

EXHIBIT B
to Pfefferkorn Declaration ISO Motion to Seal

REDACTED

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EXHIBIT B

PUBLIC VERSION

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10 Attorneys for Plaintiff
BE IN INC.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15
16 BE IN INC., a New York Corporation,

17 Plaintiff,

18 v.

19 GOOGLE INC., a California corporation;
20 YOUTUBE, LLC, a Delaware limited liability
company; and GOOGLE UK LTD., a private
21 limited company registered in England and
Wales,

22 Defendants.

Case No. 5:12-CV-03373-LHK

**PLAINTIFF BE IN INC.'S
SUPPLEMENTAL RESPONSES
TO DEFENDANT GOOGLE
INC.'S FIRST SET OF
INTERROGATORIES
(DESIGNATED INLINE UNDER
PROTECTIVE ORDER)**

The Honorable Lucy H. Koh

23
24 PROPOUNDING PARTY: Defendant Google Inc.

25 RESPONDING PARTY: Plaintiff Be In Inc.

26 SET NUMBER: One (Nos. 1-16)
27
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1 6. Be In objects to the Interrogatories as overbroad and unduly burdensome to the
2 extent they are not limited to a specific and relevant time period and subject matter.

3 7. Be In objects to the Interrogatories, including the Definitions and Instructions, to
4 the extent they purport to impose obligations on Be In beyond those required or authorized by the
5 Federal Rules of Civil Procedure and the local rules and standing orders of this Court.

6 8. Be In objects to each and every one of Google’s purported “Definitions” to the
7 extent that they require words to be construed in any manner other than by their plain and
8 ordinary meaning. To the extent that Be In adopts or uses any term or phrase defined by Google,
9 Be In does so solely for convenience in responding to these Interrogatories. Be In does not accept
10 or concede that any of the terms or definitions is appropriate, descriptive, or accurate.

11 9. Be In objects to the definitions of “SECOND AMENDED COMPLAINT” and
12 “PROPOSED DEFENDANTS” on the ground that Be In filed its Second Amended Complaint on
13 June 10, 2013 (D.I. 59), naming as actual defendants Google Inc., Google UK Ltd., and
14 YouTube, LLC. Be In also objects to the extent Defendants refer to portions of the Second
15 Amended Complaint that do not exist and/or were renumbered in the Second Amended
16 Complaint as filed.

17 **SUPPLEMENTAL RESPONSES TO INTERROGATORIES**

18 **INTERROGATORY NO. 1:**

19 IDENTIFY WITH PRECISION AND SPECIFICITY EACH AND EVERY ALLEGED
20 TRADE SECRET that PLAINTIFF contends GOOGLE unlawfully acquired, used, or disclosed.
21 (“IDENTIFY WITH PRECISION AND SPECIFICITY EACH AND EVERY ALLEGED
22 TRADE SECRET” as used herein means to provide a specific description of each such alleged
23 trade secret, on an individual basis for each such alleged trade secret, in such a manner that the
24 exact identity, scope, boundaries, constitutive elements, and content of each such alleged trade
25 secret are fully disclosed in writing, in contrast to an agglomerated set of conclusory phrases that
26 does not separately list and describe each such alleged trade secret, in contrast to a mere list of
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1 documents or file names, and with precision above that required by California Code of Civil
2 Procedure Section 2019.210.)

3 **RESPONSE TO INTERROGATORY NO. 1:**

4 *[This response is designated Confidential]*

5 In addition to the General Objections, Be In objects that Interrogatory No. 1 is compound,
6 consisting of as many as five subparts, and overbroad and unduly burdensome in that it purports
7 to require Be In to provide specificity beyond that which is required by the Federal Rules of Civil
8 Procedure. Be In further objects to the extent this interrogatory seeks information that is
9 privileged or protected from disclosure by the attorney-client privilege, the attorney work product
10 doctrine, or any other statutory or common law privilege or protection. In addition, Be In objects
11 to the interrogatory to the extent it seeks information in the sole possession of Defendants.
12 Subject to and without waiving these objections, Be In responds as follows, based on information
13 presently available to Be In:

14 The trade secrets that Be In contends Defendants have unlawfully acquired, used, and
15 disclosed are:

- 16 1. [REDACTED]
- 17 [REDACTED]
- 18 [REDACTED]
- 19 [REDACTED]
- 20 [REDACTED]
- 21 [REDACTED]
- 22 [REDACTED]
- 23 [REDACTED]
- 24 [REDACTED]
- 25 [REDACTED]
- 26 [REDACTED]

- 27 2. [REDACTED]

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[REDACTED]

3. The confidential eight-page strategic business plan disclosed to Richard Robinson on May 13, 2011.

Discovery has just commenced, and Defendants have refused to provide any substantive response to Be In's discovery requests. Much of the information concerning Defendants' use, disclosure and acquisition of Be In's trade secrets is in the sole possession of Defendants. Be In may supplement and amend its response should discovery from Defendants reveal additional details on the subject matter of this interrogatory.

AMENDED AND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:

[This response is designated Confidential]

Be in incorporates its General Objections and the specific objections raised in its original response. Subject to and without waiving its objections, Be In supplements its response as follows.

In addition to the trade secrets identified above, the trade secrets that Be In contends Defendants have unlawfully acquired, used, and disclosed include:

3. Be In's overall strategic business plan as disclosed to Richard Robinson on May 13, 2011 in an eight-page confidential document.

4. [REDACTED]

5. [REDACTED]

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6. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. [REDACTED]

[REDACTED]

Be In reserves the right to supplement this response as necessary.

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Dated: October 1, 2013

MORRISON & FOERSTER LLP

By: /s/ Charles S. Barquist
CHARLES S. BARQUIST

Attorneys for Plaintiff
BE IN INC.

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CERTIFICATE OF SERVICE

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 707 Wilshire Blvd., Los Angeles, California, 90017. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on October 1, 2013, I served a copy of:

**PLAINTIFF BE IN INC.'S SUPPLEMENTAL RESPONSES
TO DEFENDANT GOOGLE INC.'S FIRST SET OF
INTERROGATORIES (DESIGNATED INLINE UNDER
PROTECTIVE ORDER)**

BY ELECTRONIC SERVICE [Fed. Rule Civ. Proc. rule 5(b)] by electronically mailing a true and correct copy through Morrison & Foerster LLP's electronic mail system to the e-mail address(es) set forth below, or as stated on the attached service list per agreement in accordance with Federal Rules of Civil Procedure rule 5(b).

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*Attorneys for Defendants Google Inc.,
YouTube, LLC, and Google UK Ltd.*

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Los Angeles, California, this 1st day of October, 2013.

Rosa L. Beltran
(typed)

/s/
(signature)