonably calculated to lead to the discovery of admissible evidence;
2 and (3) seeks information protected from disclosure by the attorney-client privilege and/or the
3 attorney work-product doctrine.

4 Subject to and without waiver of the foregoing general and specific objections, Skootle
5 responds as follows: Skootle will produce all non-privileged documents responsive to this request
6 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

8 All communications between Skootle and any past or present TweetAdder user that refers or
9 relates to Twitter’s actual or contemplated disapproval of conduct by TweetAdder users.

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

11 In addition to the foregoing general objections, which are expressly incorporated herein,
12 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
13 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
14 discovery of admissible evidence; (2) seeks information protected from disclosure by the attorney-
15 client privilege and/or the attorney work-product doctrine; and (3) is vague and ambiguous as to the
16 definition of the phrase “actual or contemplated disapproval of conduct.”

17 Subject to and without waiver of the foregoing general and specific objections, Skootle
18 responds as follows: Skootle will produce all non-privileged documents responsive to this request
19 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

21 All documents, things, and communications, excepting those protected by the attorney-client
22 privilege, that refer or relate to this lawsuit.

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

24 In addition to the foregoing general objections, which are expressly incorporated herein,
25 Skootle objects to this request on the grounds and to the extent that it (1) seeks information protected
26 from disclosure by the attorney-client privilege or the attorney work-product doctrine; and (2) seeks
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1 information irrelevant to the merits of the claims or defenses alleged in this case and is not likely to
2 lead to the discovery of admissible evidence.

3 Subject to and without waiver of the foregoing general and specific objections, Skootle
4 responds as follows: Skootle will produce all non-privileged documents responsive to this request
5 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

7 All communications between Skootle and any third party referring or relating to complaints,
8 concerns, and problems with any version of the TweetAdder Software.

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

10 In addition to the foregoing general objections, which are expressly incorporated herein,
11 Skootle objects to this request on the grounds and to the extent that it (1) seeks information protected
12 from disclosure by the attorney-client privilege or the attorney work-product doctrine; and (2) seeks
13 information irrelevant to the claims and defenses alleged in this case and is not likely to lead to the
14 discovery of admissible evidence; (3) is overbroad and unduly burdensome; and (4) is vague and
15 ambiguous as to the definition of the term “complaints, concerns, and problems.”

16 Subject to and without waiver of the foregoing general and specific objections, Skootle
17 responds as follows: Skootle will produce all non-privileged documents responsive to this request
18 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

20 All communications between Skootle and any third party, referring or relating to the
21 investigation, suspension, termination of suspension, or termination of any past or present
22 TweetAdder user’s Twitter account or accounts.

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

24 In addition to the foregoing general objections, which are expressly incorporated herein,
25 Skootle objects to this request on the grounds and to the extent that it (1) seeks information protected
26 from disclosure by the attorney-client privilege or the attorney work-product doctrine; (2) is
27 compound; and (3) is vague and ambiguous as to the definition of the term “suspension.”

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1 Subject to and without waiver of the foregoing general and specific objections, Skootle
2 responds as follows: Skootle will produce all non-privileged documents responsive to this request
3 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

5 All documents, things and communications that refer or relate to the means by which any
6 version of the TweetAdder Software has accessed the Twitter service.

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

8 In addition to the foregoing general objections, which are expressly incorporated herein,
9 Skootle objects to this request on the grounds and to the extent that it (1) seeks information protected
10 from disclosure by the attorney-client privilege or the attorney work-product doctrine; (2) seeks
11 information that is irrelevant to the claims and defenses in this case and not reasonably calculated to
12 lead to the discovery of admissible evidence; and (3) is overbroad and unduly burdensome.

13 Subject to and without waiver of the foregoing general and specific objections, Skootle
14 responds as follows: Skootle will produce all non-privileged documents responsive to this request
15 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

17 All documents, things and communications that refer or relate to any contemplated means by
18 which the TweetAdder Software might access the Twitter service.

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

20 In addition to the foregoing general objections, which are expressly incorporated herein,
21 Skootle objects to this request on the grounds and to the extent that it (1) is vague and ambiguous as
22 to the definition of the term “contemplated;” and (2) seeks information protected from disclosure by
23 the attorney-client privilege and/or the attorney work-product doctrine.

24 Subject to and without waiver of the foregoing general and specific objections, Skootle
25 responds as follows: Skootle will produce all non-privileged documents responsive to this request
26 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

2 All documents, things and communications that refer or relate to passwords by which users
3 access the Twitter service.

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

5 In addition to the foregoing general objections, which are expressly incorporated herein,
6 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
7 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
8 discovery of admissible evidence; and (2) is vague and ambiguous as to the definition of the term
9 “passwords.”

10 Subject to and without waiver of the foregoing general and specific objections, Skootle
11 responds as follows: Skootle will produce all non-privileged documents responsive to this request
12 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

14 All documents, things and communications that refer or relate to any version of Twitter’s
15 OAuth authentication protocol.

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

17 In addition to the foregoing general objections, which are expressly incorporated herein,
18 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
19 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
20 discovery of admissible evidence; (2) seeks information protected from disclosure by the attorney-
21 client privilege and/or the attorney work-product doctrine; and (3) is overly broad and unduly
22 burdensome.

23 Subject to and without waiver of the foregoing general and specific objections, Skootle
24 responds as follows: Skootle will produce all non-privileged documents responsive to this request
25 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.
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1 **REQUEST FOR PRODUCTION NO. 34:**

2 All documents, things and communications relating or referring to the number of Tweets and
3 direct messages a TweetAdder user can send per day on Twitter from a single Twitter account.

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

5 In addition to the foregoing general objections, which are expressly incorporated herein,
6 Skootle objects to this request on the grounds and to the extent that it (1) seeks information protected
7 from disclosure by the attorney-client privilege and/or the attorney work-product doctrine; and (2) is
8 vague and ambiguous as to the definition of the term “direct message.”

9 Subject to and without waiver of the foregoing general and specific objections, Skootle
10 responds as follows: Skootle will produce all non-privileged documents responsive to this request
11 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

13 All documents, things and communications relating or referring to the number of Twitter
14 users a TweetAdder user can follow per day on Twitter from a single Twitter account.

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

16 In addition to the foregoing general objections, which are expressly incorporated herein,
17 Skootle objects to this request on the grounds and to the extent that it seeks information protected
18 from disclosure by the attorney-client privilege and/or the attorney work-product doctrine.

19 Subject to and without waiver of the foregoing general and specific objections, Skootle
20 responds as follows: Skootle will produce all non-privileged documents responsive to this request
21 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.
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23 **REQUEST FOR PRODUCTION NO. 36:**

24 All documents, things and communications that refer or relate to unfollowing one or more
25 Twitter users.
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1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

2 In addition to the foregoing general objections, which are expressly incorporated herein,
3 Skootle objects to this request on the grounds and to the extent that it (1) seeks information protected
4 from disclosure by the attorney-client privilege and/or the attorney work-product doctrine; and (2) is
5 compound.

6 Subject to and without waiver of the foregoing general and specific objections, Skootle
7 responds as follows: Skootle will produce all non-privileged documents responsive to this request
8 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

10 All documents, things and communications that refer or relate to Skootle's contention in
11 Paragraph 26 of its Answer that a Twitter account is not necessary to access Twitter.

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

13 In addition to the foregoing general objections, which are expressly incorporated herein,
14 Skootle objects to this request on the grounds and to the extent that it (1) seeks information protected
15 from disclosure by the attorney-client privilege and/or the attorney work-product doctrine; and (2)
16 seeks information not in Skootle's possession, custody, or control.

17 Subject to and without waiver of the foregoing general and specific objections, Skootle
18 responds as follows: Skootle will produce all non-privileged documents responsive to this request
19 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

21 All documents, things and communications that refer or relate to any Twitter account opened
22 by, for, or on behalf of, or at the direction of Skootle and/or any Skootle owner, executive, officer,
23 director, or employee.

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

25 In addition to the foregoing general objections, which are expressly incorporated herein,
26 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
27 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
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1 discovery of admissible evidence; (2) seeks information not in Skootle's possession, custody, or
2 control; and (3) seeks information protected from disclosure by the attorney-client privilege and/or
3 the attorney work-product doctrine.

4 Subject to and without waiver of the foregoing general and specific objections, Skootle
5 responds as follows: Skootle will produce all non-privileged documents responsive to this request
6 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

8 All documents and things relating or referring to Skootle's agreement to any version of the
9 Twitter Terms of Service in or since 2009.

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

11 In addition to the foregoing general objections, which are expressly incorporated herein,
12 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
13 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
14 discovery of admissible evidence; and (2) seeks information protected from disclosure by the
15 attorney-client privilege and/or the attorney work-product doctrine.

16 Subject to and without waiver of the foregoing general and specific objections, Skootle
17 responds as follows: Skootle will produce all non-privileged documents responsive to this request
18 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

20 All documents and things relating or referring to Skootle's ownership of the domain
21 www.tweetadder.com.

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

23 In addition to the foregoing general objections, which are expressly incorporated herein,
24 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
25 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
26 discovery of admissible evidence; and (2) seeks information protected from disclosure by the
27 attorney-client privilege and/or the attorney work-product doctrine.

1 Subject to and without waiver of the foregoing general and specific objections, Skootle
2 responds as follows: Skootle will produce all non-privileged documents responsive to this request
3 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

5 All documents and things relating or referring to the awareness of any Skootle owner,
6 executive, officer, director, or employee of the Twitter Terms of Service.

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

8 In addition to the foregoing general objections, which are expressly incorporated herein,
9 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
10 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
11 discovery of admissible evidence; (2) seeks information protected from disclosure by the attorney-
12 client privilege and/or the attorney work-product doctrine; and (3) seeks information not in Skootle's
13 possession, custody, or control.

14 Subject to and without waiver of the foregoing general and specific objections, Skootle
15 responds as follows: Skootle will produce all non-privileged documents responsive to this request
16 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

18 All documents, things and communications that refer or relate to any feature or any version of
19 the TweetAdder Software the use of which Skootle contends does not breach the Twitter Terms of
20 Service.

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

22 In addition to the foregoing general objections, which are expressly incorporated herein,
23 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
24 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
25 discovery of admissible evidence; (2) is overbroad and unduly burdensome; and (3) seeks
26 information protected from disclosure by the attorney-client privilege and/or the attorney work-
27 product doctrine.

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1 Subject to and without waiver of the foregoing general and specific objections, Skootle
2 responds as follows: Skootle will produce all non-privileged documents responsive to this request
3 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

5 All communications referring or relating to Skootle’s belief (as set forth in Paragraph 87 of its
6 Answer) that he complied, partially complied, or substantially complied with the Twitter Terms of
7 Service, the Twitter Rules, and/or the Twitter Privacy Policy.

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

9 In addition to the foregoing general objections, which are expressly incorporated herein,
10 Skootle objects to this request on the grounds and to the extent that it seeks information protected
11 from disclosure by the attorney-client privilege and/or the attorney work-product doctrine.

12 Subject to and without waiver of the foregoing general and specific objections, Skootle
13 responds as follows: Skootle will produce all non-privileged documents responsive to this request
14 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

16 All documents, things and communications that refer or relate Plaintiff’s assertion (on Page 2
17 of its Answer) that in order to receive a Tweet or direct message that originated from TweetAdder, a
18 Twitter user must be either following a TweetAdder user’s Twitter account or must have posted an
19 @mention of the TweetAdder user.

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

21 In addition to the foregoing general objections, which are expressly incorporated herein,
22 Skootle objects to this request on the grounds and to the extent that it relates to Plaintiff Twitter and
23 not Skootle. For the purposes of this response, Skootle assumes Twitter meant to inquire about
24 Skootle’s assertion (on Page 2 of his Answer) that in order to receive a Tweet or direct message that
25 originated from TweetAdder, a Twitter user must be either following a TweetAdder user’s Twitter
26 account or must have posted an @mention of the TweetAdder user. Skootle further objects to this
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1 request on the grounds and to the extent that it seeks information protected from disclosure by the
2 attorney-client privilege and/or the attorney work-product doctrine.

3 Subject to and without waiver of the foregoing general and specific objections, Skootle
4 responds as follows: Skootle will produce all non-privileged documents responsive to this request
5 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

7 Documents sufficient to show all Twitter user activities that the TweetAdder Software can
8 automate.

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

10 In addition to the foregoing general objections, which are expressly incorporated herein,
11 Skootle objects to this request on the grounds and to the extent that it (1) is vague and ambiguous as
12 to the definition of the term “automate.”

13 Subject to and without waiver of the foregoing general and specific objections, Skootle
14 responds as follows: Skootle will provide a list of all Twitter user activities that the TweetAdder
15 Software can automate.

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

17 All documents, things and communications that refer or relate to any automation feature or
18 capability of any version of the TweetAdder Software.

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

20 In addition to the foregoing general objections, which are expressly incorporated herein,
21 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
22 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
23 discovery of admissible evidence; (2) is overbroad and unduly burdensome; (3) seeks information
24 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine;
25 and (4) is vague and ambiguous as to the definition of the term “automation.”
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1 Subject to and without waiver of the foregoing general and specific objections, Skootle
2 responds as follows: Skootle will produce all non-privileged documents responsive to this request
3 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

5 All documents, things or communications that refer or relate to any scheduling feature,
6 functionality or capability of any version of the TweetAdder Software.

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

8 In addition to the foregoing general objections, which are expressly incorporated herein,
9 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
10 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
11 discovery of admissible evidence; (2) is overbroad and unduly burdensome; (3) seeks information
12 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine;
13 and (4) is vague and ambiguous as to the definition of the term “scheduling feature.”

14 Subject to and without waiver of the foregoing general and specific objections, Skootle
15 responds as follows: Skootle will produce all non-privileged documents responsive to this request
16 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

18 All documents, things or communications that refer or relate to any feature, functionality, or
19 capability of any version of the TweetAdder Software that enables a TweetAdder user to search for,
20 locate, and/or find another Twitter user.

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

22 In addition to the foregoing general objections, which are expressly incorporated herein,
23 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
24 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
25 discovery of admissible evidence; (2) is overbroad and unduly burdensome; and (3) seeks
26 information protected from disclosure by the attorney-client privilege and/or the attorney work-
27 product doctrine.

1 Subject to and without waiver of the foregoing general and specific objections, Skootle
2 responds as follows: Skootle will produce all non-privileged documents responsive to this request
3 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

5 Documents sufficient to show any search-related feature, functionality, or capability of any
6 version of the TweetAdder Software.

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

8 In addition to the foregoing general objections, which are expressly incorporated herein,
9 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
10 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
11 discovery of admissible evidence; (2) is overbroad and unduly burdensome; (3) seeks information
12 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine;
13 and (4) is vague and ambiguous as to the definition of the term “search-related feature.”

14 Subject to and without waiver of the foregoing general and specific objections, Skootle
15 responds as follows: Skootle will produce all non-privileged documents responsive to this request
16 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

18 All documents, things or communications that refer or relate to the exclusion of any feature,
19 functionality, or capability from any version of the TweetAdder Software.

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

21 In addition to the foregoing general objections, which are expressly incorporated herein,
22 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
23 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
24 discovery of admissible evidence; (2) is overbroad and unduly burdensome; and (3) seeks
25 information protected from disclosure by the attorney-client privilege and/or the attorney work-
26 product doctrine.

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1 Subject to and without waiver of the foregoing general and specific objections, Skootle
2 responds as follows: Skootle will produce all non-privileged documents responsive to this request
3 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

5 All documents, things or communications that refer or relate to the exclusion or removal of
6 any feature, functionality, or capability from any version of the TweetAdder Software.

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

8 In addition to the foregoing general objections, which are expressly incorporated herein,
9 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
10 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
11 discovery of admissible evidence; (2) is overbroad and unduly burdensome; and (3) seeks
12 information protected from disclosure by the attorney-client privilege and/or the attorney work-
13 product doctrine.

14 Subject to and without waiver of the foregoing general and specific objections, Skootle
15 responds as follows: Skootle will produce all non-privileged documents responsive to this request
16 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

18 All documents, things or communications that refer or relate to any account creation feature,
19 functionality, or capability in connection with any version of the TweetAdder Software.

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

21 In addition to the foregoing general objections, which are expressly incorporated herein,
22 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
23 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
24 discovery of admissible evidence; (2) is overbroad and unduly burdensome; (3) seeks information
25 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine;
26 and (4) is vague and ambiguous as to the definition of the term “account creation feature.”
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1 Subject to and without waiver of the foregoing general and specific objections, Skootle
2 responds as follows: Skootle will produce all non-privileged documents responsive to this request
3 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

5 All documents, things or communications that refer or relate to any profile creation feature,
6 functionality, or capability in connection with any version of the TweetAdder Software.

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

8 In addition to the foregoing general objections, which are expressly incorporated herein,
9 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
10 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
11 discovery of admissible evidence; (2) is overbroad and unduly burdensome; (3) seeks information
12 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine;
13 and (4) is vague and ambiguous as to the definition of the term “profile creation feature.”

14 Subject to and without waiver of the foregoing general and specific objections, Skootle
15 responds as follows: Skootle will produce all non-privileged documents responsive to this request
16 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

18 All documents, things or communications that refer or relate to any profile editing feature,
19 functionality, or capability in connection with any version of the TweetAdder Software.

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

21 In addition to the foregoing general objections, which are expressly incorporated herein,
22 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
23 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
24 discovery of admissible evidence; (2) is overbroad and unduly burdensome; (3) seeks information
25 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine;
26 and (4) is vague and ambiguous as to the definition of the term “profile editing feature.”
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1 Subject to and without waiver of the foregoing general and specific objections, Skootle
2 responds as follows: Skootle will produce all non-privileged documents responsive to this request
3 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

5 All documents, things or communications that refer or relate to any profile uploading or
6 profile importing feature, functionality, or capability in connection with any version of the
7 TweetAdder Software.

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

9 In addition to the foregoing general objections, which are expressly incorporated herein,
10 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
11 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
12 discovery of admissible evidence; (2) is overbroad and unduly burdensome; (3) seeks information
13 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine;
14 and (4) vague and ambiguous as to the definition of the term “profile uploading or profile importing
15 feature.”

16 Subject to and without waiver of the foregoing general and specific objections, Skootle
17 responds as follows: Skootle will produce all non-privileged documents responsive to this request
18 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

20 All documents, things or communications that refer or relate to any profile settings feature,
21 functionality, or capability in connection with any version of the TweetAdder Software.

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

23 In addition to the foregoing general objections, which are expressly incorporated herein,
24 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
25 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
26 discovery of admissible evidence; (2) is overbroad and unduly burdensome; (3) seeks information
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1 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine;
2 and (4) vague and ambiguous with respect to the definition of the term “profile settings feature.”

3 Subject to and without waiver of the foregoing general and specific objections, Skootle
4 responds as follows: Skootle will produce all non-privileged documents responsive to this request
5 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

7 All documents, things or communications that refer or relate to any follow, “follow back,” or
8 unfollow feature, functionality, or capability in connection with any version of the TweetAdder
9 Software.

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

11 In addition to the foregoing general objections, which are expressly incorporated herein,
12 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
13 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
14 discovery of admissible evidence; (2) is overbroad and unduly burdensome; (3) seeks information
15 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine;
16 (4) is compound; and (5) is vague and ambiguous as to the definition of the term “follow back.”

17 Subject to and without waiver of the foregoing general and specific objections, Skootle
18 responds as follows: Skootle will produce all non-privileged documents responsive to this request
19 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

21 All documents, things or communications that refer or relate to any account creation feature,
22 functionality, or capability in connection with any version of the TweetAdder Software.

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

24 In addition to the foregoing general objections, which are expressly incorporated herein,
25 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
26 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
27 discovery of admissible evidence; (2) is overbroad and unduly burdensome; (3) seeks information

1 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine;
2 and (4) is vague and ambiguous as to the definition of the term “account creation feature.”

3 Subject to and without waiver of the foregoing general and specific objections, Skootle
4 responds as follows: Skootle will produce all non-privileged documents responsive to this request
5 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

7 All documents, things or communications that refer or relate to any feature, functionality, or
8 capability in connection with any version of the TweetAdder Software relating to the generation of
9 Tweets, re-Tweets, or @replies/@mentions.

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

11 In addition to the foregoing general objections, which are expressly incorporated herein,
12 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
13 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
14 discovery of admissible evidence; (2) is overbroad and unduly burdensome; (3) seeks information
15 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine;
16 and (4) is compound.

17 Subject to and without waiver of the foregoing general and specific objections, Skootle
18 responds as follows: Skootle will produce all non-privileged documents responsive to this request
19 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

21 All documents, things or communications that refer or relate to any feature, functionality, or
22 capability in connection with any version of the TweetAdder Software relating to the generation of
23 Tweets, re-Tweets, or @replies/@mentions.

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

25 In addition to the foregoing general objections, which are expressly incorporated herein,
26 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
27 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the

1 discovery of admissible evidence; (2) is overbroad and unduly burdensome; (3) seeks information
2 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine;
3 and (4) is compound.

4 Subject to and without waiver of the foregoing general and specific objections, Skootle
5 responds as follows: Skootle will produce all non-privileged documents responsive to this request
6 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

8 All documents, things or communications that refer or relate to any hashtag creation or
9 hashtag conversion feature, functionality, or capability in connection with any version of the
10 TweetAdder Software.

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

12 In addition to the foregoing general objections, which are expressly incorporated herein,
13 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
14 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
15 discovery of admissible evidence; (2) is overbroad and unduly burdensome; and (3) seeks
16 information protected from disclosure by the attorney-client privilege and/or the attorney work-
17 product doctrine.

18 Subject to and without waiver of the foregoing general and specific objections, Skootle
19 responds as follows: Skootle will produce all non-privileged documents responsive to this request
20 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

22 Documents sufficient to show the number of Twitter accounts that may be created, used,
23 and/or managed in connection with any version of the TweetAdder Software.

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

25 In addition to the foregoing general objections, which are expressly incorporated herein,
26 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
27 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the

1 discovery of admissible evidence; (2) is overbroad and unduly burdensome; and (3) seeks
2 information protected from disclosure by the attorney-client privilege and/or the attorney work-
3 product doctrine.

4 Subject to and without waiver of the foregoing general and specific objections, Skootle
5 responds as follows: Skootle will produce all non-privileged documents responsive to this request
6 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

8 Documents sufficient to identify the developers and/or programmers of any version of the
9 TweetAdder Software.

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

11 In addition to the foregoing general objections, which are expressly incorporated herein,
12 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
13 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
14 discovery of admissible evidence; and (2) is overbroad and unduly burdensome.

15 Subject to and without waiver of the foregoing general and specific objections, Skootle
16 responds as follows: Skootle will produce all non-privileged documents responsive to this request
17 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.

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

19 All documents, things or communications that refer or relate to the planning or contemplation
20 of feature (or potential features) of any version of the TweetAdder Software.

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

22 In addition to the foregoing general objections, which are expressly incorporated herein,
23 Skootle objects to this request on the grounds and to the extent that it (1) seeks information that is
24 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
25 discovery of admissible evidence; and (2) is overbroad and unduly burdensome.

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1 Subject to and without waiver of the foregoing general and specific objections, Skootle
2 responds as follows: Skootle will produce all non-privileged documents responsive to this request
3 within its possession, custody, or control, if any, that it is able to locate after a reasonable search.
4

5 Date: September 14, 2012

COLT / WALLERSTEIN LLP

6
7 By:  _____

8 Doug Colt
9 Thomas E. Wallerstein
10 Nicole M. Norris
11 Attorneys for Skootle Corp. and James Kester
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