

SHIFLETT EXHIBIT 5

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11 SOFTWARE and WINSTON WILLIAMS

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 FACEBOOK, INC.

15 Plaintiff,

16 v.

17 CONNECTU LLC, (now known as CONNECTU
18 INC.) PACIFIC NORTHWEST SOFTWARE,
19 INC., WINSTON WILLIAMS, AND DOES 1-25,

20 Defendants.

CASE NO. C 07-01389 RS

**DEFENDANT WINSTON WILLIAMS'
RESPONSE TO FIRST SET OF
INTERROGATORIES**

1 **PROPOUNDING PARTY:** **Plaintiff FACEBOOK, INC.**
2 **RESPONDING PARTY:** **Defendant WINSTON WILLIAMS**
3 **SET NO.:** **ONE (Nos. 1-4)**
4

5 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

6 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant, Winston Williams
7 (“WILLIAMS”), hereby responds and objects to the First Set of Interrogatories propounded by
8 Facebook Inc. (“FACEBOOK”) as follows:

9 **GENERAL OBJECTIONS**

10 1. Responding party objects to each interrogatory and to the definitions and instructions
11 to the extent they seek to impose obligations that are broader than or inconsistent with the Federal
12 Rules of Civil Procedure, the Civil Local Rules, and the Court’s Order allowing Expedited
13 Discovery.

14 2. Responding party objects to each interrogatory, and to the definitions and instructions
15 to the extent they seek the disclosure of information protected by the attorney-client privilege,
16 attorney work-product doctrine, or any other applicable privilege or protection, as provided by any
17 applicable law. Responding party does not intend to produce such privileged or protected
18 documents or information, and the inadvertent disclosure of such is not to be deemed a waiver of any
19 privilege. Responding party expressly reserves the right to object to the introduction at trial or any
20 other use of such information that may be inadvertently disclosed. In addition, Responding party
21 objects to the interrogatories and all definitions and instructions to the extent they seek and/or
22 require Responding party to produce a privilege log for documents or information falling within the
23 attorney-client privilege or work-product doctrine, if such documents or information were created
24 after the date that this lawsuit was filed.

25 3. Responding party objects to each interrogatory and all other definitions and
26 instructions to the extent they are vague, overly broad, unduly burdensome, exceed the boundaries of
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1 discoverable information, or fail to describe the information sought with the required reasonable
2 particularity.

3 4. Responding party objects to each interrogatory and all definitions and instructions to
4 the extent the burden or expense of the proposed discovery outweighs its likely benefit, given the
5 needs of the case, the amount in controversy, the parties' resources, the importance of the issues at
6 stake in the litigation, and the importance of the proposed discovery in resolving the issues.

7 5. Responding party objects to each interrogatory and all other definitions and
8 instructions to the extent they seek information that is confidential financial, proprietary, trade secret
9 or other confidential or competitively sensitive business information relating to Responding party or
10 any third party. Responding party reserves the right to object that certain information is so
11 confidential and sensitive that it will not be produced even pursuant to a protective order.

12 6. Responding party objects to each interrogatory and all definitions and instructions to
13 the extent they seek information not in Responding Party's custody or control.

14 7. Responding party objects to the interrogatory and all other definitions and
15 instructions to the extent they seek information that is beyond the scope of this litigation, is not
16 relevant, or that falls outside the parameters of discoverable information under the California Code
17 of Civil Procedure.

18 8. Responding party has not yet completed its investigation, collection of information,
19 discovery, and analysis relating to this action. The following response is based on information
20 known and available to Responding party at this time. Responding party reserves the right to
21 modify, change, or supplement its response and to produce additional evidence at trial.

22 9. Responding party's agreement to furnish information in response to Plaintiff's
23 interrogatories shall not be deemed as an admission regarding the relevance of the requested
24 information, nor is it intended to waive any right to object the admissibility of such at trial.

1 **OBJECTIONS TO DEFINITIONS**

2 1. Responding party objects to all definitions to the extent they impose burdens on
3 responding different or greater than those provided in the Federal Rules of Civil Procedure and the
4 Civil Local Rules.

5 2. Responding party objects to all definitions to the extent that they are burdensome,
6 oppressive and unnecessary.

7 3. Responding party objects to the definition of "ConnectU" as overly oppressive,
8 burdensome, and effectively creating a subpart, compound and/or complex interrogatory. When the
9 word "ConnectU" is used in an interrogatory, Responding party shall assume it means only the
10 limited liability company entitled ConnectU L.L.C.

11 4. Responding party objects to the definition of "Harvardconnection", as vague,
12 uncertain and overbroad. When the word Harvardconnection is used in an interrogatory,
13 Responding party shall assume it means only the unincorporated entity once called
14 "Harvardconnection".

15 5. Responding party objects to the definition of "Facebook" as vague, uncertain,
16 overbroad and unintelligible. When the word Facebook is used in an interrogatory, Responding
17 party shall assume it means only the entity identified in the complaint.

18 7. Responding party objects to the phrase "Pacific Northwest Software" as uncertain,
19 overbroad and unintelligible. When the phrase "Pacific Northwest Software" is used in an
20 interrogatory, Responding party will assume it means the entity incorporated as Pacific Northwest
21 Software, Inc.

22 8. Responding party objects to definition of Winston Williams as uncertain, overbroad
23 and unintelligible. When the name Winston Williams is used in an interrogatory, Responding party
24 will assume it means the individual named in the First Amended Complaint.

25 **OBJECTIONS TO INSTRUCTIONS**

26 1. Responding party objects to the definition of "Identify" found in paragraphs 2, 3 and
27 5 of the "instructions," as vague, overly broad, compound and complex.

1 **RESPONSE TO INTERROGATORY NO. 2:**

2 Responding party objects to this Interrogatory as vague, over broad, compound and complex.
3 Responding party objects to the phrase “California residents or businesses” as vague and uncertain
4 and calling for a legal conclusion and speculation. Subject to these objections and the general
5 objections and the objections to the definitions and instructions incorporated herein, Responding
6 party answers as follows: None.

7 **INTERROGATORY NO. 3:**

8 IDENTIFY ALL Internet (“IP”) Addresses and URLs that YOU used OR accessed to obtain
9 any data from any website associated with Facebook, Inc. (including but not limited to the
10 www.thefacebook.com and www.facebook.com), the purpose for the use or access, and ALL dates
11 in which such URLs or IP addresses were accessed by YOU.

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

13 This interrogatory is unintelligible. It further assumes facts not in evidence. This
14 interrogatory is compound and complex and comprises at least three separate interrogatories. The
15 phrase “obtain any data from any website associated with Facebook, Inc.” is vague and uncertain.
16 Subject to these objections and the general objections and the objections to the definitions and
17 instructions incorporated herein, Responding party answers as follows: Responding party identifies
18 the following Internet IP addresses that were used to obtain data from the facebook.com:
19 207.244.158.164, 207.244.158.165 and 207.244.158.34.

20 **INTERROGATORY NO. 4:**

21 IDENTIFY all instances (including dates) when YOU distributed email communications to
22 email addresses obtained originally from FACEBOOK, including identification of ALL email
23 addresses or PERSONS in California.

24 **RESPONSE TO INTERROGATORY NO. 4:**

25 This interrogatory is vague, ambiguous, uncertain and unintelligible. It further assumes facts
26 not in evidence. Subject to these objections and the general objections and the objections to the
27 definitions and instructions incorporated herein, Responding party answers as follows: ConnectU’s


1 website included a page which allowed its members, who were also members of thefacebook.com, to
2 join ConnectU. When a ConnectU member, who was also a member of thefacebook.com wanted
3 ConnectU to invite his or her thefacebook.com friends to join ConnectU, the ConnectU member
4 would complete this page on the ConnectU website. By completing this page on the ConnectU
5 website, the ConnectU member volunteered his or her access information from thefacebook.com to
6 ConnectU and authorized ConnectU to use this access information to get his or her friends' email
7 addresses found on the facebook.com, and invite them to join ConnectU. Responding party cannot
8 identify specific dates this activity occurred.

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As to Objections:

Dated: June 18, 2007

FINNÉGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 
Scott R. Mosko
Attorneys for Defendant
Winston Williams


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VERIFICATION

I, Winston Williams, declare that I have read Winston Williams' Response to First Set of Interrogatories and verify that the facts stated therein are true.

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

5/18/07
DATED


Winston Williams