

Exhibit 4

1 COLT / WALLERSTEIN LLP
2 Doug Colt (Bar No. 210915)
3 dcolt@coltwallerstein.com
4 Thomas E. Wallerstein (Bar No. 232086)
5 twallerstein@coltwallerstein.com
6 Nicole M. Norris (Bar No. 222785)
7 nnorris@coltwallerstein.com
8 Shorebreeze II
9 255 Shoreline Drive, Suite 540
10 Redwood Shores, California 94065
11 Telephone: (650) 453-1980
12 Facsimile: (650) 453-2411

13 Attorneys for Skootle Corp. and James Kester

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

**JAMES KESTER'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: JAMES KESTER

25 SET NUMBER: ONE (1)

1 Defendant James Kester (“Mr. Kester”) 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 Mr. Kester’s responses herein, in addition to any specifically stated objections, is
5 subject to and incorporates the following general objections:

6 1. Mr. Kester objects to each of the requests and the definitions to the extent they purport
7 to 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. Mr. Kester 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. Mr. Kester objects to each of the requests to the extent it seeks documents that are
13 neither relevant to any claim or defense raised in this litigation, nor reasonably calculated to lead to
14 the discovery of admissible evidence.

15 4. Mr. Kester objects to each of the requests to the extent it is unreasonably cumulative
16 or 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. Mr. Kester objects to each of the requests to the extent it is overbroad, harassing,
19 oppressive, or unduly burdensome.

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

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

25 8. Mr. Kester 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. Mr. Kester objects to each of the requests to the extent it is vague or ambiguous.

2 10. Mr. Kester objects to each of the requests to the extent it seeks documents that are
3 subject to confidentiality agreements with third parties.

4 11. Mr. Kester objects to each of the requests to the extent it seeks documents not in Mr.
5 Kester's possession, custody, or control.

6 12. Mr. Kester's objection to the production of any document, or category of documents,
7 or 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. Mr. Kester objects to each of the requests on the grounds that discovery is continuing
10 in this action and Mr. Kester has not completed his factual investigation. Accordingly, without
11 asserting an obligation to do so, and without waiving his objections, Mr. Kester reserves the right to
12 amend and/or supplement his responses if and when additional facts or documents are discovered.
13 Additionally, as Mr. Kester's responses are based on facts and documents that Mr. Kester has
14 identified to date, they do not preclude Mr. Kester from later relying on facts or documents
15 discovered or generated pursuant to subsequent investigation or discovery.

16 14. Mr. Kester's responses are made without prejudice to his right to subsequently add to,
17 modify, or otherwise change or amend these responses and objections. Furthermore, Mr. Kester
18 specifically reserves the right to (i) introduce at trial other information, documents, or things that he
19 may discover or upon which he may come to rely; (ii) revise, correct, supplement, or clarify any of
20 his written responses at any time; and (iii) use at trial information, documents, or things that he may
21 later determine to have been responsive to the requests.

22 **OBJECTIONS TO DEFINITIONS**

23 1. Mr. Kester objects to Twitter's definition of Kester as overly broad and unduly
24 burdensome. For purposes of these Interrogatories, reference to Mr. Kester, "you," or "your" shall
25 refer to the Defendant James Kester only.

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, Mr.
7 Kester 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 Mr. Kester’s possession, custody, or
9 control.

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

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

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

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

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

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

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

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

28 _____

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

2 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
3 Kester objects to this request on the grounds and to the extent that it (1) is irrelevant to the claims and
4 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, Mr. Kester
8 responds as follows: Mr. Kester will produce all non-privileged documents responsive to this request
9 within his possession, custody, or control, if any, that he is able to locate after a reasonable search.

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

11 Documents sufficient to show the employment, business, legal and/or financial relationship
12 between Kester and Skootle.

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

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

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

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

24 Documents sufficient to identify the names, dates of employ or agency, and known addresses
25 and other contact information of all past and present employees, officers, executives, directors,
26 independent contractors, and consultants of Kester.

27
28

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

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

7 Subject to and without waiver of the foregoing general and specific objections, Mr. Kester
8 responds as follows: Mr. Kester will produce all non-privileged documents responsive to this request
9 within his possession, custody, or control, if any, that he is able to locate after a reasonable search to
10 the extent they relate to Skootle’s TweetAdder Software.

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

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

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

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

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

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

24 Documents sufficient to show the location and number of all servers owned, licensed, leased,
25 or controlled by Kester.

26
27
28

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

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

6 Subject to and without waiver of the foregoing general and specific objections, Mr. Kester
7 responds as follows: Mr. Kester will produce all non-privileged documents responsive to this request
8 within his possession, custody, or control, if any, that he is able to locate after a reasonable search to
9 the extent they relate to Mr. Kester's work with Skootle's TweetAdder Software.

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

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

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

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

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

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

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

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

25 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
26 Kester objects to this request on the grounds and to the extent that it (1) is overly broad and unduly
27

28

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, Mr. Kester
4 responds as follows: Mr. Kester will produce all non-privileged documents responsive to this request
5 within his possession, custody, or control, if any, that he is able to locate after a reasonable search.

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

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

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

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

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

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

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

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

24 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
25 Kester objects to this request on the grounds and to the extent that it (1) is compound; (2) vague and
26 ambiguous as to the definition of the term “currently or previously posted;” (3) is overbroad and
27

28

1 unduly burdensome; and (4) seeks information that is irrelevant to the claims and defenses in this
2 case and not reasonably calculated to lead to the discovery of admissible evidence.

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

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

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

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

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

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

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

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

22 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
23 Kester objects to this request on the grounds and to the extent that it (1) is vague and ambiguous as to
24 the definition of the term “currently or previously linked;” and (2) seeks information protected from
25 disclosure by the attorney-client privilege or the attorney work-product doctrine.
26
27
28

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

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

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

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

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

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

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

17 Documents sufficient to show Kester's revenues from each version of the TweetAdder
18 Software.

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

20 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
21 Kester 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 overly broad 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) violates Mr. Kester's rights to privacy under the California constitution and other protections.
26
27
28

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

2 All financial statements and tax records prepared by or on behalf of Kester since January 1,
3 2005.

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

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

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

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

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

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

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

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

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

26 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
27 Kester objects to this request on the grounds and to the extent that it (1) is overly broad and unduly
28

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, Mr. Kester
4 responds as follows: The TweetAdder software does not have different names or version numbers.
5 However, Mr. Kester will produce non-privileged documents within his possession, custody, or
6 control, if any, that he is able to locate after a reasonable search that identify various changes made to
7 the TweetAdder software..

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

9 All communications referring or relating to Twitter.

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

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

16 Subject to and without waiver of the foregoing general and specific objections, Mr. Kester
17 responds as follows: Mr. Kester will produce all non-privileged documents responsive to this request
18 within his possession, custody, or control, if any, that he is able to locate after a reasonable search to
19 the extent they are to, from, or of a subject matter that materially concerns Twitter.

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

21 All communications referring or relating to the Twitter service.

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

23 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
24 Kester objects to this request on the grounds and to the extent that it (1) is overbroad and unduly
25 burdensome; (2) seeks information protected from disclosure by the attorney-client privilege or the
26 attorney work-product doctrine; (3) seeks information irrelevant to the claims and defenses at issue in
27
28

1 this case and is not reasonably calculated to lead to the discovery of admissible evidence; and (4) is
2 duplicative of Request for Production 19, above.

3 Subject to and without waiver of the foregoing general and specific objections, Mr. Kester
4 responds as follows: Mr. Kester will produce all non-privileged documents responsive to this request
5 within his possession, custody, or control, if any, that he is able to locate after a reasonable search to
6 the extent the subject matter of the communication materials concerns Twitter.

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

8 All communications referring or relating to any version of, or any portion of, the Twitter
9 Terms of Service, the Twitter Rules, or Twitter’s Privacy Policy.

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

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

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

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

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

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

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

26
27
28

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

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

5 All communications between Kester and any user of any version of the TweetAdder Software
6 referring or relating to Twitter’s actual or contemplated policies regarding user conduct on Twitter’s
7 service.

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

9 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
10 Kester objects to this request on the grounds and to the extent that it (1) is vague and ambiguous as to
11 time and scope; (2) assumes facts not in evidence; (3) is vague and ambiguous as to the meaning of
12 the term “user conduct;” (4) is overbroad and unduly burdensome; (5) 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 (6) 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, Mr. Kester
17 responds as follows: Mr. Kester will produce all non-privileged documents responsive to this request
18 within his possession, custody, or control, if any, that he is able to locate after a reasonable search.

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

20 All communications between Kester and any past or present user of any version of the
21 TweetAdder user that mention both Twitter and the TweetAdder Software.

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

23 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
24 Kester objects to this request on the grounds and to the extent that it is vague and ambiguous and the
25 scope of the requested information cannot be determined.

26
27
28

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

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

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

5 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
6 Kester objects to this request on the grounds and to the extent that it (1) is overbroad and unduly
7 burdensome; (2) is vague and ambiguous as to the definition of the term “Twitter’s API
8 documentation;” (3) 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; and (4) seeks information
10 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine.

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

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

15 All communications between Kester and any past or present TweetAdder user that refers or
16 relates to suspension of one or more user accounts by Twitter.

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

18 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
19 Kester objects to this request on the grounds and to the extent that it (1) is vague and ambiguous as to
20 the definition of the term “suspension;” (2) seeks information that is irrelevant to the claims and
21 defenses in this case and not reasonably calculated to lead to the discovery of admissible evidence;
22 (3) seeks information protected from disclosure by the attorney-client privilege and/or the attorney
23 work-product doctrine; and (4) seeks information not in Mr. Kester’s possession, custody, or control.

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

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

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

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

5 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
6 Kester 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; (2) seeks information protected from disclosure by the attorney-
9 client privilege and/or the attorney work-product doctrine; and (3) is vague and ambiguous as to the
10 definition of the phrase “actual or contemplated disapproval of conduct.”

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

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

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

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

18 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
19 Kester 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 irrelevant to the merits of the claims or defenses alleged in this case and is not likely to
22 lead to the discovery of admissible evidence.

23 Subject to and without waiver of the foregoing general and specific objections, Mr. Kester
24 responds as follows: Mr. Kester will produce all non-privileged documents responsive to this request
25 within his possession, custody, or control, if any, that he is able to locate after a reasonable search.
26
27
28

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

2 All communications between Kester and any third party referring or relating to complaints,
3 concerns, and problems with any version of the TweetAdder Software.

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

5 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
6 Kester 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 or the attorney work-product doctrine; and (2) seeks
8 information irrelevant to the claims and defenses alleged in this case and is not likely to lead to the
9 discovery of admissible evidence; (3) is overbroad and unduly burdensome; and (4) is vague and
10 ambiguous as to the definition of the phrase “complaints, concerns, and problems.”

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

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

15 All communications between Kester and any third party, referring or relating to the
16 investigation, suspension, termination of suspension, or termination of any past or present
17 TweetAdder user’s Twitter account or accounts.

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

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

23 Subject to and without waiver of the foregoing general and specific objections, Mr. Kester
24 responds as follows: Mr. Kester will produce all non-privileged documents responsive to this request
25 within his possession, custody, or control, if any, that he is able to locate after a reasonable search.
26
27
28

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

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

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

5 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
6 Kester 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 or the attorney work-product doctrine; (2) seeks
8 information that is irrelevant to the claims and defenses in this case and not reasonably calculated to
9 lead to the discovery of admissible evidence; (3) is overbroad and unduly burdensome; and (4) seeks
10 information not in Mr. Kester’s possession, custody, or control.

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

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

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

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

18 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
19 Kester objects to this request on the grounds and to the extent that it (1) is vague and ambiguous as to
20 the definition of the term “contemplated;” (2) seeks information protected from disclosure by the
21 attorney-client privilege and/or the attorney work-product doctrine; and (3) seeks information not in
22 Mr. Kester’s possession, custody, or control.

23 Subject to and without waiver of the foregoing general and specific objections, Mr. Kester
24 responds as follows: Mr. Kester will produce all non-privileged documents responsive to this request
25 within his possession, custody, or control, if any, that he is able to locate after a reasonable search.
26
27
28

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

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. 33:**

5 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
6 Kester 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, Mr. Kester
11 responds as follows: Mr. Kester will produce all non-privileged documents responsive to this request
12 within his possession, custody, or control, if any, that he is able to locate after a reasonable search.

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

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. 34:**

17 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
18 Kester 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, Mr. Kester
24 responds as follows: Mr. Kester will produce all non-privileged documents responsive to this request
25 within his possession, custody, or control, if any, that he is able to locate after a reasonable search.
26
27
28

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

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. 35:**

5 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
6 Kester 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; (2) is
8 vague and ambiguous as to the definition of the term “direct message;” and (3) seeks information not
9 in Mr. Kester’s possession, custody, or control.

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

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

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

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

17 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
18 Kester objects to this request on the grounds and to the extent that it (1) seeks information protected
19 from disclosure by the attorney-client privilege and/or the attorney work-product doctrine; and (2)
20 seeks information not in Mr. Kester’s possession, custody, or control.

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

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

25 All documents, things and communications that refer or relate to unfollowing one or more
26 Twitter users.

27
28

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

2 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
3 Kester 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; (2) is
5 compound; and (3) seeks information not in Mr. Kester's possession, custody, or control.

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

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

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

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

13 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
14 Kester 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 Mr. Kester's possession, custody, or control.

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

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

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 Kester.

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

24 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
25 Kester 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) seeks information not in Mr. Kester's possession, custody, or
28

1 control; and (3) seeks information protected from disclosure by the attorney-client privilege and/or
2 the attorney work-product doctrine.

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

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

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

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

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

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

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

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

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

22 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
23 Kester 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) seeks information protected from disclosure by the attorney-
26 client privilege and/or the attorney work-product doctrine; and (3) seeks information not in Mr.
27 Kester's possession, custody, or control.

28

1 Subject to and without waiver of the foregoing general and specific objections, Mr. Kester
2 responds as follows: Mr. Kester does not own the domain name www.tweetadder.com. However,
3 Mr. Kester will produce all non-privileged documents responsive to this request within his
4 possession, custody, or control, if any, that he is able to locate after a reasonable search.

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

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

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

9 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
10 Kester 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) seeks information protected from disclosure by the attorney-
13 client privilege and/or the attorney work-product doctrine; and (3) seeks information not in Mr.
14 Kester's possession, custody, or control.

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

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

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

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

23 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
24 Kester 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; and (3) seeks
27
28

1 information protected from disclosure by the attorney-client privilege and/or the attorney work-
2 product doctrine.

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

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

7 All communications referring or relating to Kester's belief (as set forth in Paragraph 87 of his
8 Answer) that he complied, partially complied, or substantially complied with the Twitter Terms of
9 Service, the Twitter Rules, and/or the Twitter Privacy Policy.

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

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

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

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

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

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

23 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
24 Kester objects to this request on the grounds and to the extent that it relates to Plaintiff Twitter and
25 not Mr. Kester. For the purposes of this response, Mr. Kester assumes Twitter meant to inquire about
26 Mr. Kester's assertion (on Page 2 of his Answer) that in order to receive a Tweet or direct message
27 that originated from TweetAdder, a Twitter user must be either following a TweetAdder user's
28

1 Twitter account or must have posted an @mention of the TweetAdder user. Mr. Kester further
2 objects to this request on the grounds and to the extent that it seeks information protected from
3 disclosure by the attorney-client privilege and/or the attorney work-product doctrine.

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

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

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

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

11 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
12 Kester objects to this request on the grounds and to the extent that it (1) is vague and ambiguous as to
13 the definition of the term “automate;” and (2) seeks information not in Mr. Kester’s possession,
14 custody, or control.

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

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

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

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

22 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
23 Kester 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; (3) seeks information
26 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine;

27
28

1 (4) is vague and ambiguous as to the definition of the term “automation;” and (5) seeks information
2 not in Mr. Kester’s possession, custody, or control.

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

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

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

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

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

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

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

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

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

25 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
26 Kester 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
28

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) seeks information not in Mr. Kester’s possession, custody, or control.

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

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

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

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

11 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
12 Kester 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 vague and ambiguous as to the definition of the term “search-related feature;” and (5) seeks
17 information not in Mr. Kester’s possession, custody, or control.

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

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

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

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

25 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
26 Kester 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
28

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) seeks information not in Mr. Kester's possession, custody, or control..

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

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

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

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

11 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
12 Kester 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) seeks information not in Mr. Kester's possession, custody, or control.

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

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

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. 53:**

24 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
25 Kester 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 (4) is vague and ambiguous as to the definition of the term “account creation feature;” and seeks
3 information not in Mr. Kester’s possession, custody, or control.

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

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

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

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

11 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
12 Kester 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 vague and ambiguous as to the definition of the term “profile creation feature;” and (5) seeks
17 information not in Mr. Kester’s possession, custody, or control.

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

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

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

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

25 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
26 Kester 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
28

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 (4) is vague and ambiguous as to the definition of the term “profile editing feature;” and (5) seeks
4 information not in Mr. Kester’s possession, custody, or control.

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

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

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

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

13 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
14 Kester objects to this request on the grounds and to the extent that it (1) seeks information that is
15 irrelevant to the claims and defenses in this case and not reasonably calculated to lead to the
16 discovery of admissible evidence; (2) is overbroad and unduly burdensome; (3) seeks information
17 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine;
18 (4) vague and ambiguous as to the definition of the term “profile uploading or profile importing
19 feature;” and (5) seeks information not in Mr. Kester’s possession, custody, or control.

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

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

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

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

2 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
3 Kester 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 overbroad and unduly burdensome; (3) seeks information
6 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine;
7 (4) vague and ambiguous with respect to the definition of the term “profile settings feature;” and (5)
8 seeks information not in Mr. Kester’s possession, custody, or control.

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

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

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

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

17 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
18 Kester 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) is overbroad and unduly burdensome; (3) seeks information
21 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine;
22 (4) is compound; (5) is vague and ambiguous as to the definition of the term “follow back;” and (6)
23 seeks information not in Mr. Kester’s possession, custody, or control.

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

27
28

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

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

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

5 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
6 Kester 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; (2) is overbroad and unduly burdensome; (3) seeks information
9 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine;
10 (4) is vague and ambiguous as to the definition of the term “account creation feature;” and (5) seeks
11 information not in Mr. Kester’s possession, custody, or control.

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

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

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

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

20 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
21 Kester 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 (4) is compound; and (5) seeks information not in Mr. Kester’s possession, custody, or control..
26
27
28

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

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

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

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

9 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
10 Kester 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 (4) is compound; and (5) seeks information not in Mr. Kester's possession, custody, or control.

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

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

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

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

23 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
24 Kester 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
27
28

1 protected from disclosure by the attorney-client privilege and/or the attorney work-product doctrine;
2 and (4) seeks information not in Mr. Kester's possession, custody, or control.

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

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

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

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

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

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

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

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

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

23 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
24 Kester 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; and (3) seeks
27 information not in Mr. Kester's possession, custody, or control.

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

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

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


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

8 In addition to the foregoing general objections, which are expressly incorporated herein, Mr.
9 Kester 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; and (2) is overbroad and unduly burdensome.

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

15
16 Date: September 14, 2012

COLT / WALLERSTEIN LLP

17 
18 By: _____

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