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VEOH NETWORKS, INC.

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

14 IO GROUP, INC., a California corporation,  
15 Plaintiff,  
16 vs.  
IO Group, Inc. v. Veoh Networks, Inc.  
17 VEOH NETWORKS, INC., a California  
corporation,  
18 Defendant.

Case No. C-06-3926 HRL

**DEFENDANT VEOH NETWORKS, INC.'S  
RESPONSE TO PLAINTIFF'S FIRST SET  
OF REQUESTS FOR THE PRODUCTION  
OF DOCUMENTS**

20 PROPOUNDING PARTY: PLAINTIFF IO GROUP, INC.  
21 RESPONDING PARTY: DEFENDANT VEOH NETWORKS, INC.  
22 SET NUMBER: ONE

23 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant Veoh Networks, Inc.  
24 ("Veoh") hereby responds to the First Set of Requests for the Production of Documents from  
25 Plaintiff Io Group, Inc. ("Io") ("Io's First Document Requests"), as follows:  
26  
27  
28

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San Francisco, CA 94111-5894

IO Group, Inc. v. Veoh Networks, Inc.

Doc 54 Att. 1

**GENERAL OBJECTIONS**

1  
2 Veoh expressly incorporates the following General Objections as if set forth fully in response  
3 to each and every request for documents contained in Io's First Document Requests.

4 1. Veoh objects to each request as unduly burdensome and oppressive to the extent that  
5 it purports to require Veoh to inquire of Veoh's employees other than those employees that would  
6 reasonably be expected to have responsive information and to the extent it calls for documents that  
7 cannot readily be identified by Veoh on the basis of information in its possession, custody, or  
8 control. Veoh's responses are based upon (1) a reasonable search, given the time allotted to respond  
9 to the requests for documents, of facilities and files that could reasonably be expected to contain  
10 responsive information, and (2) inquiries of Veoh's employees and/or representatives who could  
11 reasonably be expected to possess responsive information.

12 2. Veoh objects to each request to the extent that it seeks documents that are protected  
13 by the attorney-client privilege, the work product privilege and/or any other applicable privilege.  
14 Such information will not be disclosed. Any inadvertent disclosure of such information shall not be  
15 deemed a waiver of the attorney-client privilege, the attorney work product doctrine, or any other  
16 applicable privilege or immunity recognized by statute or case law.

17 3. Veoh objects to each request to the extent that it purports to require Veoh to disclose  
18 information in violation of a legal or contractual obligation of nondisclosure to a third party. Veoh  
19 will not provide such information without either the consent of the relevant third party or a court  
20 order compelling production.

21 4. Veoh generally objects to each and every request to the extent that it seeks  
22 information protected by a constitutional right of privacy or applicable privacy law.

23 5. Veoh objects to Io's First Document Requests in their entirety as overbroad,  
24 burdensome, oppressive, and vague.

25 6. Veoh objects generally to each request to the extent that it seeks information not  
26 reasonably related to the claims or defenses in this matter.

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1 7. Veoh objects to each request to the extent that it purports to impose any requirement  
2 or discovery obligation on Veoh other than those set forth in the Federal Rules of Civil Procedure  
3 and the applicable rules of this Court.

4 8. Veoh responds to the requests with documents and information of which it is now  
5 aware and reserves the right to modify or amend its responses if and when it becomes aware of  
6 documents or information not reflected in its responses.

7 9. Veoh objects generally to requests that call for extensive electronic production as  
8 overly broad, unduly burdensome, and oppressive. Additionally, where appropriate, Veoh reserves  
9 the right to seek cost-shifting for costs associated with electronic production of data stored in  
10 inaccessible or difficult or costly to access formats, and where otherwise appropriate.

11 10. Veoh objects to each request to the extent it purports to require Veoh to disclose trade  
12 secret or other confidential information.

13 11. Veoh objects to Io's First Document Requests to the extent that it seeks production of  
14 documents at Io's offices in San Francisco, California as unduly burdensome and oppressive.  
15 Responsive documents will be made available at Veoh's offices or at another location mutually  
16 agreed to by counsel.

17 12. Veoh objects to Io's First Document Requests to the extent they call for production  
18 on February 9, 2007 as seeking to impose a requirement on Veoh beyond what is required by the  
19 Federal Rules of Civil Procedure.

20 13. Veoh objects to the defined term "DOCUMENT" in Io's First Document Requests as  
21 unduly burdensome and oppressive and as seeking to impose a requirement or discovery obligation  
22 on Veoh beyond what is required by the Federal Rules of Civil Procedure.

23 14. Veoh objects to the defined term "IDENTIFY", as inappropriate for purposes of these  
24 document requests, as unduly burdensome, and as seeking to impose a requirement on Veoh beyond  
25 what is required by the Federal Rules of Civil Procedure.

26 **DOCUMENTS TO BE PRODUCED**

27 **REQUEST NO. 1:**

1 All DOCUMENTS required to be identified by DEFENDANTS in its initial disclosures  
2 under Fed. Rule Civ. Pro, 26.

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

4 Veoh objects to this request as overbroad and as vague and ambiguous.

5 Subject to and without waiving its general and specific objections, Veoh responds that it will  
6 produce non-privileged documents that are responsive to this request, to the extent such documents  
7 are found within its possession, custody, or control after a reasonable and diligent search, and to the  
8 extent such documents have not already been produced to Plaintiff.

9 **REQUEST NO. 2:**

10 All DOCUMENTS which constitute, describe, refer to or relate to reports identifying the  
11 amount of daily traffic, hits, and/or visits to veoh.com since VEOH NETWORKS began operating  
12 veoh.com.

13 **RESPONSE TO REQUEST NO. 2:**

14 Veoh objects to this request as seeking information outside the scope of permissible  
15 discovery in that it seeks information that is not relevant to the subject matter of this action and is  
16 not reasonably calculated to lead to the discovery of admissible evidence. Veoh further objects to  
17 this request to the extent that it calls for materials protected by the attorney-client privilege or  
18 attorney work product doctrine. Veoh further objects to this request as overly broad, unduly  
19 burdensome, and oppressive. Veoh further objects to this request as calling for confidential  
20 information and/or trade secrets.

21 **REQUEST NO. 3:**

22 All DOCUMENTS which constitute, describe, refer to or relate to DEFENDANT's  
23 procedures for approving or rejecting content submitted to veoh.com for publication by and through  
24 veoh.com, including all original, draft, subsequent, or revised versions of such DOCUMENTS.

25 **RESPONSE TO REQUEST NO. 3:**

26 Veoh objects to this request to the extent that it calls for materials protected by the attorney-  
27 client privilege or attorney work product doctrine. Veoh further objects to this request as overly

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1 broad, unduly burdensome, and oppressive. Veoh further objects to this request as seeking  
2 information outside the scope of permissible discovery in that it seeks information that is not  
3 relevant to the subject matter of this action and is not reasonably calculated to lead to the discovery  
4 of admissible evidence.

5 Subject to and without waiving its general and specific objections, Veoh responds that it will  
6 produce non-privileged documents that are responsive to this request, to the extent such documents  
7 are found within its possession, custody, or control after a reasonable and diligent search and to the  
8 extent such documents have not already been produced to Plaintiff.

9 **REQUEST NO. 4:**

10 All DOCUMENTS which constitute, describe, refer to or relate to DEFENDANT's  
11 procedures for verifying the accuracy and/or appropriateness of the categorization or indexing of  
12 content submitted to veoh.com for publication by and through veoh.com, including all original, draft,  
13 subsequent, or revised versions of such DOCUMENTS.

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

15 Veoh objects to this request as vague and ambiguous. Veoh further objects to this request to  
16 the extent that it calls for materials protected by the attorney-client privilege or attorney work  
17 product doctrine. Veoh further objects to this request as seeking information outside the scope of  
18 permissible discovery in that it seeks information that is not relevant to the subject matter of this  
19 action and is not reasonably calculated to lead to the discovery of admissible evidence. Veoh further  
20 objects to this request as overly broad, unduly burdensome, and oppressive.

21 **REQUEST NO. 5:**

22 All DOCUMENTS which constitute, describe, refer to or relate to DEFENDANT's  
23 procedures for processing and handling content once submitted to veoh.com for publication by and  
24 through veoh.com.

25 **RESPONSE TO REQUEST NO. 5:**

26 Veoh objects to this request as vague and ambiguous. Veoh further objects to this request as  
27 seeking information outside the scope of permissible discovery in that it seeks information that is not

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1 relevant to the subject matter of this action and is not reasonably calculated to lead to the discovery  
2 of admissible evidence. Veoh further objects to this request as overly broad, unduly burdensome,  
3 and oppressive. Veoh further objects to this request to the extent that it calls for materials protected  
4 by the attorney-client privilege or attorney work product doctrine.

5 **REQUEST NO. 6:**

6 All DOCUMENTS which constitute, describe, refer to or relate to press releases distributed  
7 by or on behalf of VEOH NETWORKS.

8 **RESPONSE TO REQUEST NO. 6:**

9 Veoh objects to this request as seeking information outside the scope of permissible  
10 discovery in that it seeks information that is not relevant to the subject matter of this action and is  
11 not reasonably calculated to lead to the discovery of admissible evidence. Veoh further objects to  
12 this request as overly broad, unduly burdensome, and oppressive. Veoh further objects to the extent  
13 the request calls for documents that are publicly available, including at the Veoh.com website.

14 Subject to and without waiving its general and specific objections, Veoh responds that it will  
15 produce non-privileged documents that are responsive to this request, to the extent such documents  
16 are found within its possession, custody, or control after a reasonable and diligent search, to the  
17 extent such documents have not already been produced to Plaintiff, and to the extent such documents  
18 are not publicly available on the Veoh.com website.

19 **REQUEST NO. 7:**

20 All DOCUMENTS which constitute, describe, refer to or relate to material used by VEOH  
21 NETWORKS to market veoh.com or to attempt to obtain capitol financing for VEOH NETWORKS,  
22 INC.

23 **RESPONSE TO REQUEST NO. 7:**

24 Veoh objects to this request as seeking information outside the scope of permissible  
25 discovery in that it seeks information that is not relevant to the subject matter of this action and is  
26 not reasonably calculated to lead to the discovery of admissible evidence. Veoh further objects to  
27 this request as overly broad, unduly burdensome, and oppressive, and as vague and ambiguous.

1 Veoh further objects to this request to the extent that it calls for materials protected by the attorney-  
2 client privilege or attorney work product doctrine.

3 **REQUEST NO. 8:**

4 All DOCUMENTS which constitute, describe, refer to or relate to DEFENDANT'S policy or  
5 policies regarding the display by and through veoh.com of explicit material (whether such material is  
6 described as "explicit," "adult," "pornographic," "nude," "sexual" or any other similar word),  
7 including all original, draft, subsequent, or revised versions of such DOCUMENTS.

8 **RESPONSE TO REQUEST NO. 8:**

9 Veoh objects to this request as vague and ambiguous. Veoh further objects to this request as  
10 overly broad, unduly burdensome, and oppressive. Veoh further objects to this request to the extent  
11 that it calls for materials protected by the attorney-client privilege or attorney work product doctrine.  
12 Veoh further objects to this request as argumentative.

13 **REQUEST NO. 9:**

14 All DOCUMENTS which discuss if or how 18 U.S.C. § 2257 and implementing regulations  
15 at 28 C.F.R., 75.1 et seq. relate to VEOH NETWORK'S operations.

16 **RESPONSE TO REQUEST NO. 9:**

17 Veoh objects to this request as seeking information outside the scope of permissible  
18 discovery in that it seeks information that is not relevant to the subject matter of this action and is  
19 not reasonably calculated to lead to the discovery of admissible evidence. Veoh further objects to  
20 this request as overly broad and unduly burdensome. Veoh further objects to this request to the  
21 extent that it calls for materials protected by the attorney-client privilege or attorney work product  
22 doctrine.

23 **REQUEST NO. 10:**

24 All DOCUMENTS which constitute, refer to or relate to VEOH NETWORK, INC'S policies  
25 for preventing child pornography from being published by and through veoh.com.

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

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1 Veoh objects to this request as seeking information outside the scope of permissible  
2 discovery in that it seeks information that is not relevant to the subject matter of this action and is  
3 not reasonably calculated to lead to the discovery of admissible evidence. Veoh further objects to  
4 this request to the extent that it calls for materials protected by the attorney-client privilege or  
5 attorney work product doctrine.

6 **REQUEST NO. 11:**

7 All DOCUMENTS which constitute, refer to or relate to VEOH NETWORK, INC.'S policies  
8 for obtaining proof that individuals appearing in explicit material submitted to VEOH NETWORK,  
9 INC. for publication by and through veoh.com were over eighteen years of age at the time the  
10 material was produced.

11 **RESPONSE TO REQUEST NO. 11:**

12 Veoh objects to this request as seeking information outside the scope of permissible  
13 discovery in that it seeks information that is not relevant to the subject matter of this action and is  
14 not reasonably calculated to lead to the discovery of admissible evidence. Veoh further objects to  
15 this request as overly broad, unduly burdensome, and oppressive and as vague and ambiguous as to  
16 the term "explicit material." Veoh further objects to this request to the extent that it calls for  
17 materials protected by the attorney-client privilege or attorney work product doctrine.

18 **REQUEST NO. 12:**

19 All DOCUMENTS which constitute, refer to or relate to VEOH NETWORK, INC.'S policies  
20 for ensuring that any sexually explicit material VEOH NETWORKS transmitted by and through  
21 veoh.com was properly labeled with information as to where the producer of such content  
22 maintained records proving the individuals appearing in the material were over eighteen years of age  
23 at the time the material was produced.

24 **RESPONSE TO REQUEST NO. 12:**

25 Veoh objects to this request as seeking information outside the scope of permissible  
26 discovery in that it seeks information that is not relevant to the subject matter of this action and is  
27 not reasonably calculated to lead to the discovery of admissible evidence. Veoh further objects to

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1 this request as overly broad, unduly burdensome, and oppressive and as vague and ambiguous as to  
2 the term "sexually explicit material." Veoh further objects to this request to the extent that it calls  
3 for materials protected by the attorney-client privilege or attorney work product doctrine.

4 **REQUEST NO. 13:**

5 All DOCUMENTS which constitute, refer to or relate to VEOH NETWORK, INC.'S policies  
6 for obtaining proof that individuals submitting material to VEOH NETWORK, INC. for publication  
7 by and through veoh.com are authorized to do so.

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

9 Veoh objects to this request to the extent that it calls for materials protected by the attorney-  
10 client privilege or attorney work product doctrine. Veoh further objects to this request as overly  
11 broad, unduly burdensome, and oppressive.

12 Subject to and without waiving its general and specific objections, Veoh responds that it will  
13 produce non-privileged documents that are responsive to this request, to the extent such documents  
14 are found within its possession, custody, or control after a reasonable and diligent search and to the  
15 extent such documents have not already been produced to Plaintiff.

16 **REQUEST NO. 14:**

17 All DOCUMENTS which discuss, refer to or relate to VEOH NETWORK, INC.'S ability to  
18 discover the true identity of individuals who submit content for publication by and through  
19 veoh.com.

20 **RESPONSE TO REQUEST NO. 14:**

21 Veoh objects to this request as seeking information outside the scope of permissible  
22 discovery in that it seeks information that is not relevant to the subject matter of this action and is  
23 not reasonably calculated to lead to the discovery of admissible evidence. Veoh further objects to  
24 this request as overly broad, unduly burdensome, and oppressive.

25 **REQUEST NO. 15:**

26 All DOCUMENTS which constitute, refer to or relate to VEOH NETWORK, INC.'S policies  
27 regarding identifying and removing material from veoh.com that has not been authorized for such  
28

1 use by the copyright holder, including all original, draft, subsequent, or revised versions of such  
2 DOCUMENTS.

3 **RESPONSE TO REQUEST NO. 15:**

4 Veoh objects to this request as overly broad, unduly burdensome, and oppressive. Veoh  
5 further objects to this request as calling for materials protected by the attorney-client privilege or  
6 attorney work product doctrine.

7 Subject to and without waiving its general and specific objections, Veoh responds that it will  
8 produce non-privileged documents that are responsive to this request, to the extent such documents  
9 are found within its possession, custody, or control after a reasonable and diligent search and to the  
10 extent such documents have not already been produced to Plaintiff

11 **REQUEST NO. 16:**

12 Electronic copies, in a readily viewable format, of all files containing adult material (whether  
13 such material is described as "explicit," "adult," "pornographic," "nude," "sexual" or any other  
14 similar word) ever published by and through veoh.com.

15 **RESPONSE TO REQUEST NO. 16:**

16 Veoh objects to this request as overly broad, unduly burdensome, and oppressive and as  
17 vague and ambiguous. Veoh further objects to this request as seeking information outside the scope  
18 of permissible discovery in that it seeks information that is not relevant to the subject matter of this  
19 action and is not reasonably calculated to lead to the discovery of admissible evidence. Veoh further  
20 objects to this request as argumentative.

21 **REQUEST NO. 17:**

22 All DOCUMENTS which constitute, refer to or relate to VEOH NETWORK, INC.'S policies  
23 regarding identifying and removing from veoh.com material that has not been authorized for such  
24 use by the copyright holder, including all original, draft, subsequent, or revised versions of such  
25 DOCUMENTS.

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

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1 Veoh objects to this request as overly broad, unduly burdensome, and oppressive, and as  
2 vague and ambiguous. Veoh further objects to this request to the extent that it calls for materials  
3 protected by the attorney-client privilege or attorney work product doctrine. Veoh further objects to  
4 this request as duplicative of request number 15.

5 **REQUEST NO. 18:**

6 All DOCUMENTS which constitute, refer to or relate to VEOH NETWORK, INC.'S policies  
7 regarding repeat infringers, including all original, draft, subsequent, or revised versions of such  
8 DOCUMENTS.

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

10 Veoh objects to this request as overly broad, unduly burdensome, and oppressive, and as  
11 vague and ambiguous. Veoh further objects to this request to the extent that it calls for materials  
12 protected by the attorney-client privilege or attorney work product doctrine.

13 Subject to and without waiving its general and specific objections, Veoh responds that it will  
14 produce non-privileged documents that are responsive to this request, to the extent such documents  
15 are found within its possession, custody, or control after a reasonable and diligent search and to the  
16 extent such documents have not already been produced to Plaintiff

17 **REQUEST NO. 19:**

18 All DOCUMENTS which constitute, refer to or relate to cease and desist letters or DMCA  
19 take down notices requesting that VEOH NETWORKS remove or block access to material  
20 appearing on veoh.com.

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

22 Veoh objects to this request as overly broad, unduly burdensome, and oppressive. Veoh  
23 further objects to this request to the extent that it calls for materials protected by the attorney-client  
24 privilege or attorney work product doctrine. Veoh further objects to this request as seeking  
25 information outside the scope of permissible discovery in that it seeks information that is not  
26 relevant to the subject matter of this action and is not reasonably calculated to lead to the discovery  
27 of admissible evidence.

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1 Subject to and without waiving its general and specific objections, Veoh responds that it will  
2 produce non-privileged documents that are responsive to this request, to the extent such documents  
3 are found within its possession, custody, or control after a reasonable and diligent search and to the  
4 extent such documents have not already been produced to Plaintiff, that constitute "DMCA take  
5 down notices requesting that requesting that VEOH NETWORKS remove or block access to  
6 material appearing on veoh.com."

7 **REQUEST NO. 20:**

8 All DOCUMENTS which constitute, refer to or relate to DEFENDANT'S response to cease  
9 and desist letters or DMCA take down notices identified in Request for Production Number 19,  
10 above.

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

12 Veoh objects to this request as overly broad, unduly burdensome, and oppressive. Veoh  
13 further objects to this request to the extent that it calls for materials protected by the attorney-client  
14 privilege or attorney work product doctrine. Veoh further objects to this request as seeking  
15 information outside the scope of permissible discovery in that it seeks information that is not  
16 relevant to the subject matter of this action and is not reasonably calculated to lead to the discovery  
17 of admissible evidence.

18 Subject to and without waiving its general and specific objections, Veoh responds that it will  
19 produce non-privileged documents that are responsive to this request, to the extent such documents  
20 are found within its possession, custody, or control after a reasonable and diligent search and to the  
21 extent such documents have not already been produced to Plaintiff, that constitute Veoh's response  
22 to " DMCA take down notices identified in Request for Production Number 19, above."

23 **REQUEST NO. 21:**

24 All DOCUMENTS which constitute, refer to or relate to DEFENDANT's ability to monetize  
25 veoh.com including, without limitation, through advertising revenue, video on demand fee sharing or  
26 any other means.

27 **RESPONSE TO REQUEST NO. 21:**



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1 Veoh objects to this request as seeking information outside the scope of permissible  
2 discovery in that it seeks information that is not relevant to the subject matter of this action and is  
3 not reasonably calculated to lead to the discovery of admissible evidence. Veoh further objects to  
4 this request to the extent that it calls for materials protected by the attorney-client privilege or  
5 attorney work product doctrine. Veoh further objects to this request as overly broad, unduly  
6 burdensome, and oppressive, and as vague and ambiguous.

7 **REQUEST NO. 22:**

8 All DOCUMENTS explaining how veoh.com and each of its features operates or was  
9 intended to operate, including without limitation, such DOCUMENTS given to employees or  
10 contractors tasked with designing, programming or constructing veoh.com.

11 **RESPONSE TO REQUEST NO. 22:**

12 Veoh objects to this request as overly broad, unduly burdensome, and oppressive, and as  
13 vague and ambiguous. Veoh further objects to this request to the extent that it calls for materials  
14 protected by the attorney-client privilege or attorney work product doctrine. Veoh further objects to  
15 this request as seeking information outside the scope of permissible discovery in that it seeks  
16 information that is not relevant to the subject matter of this action and is not reasonably calculated to  
17 lead to the discovery of admissible evidence.

18 **REQUEST NO. 23:**

19 All DOCUMENTS with reference to or written policies, procedures and guidelines related to  
20 DEFENDANT'S computers or computer systems including, without limitation, back up schedules  
21 and procedures, electronic retention and preservation schedules, and file naming conventions.

22 **RESPONSE TO REQUEST NO. 23:**

23 Veoh objects to this request as overly broad, unduly burdensome, and oppressive. Veoh  
24 further objects to this request to the extent that it calls for materials protected by the attorney-client  
25 privilege or attorney work product doctrine. Veoh further objects to this request as vague and  
26 ambiguous and unintelligible.

27 **REQUEST NO. 24:**

1 All DOCUMENTS identifying computers, equipment and software used in conjunction with  
2 the operation of veoh.com.

3 **RESPONSE TO REQUEST NO. 24:**

4 Veoh objects to this request as overly broad, unduly burdensome, and oppressive and as  
5 vague and ambiguous. Veoh further objects to this request as seeking information outside the scope  
6 of permissible discovery in that it seeks information that is not relevant to the subject matter of this  
7 action and is not reasonably calculated to lead to the discovery of admissible evidence.

8 **REQUEST NO. 25:**

9 All organizational charts for departments and employees of VEOH NETWORKS, INC.

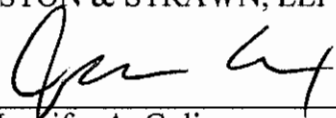
10 **RESPONSE TO REQUEST NO. 25:**

11 Veoh objects to this request as overly broad, unduly burdensome, and oppressive.

12 Subject to and without waiving its general and specific objections, Veoh responds that it will  
13 produce a current organizational chart of Veoh to the extent a non-privileged version is currently in  
14 existence.

15  
16 Dated: February 12, 2007

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17  
18 By:   
19 Jennifer A. Golinveaux  
20 Attorneys for Defendant  
21 VEOH NETWORKS, INC.  
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