

EXHIBIT A

PART 2

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

14 FACEBOOK, INC.,

15 Plaintiff,

16 v.

17 STUDIVZ LTD., HOLTZBRINCK
NETWORKS GmbH,
18 HOLTZBRINCK VENTURES
GmbH, and DOES 1-25,

19 Defendants.
20

Case No. 5:08-CV-03468 JF

Assigned To: Honorable Jeremy Fogel

**STUDIVZ LTD.'S RESPONSES TO
FACEBOOK, INC.'S SECOND SET
OF REQUESTS FOR PRODUCTION**

Complaint Filed: July 18, 2008

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23 PROPOUNDING PARTY: FACEBOOK, INC.

24 RESPONDING PARTY: STUDIVZ LTD.

25 SET NUMBER: TWO
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I. GENERAL OBJECTIONS

A. StudiVZ objects to the Requests for Production (“Requests”) on the grounds that Facebook seeks the right to use evidence obtained in this action in the action pending between Facebook and StudiVZ in Germany (the “German Action”). It is improper under established law to use this lawsuit or this Court as vehicles to obtain discovery for use in a foreign case when that evidence is located outside the United States, as it is here. It is also inconsistent with the District Court’s form protective order. StudiVZ will only produce evidence pursuant to a protective order specifying that the evidence is not specifically authorized to be used in any other court.

B. StudiVZ objects to the Requests on the grounds that they seek discovery that is not reasonably related to pertinent disputed personal jurisdictional or *forum non conveniens* issues, which is improper given that there are currently pending motions to dismiss all defendants for lack of personal jurisdiction and *forum non conveniens*.

C. StudiVZ objects to the Requests on the grounds that they would require violation of the privacy rights of its employees and its customers as embodied in German and European Union law, including but not limited to the German Constitution, the German Federal Data Protection Act (BDSG), the German Telecommunications Act (TKG), the German Tele Services Data Protection Act (TDDSG), the European Community Data Protection Directive 95/46/EC, Data Protection Directive for Electronic Communication 2002/58/ED and the E-Commerce Directive 2000/31/EC.

1 D. StudiVZ objects to the Requests on the grounds that the definition of
2 “STUDIVZ,” “YOU,” and “YOUR” includes StudiVZ’s “directors, officers,
3 subsidiaries, predecessors, successors, assigns, agents, servants, employees,
4 investigators, attorneys, AND ALL other persons and entities representing it acting
5 on its behalf, OR purporting to act on its behalf, including without limitation,
6 Ehasan Dariani and Dennis Bemmann.” This is improperly overbroad generally
7 and is particularly so given that the discovery purports to relate to personal
8 jurisdiction, since in establishing jurisdiction discovery must be directed at the
9 party only.
10

11 E. StudiVZ objects to the Requests on the grounds that their gross
12 overbreadth would require StudiVZ to incur an unreasonable amount of expense
13 and time to search for and then produce the requested documents.
14

15 F. StudiVZ objects to the Requests to the extent they seek documents that
16 are protected from disclosure by the attorney-client privilege, the attorney work
17 product doctrine, the right of privacy and/or any other applicable privileges,
18 doctrines, or immunity from disclosure.
19

20 G. StudiVZ further objects to the Requests to the extent they attempt or
21 purport to impose obligations on StudiVZ beyond those set forth in the Federal
22 Rules of Civil Procedure and the Hague Convention of 18 March 1970 on the
23 Taking of Evidence Abroad in Civil or Commercial Matters (“Hague Evidence
24 Convention”) as interpreted and enforced under German law. All definitions and
25 instructions will be treated as having no force or effect to the extent they purport to
26 impose obligations on StudiVZ beyond those set forth in the Federal Rules of Civil
27 Procedure or the Hague Evidence Convention as interpreted and enforced under
28 German law.

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

2 All DOCUMENTS that RELATE TO ANY contracts OR agreements
3 between YOU AND ANY business licensed, located, based, OR incorporated in the
4 UNITED STATES OR ANY PERSON currently OR formerly residing OR
5 domiciled in the UNITED STATES.

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

7 StudiVZ hereby incorporates by reference the general objections set forth
8 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
9 entitled to take discovery on personal jurisdiction as a matter of right. In order to
10 do so, Facebook must either make a *prima facie* showing of jurisdiction over
11 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
12 Facebook has done neither. StudiVZ further objects to this request on the grounds
13 that the definition of “YOU” is grossly overbroad. StudiVZ further objects to this
14 request on the grounds that it is unlimited as to time, and is so overbroad as to be
15 unduly burdensome and harassing. StudiVZ further objects to this request on the
16 grounds that it seeks information that is not relevant nor reasonably calculated to
17 lead to the discovery of admissible evidence. StudiVZ further objects to this
18 request on the grounds that it does not exclude contracts of adhesion, which are
19 irrelevant to any issue of personal jurisdiction or *forum non conveniens*. StudiVZ
20 further objects to this request on the grounds that it is not limited to contracts
21 StudiVZ knew were with businesses or residents located in the United States.

22 StudiVZ further objects to this request on the grounds that, in granting in part
23 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to
24 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
25 Court made its decision based upon the then-pending discovery requests. Likewise,
26 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
27 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
28 discovery and the disputes related thereto. Had Facebook been upfront with the

1 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
2 propound six additional sets of discovery (including more document demands to
3 StudiVZ than had been propounded before) a few days after the Court issued its
4 ruling, StudiVZ would have opposed Facebook's request to continue even the
5 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ
6 believes that the Court would have ruled differently and would have denied all of
7 the relief requested by Facebook. StudiVZ further objects to this request on the
8 grounds that Facebook has failed to explain (1) why this request was not propounded
9 over four months ago (when Facebook propounded its other discovery), and (2) why
10 StudiVZ should have to respond to a request the response to which would have been
11 due long after the original hearing date of StudiVZ's Motion to Dismiss, which
12 hearing date was selected in consultation with Facebook so that Facebook would
13 have many months to take jurisdictional discovery.

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

16 All DOCUMENTS that RELATE TO ANY USER OF STUDIVZ residing
17 OR domiciled in the UNITED STATES, including ALL COMMUNICATIONS.

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

19 StudiVZ hereby incorporates by reference the general objections set forth
20 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
21 entitled to take discovery on personal jurisdiction as a matter of right. In order to
22 do so, Facebook must either make a *prima facie* showing of jurisdiction over
23 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
24 Facebook has done neither. StudiVZ further objects to this request on the grounds
25 that the definition of "STUDIVZ" is grossly overbroad. StudiVZ further objects to
26 this request on the grounds that it does not know where its USERS reside or where
27 they are domiciled. StudiVZ further objects to this request on the grounds that it
28 seeks information that is not relevant nor reasonably calculated to lead to the

1 discovery of admissible evidence.

2 StudiVZ further objects to this request on the grounds that, in granting in part
3 Facebook's request for a continuance on the hearing for StudiVZ's Motion to
4 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
5 Court made its decision based upon the then-pending discovery requests. Likewise,
6 StudiVZ did not oppose Facebook's request to continue the hearing on the personal
7 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing
8 discovery and the disputes related thereto. Had Facebook been upfront with the
9 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
10 propound six additional sets of discovery (including more document demands to
11 StudiVZ than had been propounded before) a few days after the Court issued its
12 ruling, StudiVZ would have opposed Facebook's request to continue even the
13 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ
14 believes that the Court would have ruled differently and would have denied all of
15 the relief requested by Facebook. StudiVZ further objects to this request on the
16 grounds that Facebook has failed to explain (1) why this request was not propounded
17 over four months ago (when Facebook propounded its other discovery), and (2) why
18 StudiVZ should have to respond to a request the response to which would have been
19 due long after the original hearing date of StudiVZ's Motion to Dismiss, which
20 hearing date was selected in consultation with Facebook so that Facebook would
21 have many months to take jurisdictional discovery.

22
23 **REQUEST FOR PRODUCTION NO. 33:**

24 DOCUMENTS sufficient to IDENTIFY the number AND amount of sales of
25 goods AND services sold OR provided by YOU to current OR former UNITED
26 STATES residents, including PERSONS, businesses, AND USERS OF STUDIVZ.

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

28 StudiVZ hereby incorporates by reference the general objections set forth

1 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
2 entitled to take discovery on personal jurisdiction as a matter of right. In order to
3 do so, Facebook must either make a *prima facie* showing of jurisdiction over
4 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
5 Facebook has done neither. StudiVZ further objects to this request on the grounds
6 that the definitions of “YOU” and “STUDIVZ” are grossly overbroad. StudiVZ
7 further objects to this request on the grounds that it is unlimited as to time, and is so
8 overbroad as to be unduly burdensome and harassing.

9 StudiVZ further objects to this request on the grounds that, in granting in part
10 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to
11 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
12 Court made its decision based upon the then-pending discovery requests. Likewise,
13 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
14 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
15 discovery and the disputes related thereto. Had Facebook been upfront with the
16 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
17 propound six additional sets of discovery (including more document demands to
18 StudiVZ than had been propounded before) a few days after the Court issued its
19 ruling, StudiVZ would have opposed Facebook’s request to continue even the
20 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
21 believes that the Court would have ruled differently and would have denied all of
22 the relief requested by Facebook. StudiVZ further objects to this request on the
23 grounds that Facebook has failed to explain (1) why this request was not propounded
24 over four months ago (when Facebook propounded its other discovery), and (2) why
25 StudiVZ should have to respond to a request the response to which would have been
26 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which
27 hearing date was selected in consultation with Facebook so that Facebook would
28 have many months to take jurisdictional discovery.

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

2 DOCUMENTS that RELATE TO ANY contacts OR COMMUNICATIONS
3 YOU have had, in the scope of STUDIVZ business, with PERSONS currently OR
4 formerly residing OR domiciled in the UNITED STATES.

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

6 StudiVZ hereby incorporates by reference the general objections set forth
7 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
8 entitled to take discovery on personal jurisdiction as a matter of right. In order to
9 do so, Facebook must either make a *prima facie* showing of jurisdiction over
10 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
11 Facebook has done neither. StudiVZ further objects to this request on the grounds
12 that the definitions of “YOU” and “STUDIVZ” are grossly overbroad. StudiVZ
13 further objects to this request on the grounds that it is unlimited as to time, and is so
14 overbroad as to be unduly burdensome and harassing. StudiVZ further objects to
15 this request on the grounds that it is compound. StudiVZ further objects to this
16 request on the grounds that it seeks information that is not relevant nor reasonably
17 calculated to lead to the discovery of admissible evidence.

18 StudiVZ further objects to this request on the grounds that, in granting in part
19 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to
20 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
21 Court made its decision based upon the then-pending discovery requests. Likewise,
22 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
23 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
24 discovery and the disputes related thereto. Had Facebook been upfront with the
25 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
26 propound six additional sets of discovery (including more document demands to
27 StudiVZ than had been propounded before) a few days after the Court issued its
28 ruling, StudiVZ would have opposed Facebook’s request to continue even the

1 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
2 believes that the Court would have ruled differently and would have denied all of
3 the relief requested by Facebook. StudiVZ further objects to this request on the
4 grounds that Facebook has failed to explain (1) why this request was not propounded
5 over four months ago (when Facebook propounded its other discovery), and (2) why
6 StudiVZ should have to respond to a request the response to which would have been
7 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which
8 hearing date was selected in consultation with Facebook so that Facebook would
9 have many months to take jurisdictional discovery.

10
11 **REQUEST FOR PRODUCTION NO. 35:**

12 DOCUMENTS sufficient to show, on a monthly basis, how many USERS
13 OF STUDIVZ have been registered on www.studivz.net, www.meinvz.net,
14 www.studiqq.fr, www.studiln.it, www.estudiln.net, www.studentix.pl, AND
15 www.schuelervz.net since October 2005, AND how many of those USERS OF
16 STUDIVZ are residents of the UNITED STATES.

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

18 StudiVZ hereby incorporates by reference the general objections set forth
19 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
20 entitled to take discovery on personal jurisdiction as a matter of right. In order to
21 do so, Facebook must either make a *prima facie* showing of jurisdiction over
22 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
23 Facebook has done neither. StudiVZ further objects to this request on the grounds
24 that the definition of “STUDIVZ” is grossly overbroad. StudiVZ further objects to
25 this request on the grounds that it so overbroad as to be unduly burdensome and
26 harassing. StudiVZ further objects to this request on the grounds that it seeks
27 information that is not relevant nor reasonably calculated to lead to the discovery of
28 admissible evidence.

1 StudiVZ further objects to this request on the grounds that, in granting in part
2 Facebook's request for a continuance on the hearing for StudiVZ's Motion to
3 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
4 Court made its decision based upon the then-pending discovery requests. Likewise,
5 StudiVZ did not oppose Facebook's request to continue the hearing on the personal
6 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing
7 discovery and the disputes related thereto. Had Facebook been upfront with the
8 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
9 propound six additional sets of discovery (including more document demands to
10 StudiVZ than had been propounded before) a few days after the Court issued its
11 ruling, StudiVZ would have opposed Facebook's request to continue even the
12 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ
13 believes that the Court would have ruled differently and would have denied all of
14 the relief requested by Facebook. StudiVZ further objects to this request on the
15 grounds that Facebook has failed to explain (1) why this request was not propounded
16 over four months ago (when Facebook propounded its other discovery), and (2) why
17 StudiVZ should have to respond to a request the response to which would have been
18 due long after the original hearing date of StudiVZ's Motion to Dismiss, which
19 hearing date was selected in consultation with Facebook so that Facebook would
20 have many months to take jurisdictional discovery.

21
22 **REQUEST FOR PRODUCTION NO. 36:**

23 DOCUMENTS sufficient to show the number AND amount of accounts
24 receivable owed YOU by UNITED STATES residents, including PERSONS AND
25 entities, as well as the goods AND services for which the individual accounts
26 receivable are owed to.

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

28 StudiVZ hereby incorporates by reference the general objections set forth

1 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
2 entitled to take discovery on personal jurisdiction as a matter of right. In order to
3 do so, Facebook must either make a *prima facie* showing of jurisdiction over
4 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
5 Facebook has done neither. StudiVZ further objects to this request on the grounds
6 that the definition of “YOU” is grossly overbroad. StudiVZ further objects to this
7 request on the grounds that it so overbroad as to be unduly burdensome and
8 harassing. StudiVZ further objects to this request on the grounds that it seeks
9 information that is not relevant nor reasonably calculated to lead to the discovery of
10 admissible evidence.

11 StudiVZ further objects to this request on the grounds that, in granting in part
12 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to
13 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
14 Court made its decision based upon the then-pending discovery requests. Likewise,
15 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
16 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
17 discovery and the disputes related thereto. Had Facebook been upfront with the
18 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
19 propound six additional sets of discovery (including more document demands to
20 StudiVZ than had been propounded before) a few days after the Court issued its
21 ruling, StudiVZ would have opposed Facebook’s request to continue even the
22 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
23 believes that the Court would have ruled differently and would have denied all of
24 the relief requested by Facebook. StudiVZ further objects to this request on the
25 grounds that Facebook has failed to explain (1) why this request was not propounded
26 over four months ago (when Facebook propounded its other discovery), and (2) why
27 StudiVZ should have to respond to a request the response to which would have been
28 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which

1 hearing date was selected in consultation with Facebook so that Facebook would
2 have many months to take jurisdictional discovery.

3
4 **REQUEST FOR PRODUCTION NO. 37:**

5 DOCUMENTS sufficient to show ALL of YOUR current AND former
6 personal OR real property currently OR previously located in the UNITED STATES.

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

8 StudiVZ hereby incorporates by reference the general objections set forth
9 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
10 entitled to take discovery on personal jurisdiction as a matter of right. In order to
11 do so, Facebook must either make a *prima facie* showing of jurisdiction over
12 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
13 Facebook has done neither. StudiVZ further objects to this request on the grounds
14 that the definition of “YOUR” is grossly overbroad.

15 StudiVZ further objects to this request on the grounds that, in granting in part
16 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to
17 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
18 Court made its decision based upon the then-pending discovery requests. Likewise,
19 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
20 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
21 discovery and the disputes related thereto. Had Facebook been upfront with the
22 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
23 propound six additional sets of discovery (including more document demands to
24 StudiVZ than had been propounded before) a few days after the Court issued its
25 ruling, StudiVZ would have opposed Facebook’s request to continue even the
26 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
27 believes that the Court would have ruled differently and would have denied all of
28 the relief requested by Facebook. StudiVZ further objects to this request on the

1 grounds that Facebook has failed to explain (1) why this request was not propounded
2 over four months ago (when Facebook propounded its other discovery), and (2) why
3 StudiVZ should have to respond to a request the response to which would have been
4 due long after the original hearing date of StudiVZ's Motion to Dismiss, which
5 hearing date was selected in consultation with Facebook so that Facebook would
6 have many months to take jurisdictional discovery.

7
8 **REQUEST FOR PRODUCTION NO. 38:**

9 ALL contracts involving YOU in which UNITED STATES law governs.

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

11 StudiVZ hereby incorporates by reference the general objections set forth
12 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
13 entitled to take discovery on personal jurisdiction as a matter of right. In order to
14 do so, Facebook must either make a *prima facie* showing of jurisdiction over
15 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
16 Facebook has done neither. StudiVZ further objects to this request on the grounds
17 that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this
18 request on the grounds that the phrase "UNITED STATES law" is vague and
19 ambiguous. StudiVZ further objects to this request on the grounds that it so
20 overbroad as to be unduly burdensome and harassing. StudiVZ further objects to
21 this request on the grounds that it does not exclude contracts of adhesion. StudiVZ
22 further objects to this request on the grounds that it seeks information that is not
23 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

24 StudiVZ further objects to this request on the grounds that, in granting in part
25 Facebook's request for a continuance on the hearing for StudiVZ's Motion to
26 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
27 Court made its decision based upon the then-pending discovery requests. Likewise,
28 StudiVZ did not oppose Facebook's request to continue the hearing on the personal

1 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
2 discovery and the disputes related thereto. Had Facebook been upfront with the
3 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
4 propound six additional sets of discovery (including more document demands to
5 StudiVZ than had been propounded before) a few days after the Court issued its
6 ruling, StudiVZ would have opposed Facebook’s request to continue even the
7 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
8 believes that the Court would have ruled differently and would have denied all of
9 the relief requested by Facebook. StudiVZ further objects to this request on the
10 grounds that Facebook has failed to explain (1) why this request was not propounded
11 over four months ago (when Facebook propounded its other discovery), and (2) why
12 StudiVZ should have to respond to a request the response to which would have been
13 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which
14 hearing date was selected in consultation with Facebook so that Facebook would
15 have many months to take jurisdictional discovery.

16
17 **REQUEST FOR PRODUCTION NO. 39:**

18 ALL DOCUMENTS RELATED TO instances when YOU accessed the
19 FACEBOOK website, www.facebook.com OR www.thefacebook.com in
20 furtherance of STUDIVZ business or interests.

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

22 StudiVZ hereby incorporates by reference the general objections set forth
23 above. StudiVZ further objects to this request on the grounds that it is not
24 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
25 entitled to take discovery on personal jurisdiction as a matter of right. In order to
26 do so, Facebook must either make a *prima facie* showing of jurisdiction over
27 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
28 Facebook has done neither. StudiVZ further objects to this request on the grounds

1 that the definitions of “YOU” and “STUDIVZ” are grossly overbroad. StudiVZ
2 further objects to this request on the grounds that it so overbroad as to be unduly
3 burdensome and harassing. StudiVZ further objects to this request on the grounds
4 that it seeks information that is not relevant nor reasonably calculated to lead to the
5 discovery of admissible evidence.

6 StudiVZ further objects to this request on the grounds that, in granting in part
7 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to
8 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
9 Court made its decision based upon the then-pending discovery requests. Likewise,
10 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
11 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
12 discovery and the disputes related thereto. Had Facebook been upfront with the
13 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
14 propound six additional sets of discovery (including more document demands to
15 StudiVZ than had been propounded before) a few days after the Court issued its
16 ruling, StudiVZ would have opposed Facebook’s request to continue even the
17 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
18 believes that the Court would have ruled differently and would have denied all of
19 the relief requested by Facebook. StudiVZ further objects to this request on the
20 grounds that Facebook has failed to explain (1) why this request was not propounded
21 over four months ago (when Facebook propounded its other discovery), and (2) why
22 StudiVZ should have to respond to a request the response to which would have been
23 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which
24 hearing date was selected in consultation with Facebook so that Facebook would
25 have many months to take jurisdictional discovery.

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REQUEST FOR PRODUCTION NO. 40:

ALL DOCUMENTS RELATED TO YOUR promotions AND marketing

1 activities directed, at least in part, at UNITED STATES residents, including
2 advertising or marketing done in print media or over the Internet, including without
3 limitation banner advertising, participation in Google’s AdSense program, or any
4 other Internet-based advertising.

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

6 StudiVZ hereby incorporates by reference the general objections set forth
7 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
8 entitled to take discovery on personal jurisdiction as a matter of right. In order to
9 do so, Facebook must either make a *prima facie* showing of jurisdiction over
10 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
11 Facebook has done neither. StudiVZ further objects to this request on the grounds
12 that the definition of “YOUR” is grossly overbroad. StudiVZ further objects to this
13 request on the grounds that it is unlimited as to time, and is so overbroad as to be
14 unduly burdensome and harassing. StudiVZ further objects to this request on the
15 grounds that it seeks information that is not relevant nor reasonably calculated to
16 lead to the discovery of admissible evidence.

17 StudiVZ further objects to this request on the grounds that, in granting in part
18 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to
19 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
20 Court made its decision based upon the then-pending discovery requests. Likewise,
21 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
22 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
23 discovery and the disputes related thereto. Had Facebook been upfront with the
24 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
25 propound six additional sets of discovery (including more document demands to
26 StudiVZ than had been propounded before) a few days after the Court issued its
27 ruling, StudiVZ would have opposed Facebook’s request to continue even the
28 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ

1 believes that the Court would have ruled differently and would have denied all of
2 the relief requested by Facebook. StudiVZ further objects to this request on the
3 grounds that Facebook has failed to explain (1) why this request was not propounded
4 over four months ago (when Facebook propounded its other discovery), and (2) why
5 StudiVZ should have to respond to a request the response to which would have been
6 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which
7 hearing date was selected in consultation with Facebook so that Facebook would
8 have many months to take jurisdictional discovery.

9
10 **REQUEST FOR PRODUCTION NO. 41:**

11 DOCUMENTS sufficient to identify ALL of YOUR business relationships
12 with, OR financial interests in, businesses incorporated, located, based, OR with
13 facilities OR offices located in the UNITED STATES, including, but not limited to,
14 the nature of each relationship, the name of each business, whether each business is
15 incorporated, located, based OR has facilities OR offices located in the UNITED
16 STATES, AND ANY goods OR services provided by those businesses.

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

18 StudiVZ hereby incorporates by reference the general objections set forth
19 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
20 entitled to take discovery on personal jurisdiction as a matter of right. In order to
21 do so, Facebook must either make a *prima facie* showing of jurisdiction over
22 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
23 Facebook has done neither. StudiVZ further objects to this request on the grounds
24 that the definition of “YOUR” is grossly overbroad. StudiVZ further objects to this
25 request on the grounds that it is unlimited as to time, and is so overbroad as to be
26 unduly burdensome and harassing. StudiVZ further objects to this request on the
27 grounds that it seeks information that is not relevant nor reasonably calculated to
28 lead to the discovery of admissible evidence.

1 StudiVZ further objects to this request on the grounds that, in granting in part
2 Facebook's request for a continuance on the hearing for StudiVZ's Motion to
3 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
4 Court made its decision based upon the then-pending discovery requests. Likewise,
5 StudiVZ did not oppose Facebook's request to continue the hearing on the personal
6 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing
7 discovery and the disputes related thereto. Had Facebook been upfront with the
8 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
9 propound six additional sets of discovery (including more document demands to
10 StudiVZ than had been propounded before) a few days after the Court issued its
11 ruling, StudiVZ would have opposed Facebook's request to continue even the
12 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ
13 believes that the Court would have ruled differently and would have denied all of
14 the relief requested by Facebook. StudiVZ further objects to this request on the
15 grounds that Facebook has failed to explain (1) why this request was not propounded
16 over four months ago (when Facebook propounded its other discovery), and (2) why
17 StudiVZ should have to respond to a request the response to which would have been
18 due long after the original hearing date of StudiVZ's Motion to Dismiss, which
19 hearing date was selected in consultation with Facebook so that Facebook would
20 have many months to take jurisdictional discovery.

21
22 **REQUEST FOR PRODUCTION NO. 42:**

23 ALL DOCUMENTS RELATING TO the conception, design, and
24 development of STUDIVZ and STUDIVZ'S WEBSITES, including but not limited
25 to notes, journals, notebooks, and diaries RELATING TO the conception, design
26 and development of STUDIVZ and STUDIVZ'S WEBSITES.

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

28 StudiVZ hereby incorporates by reference the general objections set forth

1 above. StudiVZ further objects to this request on the grounds that it is not
2 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
3 entitled to take discovery on personal jurisdiction as a matter of right. In order to
4 do so, Facebook must either make a *prima facie* showing of jurisdiction over
5 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
6 Facebook has done neither. StudiVZ further objects to this request on the grounds
7 that it is compound. StudiVZ further objects to this request on the grounds that the
8 definition of “STUDIVZ” is grossly overbroad. StudiVZ further objects to this
9 request on the grounds that it is unlimited as to time, and is so overbroad as to be
10 unduly burdensome and harassing. StudiVZ further objects to this request on the
11 grounds that it seeks information that is not relevant nor reasonably calculated to
12 lead to the discovery of admissible evidence. StudiVZ further objects to this
13 request on the grounds that it seeks discovery of StudiVZ’s trade secrets.

14 StudiVZ further objects to this request on the grounds that, in granting in part
15 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to
16 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
17 Court made its decision based upon the then-pending discovery requests. Likewise,
18 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
19 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
20 discovery and the disputes related thereto. Had Facebook been upfront with the
21 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
22 propound six additional sets of discovery (including more document demands to
23 StudiVZ than had been propounded before) a few days after the Court issued its
24 ruling, StudiVZ would have opposed Facebook’s request to continue even the
25 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
26 believes that the Court would have ruled differently and would have denied all of
27 the relief requested by Facebook. StudiVZ further objects to this request on the
28 grounds that Facebook has failed to explain (1) why this request was not propounded

1 over four months ago (when Facebook propounded its other discovery), and (2) why
2 StudiVZ should have to respond to a request the response to which would have been
3 due long after the original hearing date of StudiVZ's Motion to Dismiss, which
4 hearing date was selected in consultation with Facebook so that Facebook would
5 have many months to take jurisdictional discovery.

6
7 **REQUEST FOR PRODUCTION NO. 43:**

8 ALL DOCUMENTS RELATING TO ANY COMMUNICATIONS by YOU
9 to ANY media or media outlets regarding STUDIVZ, STUDIVZ's WEBSITES,
10 FACEBOOK, or this lawsuit, including but not limited to correspondence, web
11 blogs, news articles, video footage, audio recordings and press releases.

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

13 StudiVZ hereby incorporates by reference the general objections set forth
14 above. StudiVZ further objects to this request on the grounds that it is not
15 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
16 entitled to take discovery on personal jurisdiction as a matter of right. In order to
17 do so, Facebook must either make a *prima facie* showing of jurisdiction over
18 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
19 Facebook has done neither. StudiVZ further objects to this request on the grounds
20 that it is compound. StudiVZ further objects to this request on the grounds that it is
21 unlimited as to time, and is so overbroad as to be unduly burdensome and
22 harassing. StudiVZ further objects to this request on the grounds that the definition
23 of "STUDIVZ" is grossly overbroad. StudiVZ further objects to this request on the
24 grounds that it seeks information that is not relevant nor reasonably calculated to
25 lead to the discovery of admissible evidence. StudiVZ further objects to this
26 request on the grounds to the extent that it seeks discovery of publicly available
27 information.

28 StudiVZ further objects to this request on the grounds that, in granting in part

1 Facebook's request for a continuance on the hearing for StudiVZ's Motion to
2 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
3 Court made its decision based upon the then-pending discovery requests. Likewise,
4 StudiVZ did not oppose Facebook's request to continue the hearing on the personal
5 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing
6 discovery and the disputes related thereto. Had Facebook been upfront with the
7 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
8 propound six additional sets of discovery (including more document demands to
9 StudiVZ than had been propounded before) a few days after the Court issued its
10 ruling, StudiVZ would have opposed Facebook's request to continue even the
11 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ
12 believes that the Court would have ruled differently and would have denied all of
13 the relief requested by Facebook. StudiVZ further objects to this request on the
14 grounds that Facebook has failed to explain (1) why this request was not propounded
15 over four months ago (when Facebook propounded its other discovery), and (2) why
16 StudiVZ should have to respond to a request the response to which would have been
17 due long after the original hearing date of StudiVZ's Motion to Dismiss, which
18 hearing date was selected in consultation with Facebook so that Facebook would
19 have many months to take jurisdictional discovery.

20
21 **REQUEST FOR PRODUCTION NO. 44:**

22 ALL DOCUMENTS that summarize, describe, REFER TO, or constitute
23 EVIDENCE of STUDIVZ'S business management information and procedures,
24 including descriptions of STUDIVZ'S WEBSITES' business model, various
25 functionality and content concepts, and the type of information – personal,
26 demographic or otherwise – that would be collected from users.

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

28 StudiVZ hereby incorporates by reference the general objections set forth

1 above. StudiVZ further objects to this request on the grounds that it is not
2 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
3 entitled to take discovery on personal jurisdiction as a matter of right. In order to
4 do so, Facebook must either make a *prima facie* showing of jurisdiction over
5 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
6 Facebook has done neither. StudiVZ further objects to this request on the grounds
7 that it is compound. StudiVZ further objects to this request on the grounds that it is
8 unlimited as to time, and is so overbroad as to be unduly burdensome and
9 harassing. StudiVZ further objects to this request on the grounds that the definition
10 of “STUDIVZ” is grossly overbroad. StudiVZ further objects to this request on the
11 grounds that it seeks information that is not relevant nor reasonably calculated to
12 lead to the discovery of admissible evidence. StudiVZ further objects to this
13 request on the grounds that it seeks discovery of StudiVZ’s trade secrets.

14 StudiVZ further objects to this request on the grounds that, in granting in part
15 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to
16 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
17 Court made its decision based upon the then-pending discovery requests. Likewise,
18 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
19 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
20 discovery and the disputes related thereto. Had Facebook been upfront with the
21 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
22 propound six additional sets of discovery (including more document demands to
23 StudiVZ than had been propounded before) a few days after the Court issued its
24 ruling, StudiVZ would have opposed Facebook’s request to continue even the
25 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
26 believes that the Court would have ruled differently and would have denied all of
27 the relief requested by Facebook. StudiVZ further objects to this request on the
28 grounds that Facebook has failed to explain (1) why this request was not propounded

1 over four months ago (when Facebook propounded its other discovery), and (2) why
2 StudiVZ should have to respond to a request the response to which would have been
3 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which
4 hearing date was selected in consultation with Facebook so that Facebook would
5 have many months to take jurisdictional discovery.
6

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

8 ALL DOCUMENTS reflecting COMMUNICATIONS between members of
9 STUDIVZ and ANY developer of the software and COMPUTER CODE used to
10 create, run, operate STUDIVZ’S WEBSITES, including all copies and versions of
11 the software and COMPUTER CODE.

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

13 StudiVZ hereby incorporates by reference the general objections set forth
14 above. StudiVZ further objects to this request on the grounds that it is not
15 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
16 entitled to take discovery on personal jurisdiction as a matter of right. In order to
17 do so, Facebook must either make a *prima facie* showing of jurisdiction over
18 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
19 Facebook has done neither. StudiVZ further objects to this request on the grounds
20 that it is compound. StudiVZ further objects to this request on the grounds that it is
21 unlimited as to time, and is so overbroad as to be unduly burdensome and
22 harassing. StudiVZ further objects to this request on the grounds that the definition
23 of “STUDIVZ” is grossly overbroad. StudiVZ further objects to this request on the
24 grounds that it seeks information that is not relevant nor reasonably calculated to
25 lead to the discovery of admissible evidence. StudiVZ further objects to this
26 request on the grounds that it seeks discovery of StudiVZ’s trade secrets.

27 StudiVZ further objects to this request on the grounds that, in granting in part
28 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to

1 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
2 Court made its decision based upon the then-pending discovery requests. Likewise,
3 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
4 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
5 discovery and the disputes related thereto. Had Facebook been upfront with the
6 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
7 propound six additional sets of discovery (including more document demands to
8 StudiVZ than had been propounded before) a few days after the Court issued its
9 ruling, StudiVZ would have opposed Facebook’s request to continue even the
10 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
11 believes that the Court would have ruled differently and would have denied all of
12 the relief requested by Facebook. StudiVZ further objects to this request on the
13 grounds that Facebook has failed to explain (1) why this request was not propounded
14 over four months ago (when Facebook propounded its other discovery), and (2) why
15 StudiVZ should have to respond to a request the response to which would have been
16 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which
17 hearing date was selected in consultation with Facebook so that Facebook would
18 have many months to take jurisdictional discovery.

19
20 **REQUEST FOR PRODUCTION NO. 46:**

21 ALL DOCUMENTS RELATING TO the research and development of
22 STUDIVZ and STUDIVZ’S WEBSITES.

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

24 StudiVZ hereby incorporates by reference the general objections set forth
25 above. StudiVZ further objects to this request on the grounds that it is not
26 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
27 entitled to take discovery on personal jurisdiction as a matter of right. In order to
28 do so, Facebook must either make a *prima facie* showing of jurisdiction over

1 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
2 Facebook has done neither. StudiVZ further objects to this request on the grounds
3 that it is compound. StudiVZ further objects to this request on the grounds that it is
4 unlimited as to time, and is so overbroad as to be unduly burdensome and
5 harassing. StudiVZ further objects to this request on the grounds that the definition
6 of “STUDIVZ” is grossly overbroad. StudiVZ further objects to this request on the
7 grounds that it seeks information that is not relevant nor reasonably calculated to
8 lead to the discovery of admissible evidence. StudiVZ further objects to this
9 request on the grounds that it seeks discovery of StudiVZ’s trade secrets.

10 StudiVZ further objects to this request on the grounds that, in granting in part
11 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to
12 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
13 Court made its decision based upon the then-pending discovery requests. Likewise,
14 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
15 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
16 discovery and the disputes related thereto. Had Facebook been upfront with the
17 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
18 propound six additional sets of discovery (including more document demands to
19 StudiVZ than had been propounded before) a few days after the Court issued its
20 ruling, StudiVZ would have opposed Facebook’s request to continue even the
21 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
22 believes that the Court would have ruled differently and would have denied all of
23 the relief requested by Facebook. StudiVZ further objects to this request on the
24 grounds that Facebook has failed to explain (1) why this request was not propounded
25 over four months ago (when Facebook propounded its other discovery), and (2) why
26 StudiVZ should have to respond to a request the response to which would have been
27 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which
28 hearing date was selected in consultation with Facebook so that Facebook would

1 have many months to take jurisdictional discovery.

2
3 **REQUEST FOR PRODUCTION NO. 47:**

4 An electronic image of the entire computer hard drive(s) or other computer
5 memory devices controlled and used by ANY member, agent, employee, or
6 assignee, or consultant of STUDIVZ, to the extent that computer was used to
7 communicate regarding or reflects the creation or development of STUDIVZ or
8 STUDIVZ'S WEBSITES, or any software reflecting the creation, development and
9 operation of STUDIVZ or STUDIVZ'S WEBSITES.

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

11 StudiVZ hereby incorporates by reference the general objections set forth
12 above. StudiVZ further objects to this request on the grounds that it is not
13 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
14 entitled to take discovery on personal jurisdiction as a matter of right. In order to
15 do so, Facebook must either make a *prima facie* showing of jurisdiction over
16 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
17 Facebook has done neither. StudiVZ further objects to this request on the grounds
18 that it is compound. StudiVZ further objects to this request on the grounds that it is
19 unlimited as to time, and is so overbroad as to be unduly burdensome and
20 harassing. StudiVZ further objects to this request on the grounds that the definition
21 of "STUDIVZ" is grossly overbroad. StudiVZ further objects to this request on the
22 grounds that it seeks information that is not relevant nor reasonably calculated to
23 lead to the discovery of admissible evidence. StudiVZ further objects to this
24 request on the grounds that it seeks discovery of StudiVZ's trade secrets.

25 StudiVZ further objects to this request on the grounds that, in granting in part
26 Facebook's request for a continuance on the hearing for StudiVZ's Motion to
27 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
28 Court made its decision based upon the then-pending discovery requests. Likewise,

1 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
2 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
3 discovery and the disputes related thereto. Had Facebook been upfront with the
4 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
5 propound six additional sets of discovery (including more document demands to
6 StudiVZ than had been propounded before) a few days after the Court issued its
7 ruling, StudiVZ would have opposed Facebook’s request to continue even the
8 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
9 believes that the Court would have ruled differently and would have denied all of
10 the relief requested by Facebook. StudiVZ further objects to this request on the
11 grounds that Facebook has failed to explain (1) why this request was not propounded
12 over four months ago (when Facebook propounded its other discovery), and (2) why
13 StudiVZ should have to respond to a request the response to which would have been
14 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which
15 hearing date was selected in consultation with Facebook so that Facebook would
16 have many months to take jurisdictional discovery.

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

19 ALL DOCUMENTS REFERRING TO or EVIDENCING the use by any
20 employee, agent, consultant, or assignee of STUDIVZ or ANY other
21 DEFENDANT of the FACEBOOK website, including, but not limited to,
22 DOCUMENTS REFERRING TO or EVIDENCING access to the FACEBOOK
23 WEBSITE, DOCUMENTS IDENTIFYING the profile, user name, and ALL
24 FACEBOOK activity of each PERSON that accessed the FACEBOOK WEBSITE.

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

26 StudiVZ hereby incorporates by reference the general objections set forth
27 above. StudiVZ further objects to this request on the grounds that it is not
28 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not

1 entitled to take discovery on personal jurisdiction as a matter of right. In order to
2 do so, Facebook must either make a *prima facie* showing of jurisdiction over
3 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
4 Facebook has done neither. StudiVZ further objects to this request on the grounds
5 that it is compound. StudiVZ further objects to this request on the grounds that it is
6 unlimited as to time, and is so overbroad as to be unduly burdensome and
7 harassing. StudiVZ further objects to this request on the grounds that the definition
8 of “STUDIVZ” is grossly overbroad. StudiVZ further objects to this request on the
9 grounds that it is vague and ambiguous given that the term “the FACEBOOK
10 WEBSITE” is defined and the term “the FACEBOOK website” is not defined.
11 StudiVZ further objects to this request on the grounds that it seeks information that
12 is not relevant nor reasonably calculated to lead to the discovery of admissible
13 evidence.

14 StudiVZ further objects to this request on the grounds that, in granting in part
15 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to
16 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
17 Court made its decision based upon the then-pending discovery requests. Likewise,
18 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
19 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
20 discovery and the disputes related thereto. Had Facebook been upfront with the
21 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
22 propound six additional sets of discovery (including more document demands to
23 StudiVZ than had been propounded before) a few days after the Court issued its
24 ruling, StudiVZ would have opposed Facebook’s request to continue even the
25 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
26 believes that the Court would have ruled differently and would have denied all of
27 the relief requested by Facebook. StudiVZ further objects to this request on the
28 grounds that Facebook has failed to explain (1) why this request was not propounded

1 over four months ago (when Facebook propounded its other discovery), and (2) why
2 StudiVZ should have to respond to a request the response to which would have been
3 due long after the original hearing date of StudiVZ's Motion to Dismiss, which
4 hearing date was selected in consultation with Facebook so that Facebook would
5 have many months to take jurisdictional discovery.

6
7 **REQUEST FOR PRODUCTION NO. 49:**

8 ALL DOCUMENTS that IDENTIFY or EVIDENCE each user account to
9 used to access the FACEBOOK WEBSITE by ANY agent, employee, assignee, or
10 consultant of STUDIVZ in furtherance of STUDIVZ business or interests,
11 including, but not limited to, the development, design, continued development,
12 continued design, maintenance and implementation of the STUDIVZ WEBSITES.

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

14 StudiVZ hereby incorporates by reference the general objections set forth
15 above. StudiVZ further objects to this request on the grounds that it is not
16 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
17 entitled to take discovery on personal jurisdiction as a matter of right. In order to
18 do so, Facebook must either make a *prima facie* showing of jurisdiction over
19 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
20 Facebook has done neither. StudiVZ further objects to this request on the grounds
21 that it is compound. StudiVZ further objects to this request on the grounds that it is
22 unlimited as to time, and is so overbroad as to be unduly burdensome and
23 harassing. StudiVZ further objects to this request on the grounds that the definition
24 of "STUDIVZ" is grossly overbroad. StudiVZ further objects to this request on the
25 grounds that it seeks information that is not relevant nor reasonably calculated to
26 lead to the discovery of admissible evidence.

27 StudiVZ further objects to this request on the grounds that, in granting in part
28 Facebook's request for a continuance on the hearing for StudiVZ's Motion to

1 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
2 Court made its decision based upon the then-pending discovery requests. Likewise,
3 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
4 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
5 discovery and the disputes related thereto. Had Facebook been upfront with the
6 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
7 propound six additional sets of discovery (including more document demands to
8 StudiVZ than had been propounded before) a few days after the Court issued its
9 ruling, StudiVZ would have opposed Facebook’s request to continue even the
10 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
11 believes that the Court would have ruled differently and would have denied all of
12 the relief requested by Facebook. StudiVZ further objects to this request on the
13 grounds that Facebook has failed to explain (1) why this request was not propounded
14 over four months ago (when Facebook propounded its other discovery), and (2) why
15 StudiVZ should have to respond to a request the response to which would have been
16 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which
17 hearing date was selected in consultation with Facebook so that Facebook would
18 have many months to take jurisdictional discovery.

19
20 **REQUEST FOR PRODUCTION NO. 50:**

21 ALL DOCUMENTS in possession, custody or control of STUDIVZ that
22 RELATE in ANY way to the subject matter of this lawsuit.

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

24 StudiVZ hereby incorporates by reference the general objections set forth
25 above. StudiVZ further objects to this request on the grounds that it is not
26 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
27 entitled to take discovery on personal jurisdiction as a matter of right. In order to
28 do so, Facebook must either make a *prima facie* showing of jurisdiction over

1 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
2 Facebook has done neither. StudiVZ further objects to this request on the grounds
3 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and
4 harassing. StudiVZ further objects to this request on the grounds that the definition
5 of “STUDIVZ” is grossly overbroad. StudiVZ further objects to this request on the
6 grounds that it seeks information that is not relevant nor reasonably calculated to
7 lead to the discovery of admissible evidence.

8 StudiVZ further objects to this request on the grounds that, in granting in part
9 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to
10 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
11 Court made its decision based upon the then-pending discovery requests. Likewise,
12 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
13 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
14 discovery and the disputes related thereto. Had Facebook been upfront with the
15 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
16 propound six additional sets of discovery (including more document demands to
17 StudiVZ than had been propounded before) a few days after the Court issued its
18 ruling, StudiVZ would have opposed Facebook’s request to continue even the
19 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
20 believes that the Court would have ruled differently and would have denied all of
21 the relief requested by Facebook. StudiVZ further objects to this request on the
22 grounds that Facebook has failed to explain (1) why this request was not propounded
23 over four months ago (when Facebook propounded its other discovery), and (2) why
24 StudiVZ should have to respond to a request the response to which would have been
25 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which
26 hearing date was selected in consultation with Facebook so that Facebook would
27 have many months to take jurisdictional discovery.

28

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

2 ALL DOCUMENTS RELATING TO YOUR efforts to IDENTIFY and
3 locate ANY and ALL computers in YOUR possession, custody, control that could
4 reasonably contain any version of STUDIVZ COMPUTER CODE or
5 DOCUMENTS EVIDENCING STUDIVZ’S software, including but not limited to
6 any deleted or corrupted information present, stored, or residing on, or deleted from
7 ANY and ALL computers in possession, custody or control of STUDIVZ or ANY
8 members, agents, employees, or assignees, or consultants of STUDIVZ.

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

10 StudiVZ hereby incorporates by reference the general objections set forth
11 above. StudiVZ further objects to this request on the grounds that it is not
12 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
13 entitled to take discovery on personal jurisdiction as a matter of right. In order to
14 do so, Facebook must either make a *prima facie* showing of jurisdiction over
15 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
16 Facebook has done neither. StudiVZ further objects to this request on the grounds
17 that it is compound. StudiVZ further objects to this request on the grounds that it is
18 unlimited as to time, and is so overbroad as to be unduly burdensome and
19 harassing. StudiVZ further objects to this request on the grounds that the definition
20 of “STUDIVZ” is grossly overbroad. StudiVZ further objects to this request on the
21 grounds that it seeks information that is not relevant nor reasonably calculated to
22 lead to the discovery of admissible evidence.

23 StudiVZ further objects to this request on the grounds that, in granting in part
24 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to
25 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
26 Court made its decision based upon the then-pending discovery requests. Likewise,
27 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
28 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing

1 discovery and the disputes related thereto. Had Facebook been upfront with the
2 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
3 propound six additional sets of discovery (including more document demands to
4 StudiVZ than had been propounded before) a few days after the Court issued its
5 ruling, StudiVZ would have opposed Facebook's request to continue even the
6 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ
7 believes that the Court would have ruled differently and would have denied all of
8 the relief requested by Facebook. StudiVZ further objects to this request on the
9 grounds that Facebook has failed to explain (1) why this request was not propounded
10 over four months ago (when Facebook propounded its other discovery), and (2) why
11 StudiVZ should have to respond to a request the response to which would have been
12 due long after the original hearing date of StudiVZ's Motion to Dismiss, which
13 hearing date was selected in consultation with Facebook so that Facebook would
14 have many months to take jurisdictional discovery.

15
16 **REQUEST FOR PRODUCTION NO. 52:**

17 ALL DOCUMENTS RELATING TO YOUR efforts to locate, retrieve
18 and/or recovery any COMMUNICATIONS, DOCUMENTS, content, COMPUTER
19 CODE, or software that might relate to the subject matter of this lawsuit, including
20 but not limited to any deleted or corrupted information present, stored, or residing
21 on, or deleted from ANY and ALL computers in possession, custody or control of
22 STUDIVZ or ANY members, agents, employees, or assignees, or consultants of
23 STUDIVZ.

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

25 StudiVZ hereby incorporates by reference the general objections set forth
26 above. StudiVZ further objects to this request on the grounds that it is not
27 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
28 entitled to take discovery on personal jurisdiction as a matter of right. In order to

1 do so, Facebook must either make a *prima facie* showing of jurisdiction over
2 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
3 Facebook has done neither. StudiVZ further objects to this request on the grounds
4 that it is compound. StudiVZ further objects to this request on the grounds that it is
5 unlimited as to time, and is so overbroad as to be unduly burdensome and
6 harassing. StudiVZ further objects to this request on the grounds that the definition
7 of “STUDIVZ” is grossly overbroad. StudiVZ further objects to this request on the
8 grounds that it seeks information that is not relevant nor reasonably calculated to
9 lead to the discovery of admissible evidence.

10 StudiVZ further objects to this request on the grounds that, in granting in part
11 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to
12 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
13 Court made its decision based upon the then-pending discovery requests. Likewise,
14 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
15 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
16 discovery and the disputes related thereto. Had Facebook been upfront with the
17 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
18 propound six additional sets of discovery (including more document demands to
19 StudiVZ than had been propounded before) a few days after the Court issued its
20 ruling, StudiVZ would have opposed Facebook’s request to continue even the
21 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
22 believes that the Court would have ruled differently and would have denied all of
23 the relief requested by Facebook. StudiVZ further objects to this request on the
24 grounds that Facebook has failed to explain (1) why this request was not propounded
25 over four months ago (when Facebook propounded its other discovery), and (2) why
26 StudiVZ should have to respond to a request the response to which would have been
27 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which
28 hearing date was selected in consultation with Facebook so that Facebook would

1 have many months to take jurisdictional discovery.
2

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

4 ALL DOCUMENTS REFERRING TO or RELATING TO or comprising the
5 memorialization of every investment in STUDIVZ and/or COMMUNICATIONS
6 or negotiations with any actual or potential investor, and the terms of such
7 investment.

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

9 StudiVZ hereby incorporates by reference the general objections set forth
10 above. StudiVZ further objects to this request on the grounds that it is not
11 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
12 entitled to take discovery on personal jurisdiction as a matter of right. In order to
13 do so, Facebook must either make a *prima facie* showing of jurisdiction over
14 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
15 Facebook has done neither. StudiVZ further objects to this request on the grounds
16 that it is compound. StudiVZ further objects to this request on the grounds that it is
17 unlimited as to time, and is so overbroad as to be unduly burdensome and
18 harassing. StudiVZ further objects to this request on the grounds that the definition
19 of "STUDIVZ" is grossly overbroad. StudiVZ further objects to this request on the
20 grounds that it seeks information that is not relevant nor reasonably calculated to
21 lead to the discovery of admissible evidence. StudiVZ further objects to this
22 request on the grounds that it seeks discovery of StudiVZ's trade secrets. StudiVZ
23 further objects to this request on the grounds that it seeks documents that are
24 protected by the right to financial privacy.

25 StudiVZ further objects to this request on the grounds that, in granting in part
26 Facebook's request for a continuance on the hearing for StudiVZ's Motion to
27 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
28 Court made its decision based upon the then-pending discovery requests. Likewise,

1 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
2 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
3 discovery and the disputes related thereto. Had Facebook been upfront with the
4 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
5 propound six additional sets of discovery (including more document demands to
6 StudiVZ than had been propounded before) a few days after the Court issued its
7 ruling, StudiVZ would have opposed Facebook’s request to continue even the
8 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
9 believes that the Court would have ruled differently and would have denied all of
10 the relief requested by Facebook. StudiVZ further objects to this request on the
11 grounds that Facebook has failed to explain (1) why this request was not propounded
12 over four months ago (when Facebook propounded its other discovery), and (2) why
13 StudiVZ should have to respond to a request the response to which would have been
14 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which
15 hearing date was selected in consultation with Facebook so that Facebook would
16 have many months to take jurisdictional discovery.

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

19 ALL DOCUMENTS summarizing, describing, REFERRING TO,
20 RELATING TO, or EVIDENCING information YOU downloaded, copied or
21 obtained from the FACEBOOK WEBSITE.

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

23 StudiVZ hereby incorporates by reference the general objections set forth
24 above. StudiVZ further objects to this request on the grounds that it is not
25 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
26 entitled to take discovery on personal jurisdiction as a matter of right. In order to
27 do so, Facebook must either make a *prima facie* showing of jurisdiction over
28 StudiVZ, or it must identify material jurisdictional issues that are in dispute.

1 Facebook has done neither. StudiVZ further objects to this request on the grounds
2 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and
3 harassing. StudiVZ further objects to this request on the grounds that the definition
4 of “YOU” is grossly overbroad.

5 StudiVZ further objects to this request on the grounds that, in granting in part
6 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to
7 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
8 Court made its decision based upon the then-pending discovery requests. Likewise,
9 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
10 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
11 discovery and the disputes related thereto. Had Facebook been upfront with the
12 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
13 propound six additional sets of discovery (including more document demands to
14 StudiVZ than had been propounded before) a few days after the Court issued its
15 ruling, StudiVZ would have opposed Facebook’s request to continue even the
16 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
17 believes that the Court would have ruled differently and would have denied all of
18 the relief requested by Facebook. StudiVZ further objects to this request on the
19 grounds that Facebook has failed to explain (1) why this request was not propounded
20 over four months ago (when Facebook propounded its other discovery), and (2) why
21 StudiVZ should have to respond to a request the response to which would have been
22 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which
23 hearing date was selected in consultation with Facebook so that Facebook would
24 have many months to take jurisdictional discovery.

25
26 **REQUEST FOR PRODUCTION NO. 55:**

27 ALL DOCUMENTS summarizing, describing, REFERRING TO,
28 RELATING TO, or EVIDENCING the reasons for accessing the FACEBOOK

1 WEBSITE.

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

3 StudiVZ hereby incorporates by reference the general objections set forth
4 above. StudiVZ further objects to this request on the grounds that it is not
5 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
6 entitled to take discovery on personal jurisdiction as a matter of right. In order to
7 do so, Facebook must either make a *prima facie* showing of jurisdiction over
8 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
9 Facebook has done neither. StudiVZ further objects to this request on the grounds
10 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and
11 harassing. Though it is unclear about whose alleged access of the FACEBOOK
12 WEBSITE this request is related, to the extent that it is directed at “STUDIVZ,”
13 StudiVZ objects to this request on the grounds that the definition of “STUDIVZ” is
14 grossly overbroad.

15 StudiVZ further objects to this request on the grounds that, in granting in part
16 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to
17 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
18 Court made its decision based upon the then-pending discovery requests. Likewise,
19 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
20 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
21 discovery and the disputes related thereto. Had Facebook been upfront with the
22 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
23 propound six additional sets of discovery (including more document demands to
24 StudiVZ than had been propounded before) a few days after the Court issued its
25 ruling, StudiVZ would have opposed Facebook’s request to continue even the
26 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
27 believes that the Court would have ruled differently and would have denied all of
28 the relief requested by Facebook. StudiVZ further objects to this request on the

1 grounds that Facebook has failed to explain (1) why this request was not propounded
2 over four months ago (when Facebook propounded its other discovery), and (2) why
3 StudiVZ should have to respond to a request the response to which would have been
4 due long after the original hearing date of StudiVZ's Motion to Dismiss, which
5 hearing date was selected in consultation with Facebook so that Facebook would
6 have many months to take jurisdictional discovery.

7
8 **REQUEST FOR PRODUCTION NO. 56:**

9 ALL DOCUMENTS summarizing, describing, REFERRING TO,
10 RELATING TO, or EVIDENCING the reasons for downloading, copying or
11 obtaining information from the FACEBOOK WEBSITE.

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

13 StudiVZ hereby incorporates by reference the general objections set forth
14 above. StudiVZ further objects to this request on the grounds that it is not
15 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
16 entitled to take discovery on personal jurisdiction as a matter of right. In order to
17 do so, Facebook must either make a *prima facie* showing of jurisdiction over
18 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
19 Facebook has done neither. StudiVZ further objects to this request on the grounds
20 that it is compound. StudiVZ further objects to this request on the grounds that it is
21 unlimited as to time, and is so overbroad as to be unduly burdensome and
22 harassing. Though it is unclear about whose alleged access of the FACEBOOK
23 WEBSITE this request is related, to the extent that it is directed at "STUDIVZ,"
24 StudiVZ objects to this request on the grounds that the definition of "STUDIVZ" is
25 grossly overbroad.

26 StudiVZ further objects to this request on the grounds that, in granting in part
27 Facebook's request for a continuance on the hearing for StudiVZ's Motion to
28 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District

1 Court made its decision based upon the then-pending discovery requests. Likewise,
2 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
3 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
4 discovery and the disputes related thereto. Had Facebook been upfront with the
5 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
6 propound six additional sets of discovery (including more document demands to
7 StudiVZ than had been propounded before) a few days after the Court issued its
8 ruling, StudiVZ would have opposed Facebook’s request to continue even the
9 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
10 believes that the Court would have ruled differently and would have denied all of
11 the relief requested by Facebook. StudiVZ further objects to this request on the
12 grounds that Facebook has failed to explain (1) why this request was not propounded
13 over four months ago (when Facebook propounded its other discovery), and (2) why
14 StudiVZ should have to respond to a request the response to which would have been
15 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which
16 hearing date was selected in consultation with Facebook so that Facebook would
17 have many months to take jurisdictional discovery.

18

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

20 ALL DOCUMENTS summarizing, describing, REFERRING TO,
21 RELATING TO, or EVIDENCING ANY business plan for STUDIVZ.

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

23 StudiVZ hereby incorporates by reference the general objections set forth
24 above. StudiVZ further objects to this request on the grounds that it is not
25 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
26 entitled to take discovery on personal jurisdiction as a matter of right. In order to
27 do so, Facebook must either make a *prima facie* showing of jurisdiction over
28 StudiVZ, or it must identify material jurisdictional issues that are in dispute.

1 Facebook has done neither. StudiVZ further objects to this request on the grounds
2 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and
3 harassing. StudiVZ further objects to this request on the grounds that the definition
4 of “STUDIVZ” is grossly overbroad. StudiVZ further objects to this request on the
5 grounds that it seeks information that is not relevant nor reasonably calculated to
6 lead to the discovery of admissible evidence. StudiVZ further objects to this
7 request on the grounds that it seeks discovery of StudiVZ’s trade secrets.

8 StudiVZ further objects to this request on the grounds that, in granting in part
9 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to
10 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
11 Court made its decision based upon the then-pending discovery requests. Likewise,
12 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
13 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
14 discovery and the disputes related thereto. Had Facebook been upfront with the
15 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
16 propound six additional sets of discovery (including more document demands to
17 StudiVZ than had been propounded before) a few days after the Court issued its
18 ruling, StudiVZ would have opposed Facebook’s request to continue even the
19 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
20 believes that the Court would have ruled differently and would have denied all of
21 the relief requested by Facebook. StudiVZ further objects to this request on the
22 grounds that Facebook has failed to explain (1) why this request was not propounded
23 over four months ago (when Facebook propounded its other discovery), and (2) why
24 StudiVZ should have to respond to a request the response to which would have been
25 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which
26 hearing date was selected in consultation with Facebook so that Facebook would
27 have many months to take jurisdictional discovery.

28

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

2 ALL DOCUMENTS sufficient to IDENTIFY ANY PERSON involved in
3 any way in the development of STUDIVZ or STUDIVZ'S WEBSITES.

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

5 StudiVZ hereby incorporates by reference the general objections set forth
6 above. StudiVZ further objects to this request on the grounds that it is not
7 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
8 entitled to take discovery on personal jurisdiction as a matter of right. In order to
9 do so, Facebook must either make a *prima facie* showing of jurisdiction over
10 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
11 Facebook has done neither. StudiVZ further objects to this request on the grounds
12 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and
13 harassing. StudiVZ further objects to this request on the grounds that the definition
14 of "STUDIVZ" is grossly overbroad.

15 StudiVZ further objects to this request on the grounds that, in granting in part
16 Facebook's request for a continuance on the hearing for StudiVZ's Motion to
17 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
18 Court made its decision based upon the then-pending discovery requests. Likewise,
19 StudiVZ did not oppose Facebook's request to continue the hearing on the personal
20 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing
21 discovery and the disputes related thereto. Had Facebook been upfront with the
22 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
23 propound six additional sets of discovery (including more document demands to
24 StudiVZ than had been propounded before) a few days after the Court issued its
25 ruling, StudiVZ would have opposed Facebook's request to continue even the
26 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ
27 believes that the Court would have ruled differently and would have denied all of
28 the relief requested by Facebook. StudiVZ further objects to this request on the

1 grounds that Facebook has failed to explain (1) why this request was not propounded
2 over four months ago (when Facebook propounded its other discovery), and (2) why
3 StudiVZ should have to respond to a request the response to which would have been
4 due long after the original hearing date of StudiVZ's Motion to Dismiss, which
5 hearing date was selected in consultation with Facebook so that Facebook would
6 have many months to take jurisdictional discovery.

7
8 **REQUEST FOR PRODUCTION NO. 59:**

9 ALL DOCUMENTS IDENTIFYING ANY investors, potential investors,
10 loans, investments, gifts, contributions, offers to purchase, or other forms of
11 financing contributed to or received by STUDIVZ.

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

13 StudiVZ hereby incorporates by reference the general objections set forth
14 above. StudiVZ further objects to this request on the grounds that it is not
15 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
16 entitled to take discovery on personal jurisdiction as a matter of right. In order to
17 do so, Facebook must either make a *prima facie* showing of jurisdiction over
18 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
19 Facebook has done neither. StudiVZ further objects to this request on the grounds
20 that it is compound. StudiVZ further objects to this request on the grounds that it is
21 unlimited as to time, and is so overbroad as to be unduly burdensome and
22 harassing. StudiVZ further objects to this request on the grounds that the definition
23 of "STUDIVZ" is grossly overbroad. StudiVZ further objects to this request on the
24 grounds that it seeks information that is not relevant nor reasonably calculated to
25 lead to the discovery of admissible evidence. StudiVZ further objects to this
26 request on the grounds that it seeks discovery of StudiVZ's trade secrets. StudiVZ
27 further objects to this request on the grounds that it seeks documents that are
28 protected by the right to financial privacy.

1 StudiVZ further objects to this request on the grounds that, in granting in part
2 Facebook's request for a continuance on the hearing for StudiVZ's Motion to
3 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
4 Court made its decision based upon the then-pending discovery requests. Likewise,
5 StudiVZ did not oppose Facebook's request to continue the hearing on the personal
6 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing
7 discovery and the disputes related thereto. Had Facebook been upfront with the
8 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
9 propound six additional sets of discovery (including more document demands to
10 StudiVZ than had been propounded before) a few days after the Court issued its
11 ruling, StudiVZ would have opposed Facebook's request to continue even the
12 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ
13 believes that the Court would have ruled differently and would have denied all of
14 the relief requested by Facebook. StudiVZ further objects to this request on the
15 grounds that Facebook has failed to explain (1) why this request was not propounded
16 over four months ago (when Facebook propounded its other discovery), and (2) why
17 StudiVZ should have to respond to a request the response to which would have been
18 due long after the original hearing date of StudiVZ's Motion to Dismiss, which
19 hearing date was selected in consultation with Facebook so that Facebook would
20 have many months to take jurisdictional discovery.

21
22 **REQUEST FOR PRODUCTION NO. 60:**

23 ALL DOCUMENTS AND COMMUNICATIONS that relate to the
24 STUDIVZ WEBSITES being modeled after or inspired by the FACEBOOK
25 WEBSITE.

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

27 StudiVZ hereby incorporates by reference the general objections set forth
28 above. StudiVZ further objects to this request on the grounds that it is not

1 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
2 entitled to take discovery on personal jurisdiction as a matter of right. In order to
3 do so, Facebook must either make a *prima facie* showing of jurisdiction over
4 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
5 Facebook has done neither. StudiVZ further objects to this request on the grounds
6 that it is compound. StudiVZ further objects to this request on the grounds that it is
7 unlimited as to time, and is so overbroad as to be unduly burdensome and
8 harassing. StudiVZ further objects to this request on the grounds that the definition
9 of “STUDIVZ” is grossly overbroad.

10 StudiVZ further objects to this request on the grounds that, in granting in part
11 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to
12 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
13 Court made its decision based upon the then-pending discovery requests. Likewise,
14 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
15 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
16 discovery and the disputes related thereto. Had Facebook been upfront with the
17 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
18 propound six additional sets of discovery (including more document demands to
19 StudiVZ than had been propounded before) a few days after the Court issued its
20 ruling, StudiVZ would have opposed Facebook’s request to continue even the
21 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
22 believes that the Court would have ruled differently and would have denied all of
23 the relief requested by Facebook. StudiVZ further objects to this request on the
24 grounds that Facebook has failed to explain (1) why this request was not propounded
25 over four months ago (when Facebook propounded its other discovery), and (2) why
26 StudiVZ should have to respond to a request the response to which would have been
27 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which
28 hearing date was selected in consultation with Facebook so that Facebook would

1 have many months to take jurisdictional discovery.

2
3 **REQUEST FOR PRODUCTION NO. 61:**

4 ALL DOCUMENTS AND COMMUNICATIONS that relate to the
5 STUDIVZ WEBSITES' layout being modeled after or inspired by the FACEBOOK
6 WEBSITE.

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

8 StudiVZ hereby incorporates by reference the general objections set forth
9 above. StudiVZ further objects to this request on the grounds that it is not
10 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
11 entitled to take discovery on personal jurisdiction as a matter of right. In order to
12 do so, Facebook must either make a *prima facie* showing of jurisdiction over
13 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
14 Facebook has done neither. StudiVZ further objects to this request on the grounds
15 that it is compound. StudiVZ further objects to this request on the grounds that it is
16 unlimited as to time, and is so overbroad as to be unduly burdensome and
17 harassing. StudiVZ further objects to this request on the grounds that the definition
18 of "STUDIVZ" is grossly overbroad.

19 StudiVZ further objects to this request on the grounds that, in granting in part
20 Facebook's request for a continuance on the hearing for StudiVZ's Motion to
21 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
22 Court made its decision based upon the then-pending discovery requests. Likewise,
23 StudiVZ did not oppose Facebook's request to continue the hearing on the personal
24 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing
25 discovery and the disputes related thereto. Had Facebook been upfront with the
26 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
27 propound six additional sets of discovery (including more document demands to
28 StudiVZ than had been propounded before) a few days after the Court issued its

1 ruling, StudiVZ would have opposed Facebook’s request to continue even the
2 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
3 believes that the Court would have ruled differently and would have denied all of
4 the relief requested by Facebook. StudiVZ further objects to this request on the
5 grounds that Facebook has failed to explain (1) why this request was not propounded
6 over four months ago (when Facebook propounded its other discovery), and (2) why
7 StudiVZ should have to respond to a request the response to which would have been
8 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which
9 hearing date was selected in consultation with Facebook so that Facebook would
10 have many months to take jurisdictional discovery.

11
12 **REQUEST FOR PRODUCTION NO. 62:**

13 ALL DOCUMENTS AND COMMUNICATIONS that relate to the
14 STUDIVZ WEBSITES’ functionality or features being modeled after or inspired by
15 the FACEBOOK WEBSITE.

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

17 StudiVZ hereby incorporates by reference the general objections set forth
18 above. StudiVZ further objects to this request on the grounds that it is not
19 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
20 entitled to take discovery on personal jurisdiction as a matter of right. In order to
21 do so, Facebook must either make a *prima facie* showing of jurisdiction over
22 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
23 Facebook has done neither. StudiVZ further objects to this request on the grounds
24 that it is compound. StudiVZ further objects to this request on the grounds that it is
25 unlimited as to time, and is so overbroad as to be unduly burdensome and
26 harassing. StudiVZ further objects to this request on the grounds that the definition
27 of “STUDIVZ” is grossly overbroad.

28 StudiVZ further objects to this request on the grounds that, in granting in part

1 Facebook's request for a continuance on the hearing for StudiVZ's Motion to
2 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
3 Court made its decision based upon the then-pending discovery requests. Likewise,
4 StudiVZ did not oppose Facebook's request to continue the hearing on the personal
5 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing
6 discovery and the disputes related thereto. Had Facebook been upfront with the
7 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
8 propound six additional sets of discovery (including more document demands to
9 StudiVZ than had been propounded before) a few days after the Court issued its
10 ruling, StudiVZ would have opposed Facebook's request to continue even the
11 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ
12 believes that the Court would have ruled differently and would have denied all of
13 the relief requested by Facebook. StudiVZ further objects to this request on the
14 grounds that Facebook has failed to explain (1) why this request was not propounded
15 over four months ago (when Facebook propounded its other discovery), and (2) why
16 StudiVZ should have to respond to a request the response to which would have been
17 due long after the original hearing date of StudiVZ's Motion to Dismiss, which
18 hearing date was selected in consultation with Facebook so that Facebook would
19 have many months to take jurisdictional discovery.

20
21 **REQUEST FOR PRODUCTION NO. 63:**

22 ALL DOCUMENTS AND COMMUNICATIONS that relate to STUDIVZ'S
23 accessing of the FACEBOOK WEBSITE for commercial purposes.

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

25 StudiVZ hereby incorporates by reference the general objections set forth
26 above. StudiVZ further objects to this request on the grounds that it is not
27 reasonably related to personal jurisdiction and, even if it were, a plaintiff is not
28 entitled to take discovery on personal jurisdiction as a matter of right. In order to

1 do so, Facebook must either make a *prima facie* showing of jurisdiction over
2 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
3 Facebook has done neither. StudiVZ further objects to this request on the grounds
4 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and
5 harassing. Though it is unclear about whose alleged access of the FACEBOOK
6 WEBSITE this request is related, to the extent that it is directed at “STUDIVZ,”
7 StudiVZ objects to this request on the grounds that the definition of “STUDIVZ” is
8 grossly overbroad.

9 StudiVZ further objects to this request on the grounds that, in granting in part
10 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to
11 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District
12 Court made its decision based upon the then-pending discovery requests. Likewise,
13 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal
14 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing
15 discovery and the disputes related thereto. Had Facebook been upfront with the
16 Court and StudiVZ and disclosed the fact that Facebook secretly planned to
17 propound six additional sets of discovery (including more document demands to
18 StudiVZ than had been propounded before) a few days after the Court issued its
19 ruling, StudiVZ would have opposed Facebook’s request to continue even the
20 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ
21 believes that the Court would have ruled differently and would have denied all of
22 the relief requested by Facebook. StudiVZ further objects to this request on the
23 grounds that Facebook has failed to explain (1) why this request was not propounded
24 over four months ago (when Facebook propounded its other discovery), and (2) why
25 StudiVZ should have to respond to a request the response to which would have been
26 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which
27 hearing date was selected in consultation with Facebook so that Facebook would
28 have many months to take jurisdictional discovery.

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DATED: March 4, 2009

GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP

By: 
STEPHEN S. SMITH (SBN 166539)
Attorneys for Defendant StudiVZ Ltd.

GREENBERG GLUSKER FIELDS CLAMAN
& MACHTINGER LLP
1900 Avenue of the Stars, 21st Floor
Los Angeles, California 90067-4590

PROOF OF SERVICE
CCP §1011, CCP §1013a(3)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my business address is 1900 Avenue of the Stars, Suite 2100, Los Angeles, California 90067-4590.

On March 4, 2009, I served the foregoing document described as **STUDIVZ LTD.'S RESPONSES TO FACEBOOK, INC.'S SECOND SET OF REQUESTS FOR PRODUCTION** on the interested parties in this action

by placing the original a true copy thereof enclosed in sealed envelopes addressed as follows:

Thomas Gray, Esq. (**ORIGINAL**)
tgray@orrick.com
Orrick, Herrington & Sutcliffe LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558

Attorneys for Plaintiff Facebook, Inc.

Gary E. Weiss, Esq. (**COPY**)
gweiss@orrick.com
Orrick, Herrington & Sutcliffe LLP
1000 Marsh Road
Menlo Park, CA 94025

BY U.S. MAIL:

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on March 4, 2009, at Los Angeles, California.

BY PERSONAL SERVICE:

I delivered such envelope by hand to the offices of the addressee.

Executed on _____, at Los Angeles, California.

(Fed) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Aaron B. Bloom



SIGNATURE

GREENBERG GLUSKER FIELDS CLAMAN
& MACHTINGER LLP
1900 Avenue of the Stars, 21st Floor
Los Angeles, California 90067-4590

1 STEPHEN S. SMITH (SBN 166539)
SSmith@GreenbergGlusker.com
2 WILLIAM M. WALKER (SBN 145559)
WWalker@GreenbergGlusker.com
3 AARON J. MOSS (SBN 190625)
AMoss@GreenbergGlusker.com
4 GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP
5 1900 Avenue of the Stars, 21st Floor
Los Angeles, California 90067-4590
6 Telephone: 310.553.3610
Fax: 310.553.0687

7 Attorneys for Defendant Holtzbrinck
8 Networks GmbH

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

14 FACEBOOK, INC.,
15 Plaintiff,
16 v.
17 STUDIVZ LTD., HOLTZBRINCK
NETWORKS GmbH,
18 HOLTZBRINCK VENTURES
GmbH, and DOES 1-25,
19 Defendants.

Case No. 5:08-CV-03468 JF
Assigned To: Honorable Jeremy Fogel
**HOLTZBRINCK NETWORKS
GmbH'S RESPONSES TO
FACEBOOK, INC.'S SECOND SET
OF REQUESTS FOR PRODUCTION
OF DOCUMENTS**

Complaint Filed: July 18, 2008

24 PROPOUNDING PARTY: FACEBOOK, INC.
25 RESPONDING PARTY: HOLTZBRINCK NETWORKS GmbH
26 SET NUMBER: TWO

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I. GENERAL OBJECTIONS

A. Holtzbrinck Networks GmbH (“Networks”) objects to the Requests for Production (“Requests”) on the grounds that Facebook seeks the right to use evidence obtained in this action in the action pending between Facebook and StudiVZ in Germany (the “German Action”). It is improper under established law to use this lawsuit or this Court as vehicles to obtain discovery for use in a foreign case when that evidence is located outside the United States, as it is here. It is also inconsistent with the District Court’s form protective order. Networks will only produce evidence pursuant to a protective order specifying that the evidence is not specifically authorized to be used in any other court.

B. Networks objects to the Requests on the grounds that they seek discovery that is not reasonably related to pertinent disputed personal jurisdictional or *forum non conveniens* issues, which is improper given that there are currently pending motions to dismiss all defendants for lack of personal jurisdiction and *forum non conveniens*.

C. Networks objects to the Requests on the grounds that they would require violation of the privacy rights of its employees and its customers as embodied in German and European Union law, including but not limited to the German Constitution, the German Federal Data Protection Act (BDSG), the German Telecommunications Act (TKG), the German Tele Services Data Protection Act (TDDSG), the European Community Data Protection Directive 95/46/EC, Data Protection Directive for Electronic Communication 2002/58/ED and the E-Commerce Directive 2000/31/EC.

1 D. Networks objects to the Requests on the grounds that the definition of
2 “HOTLZBRINCK [sic] NETWORKS GmbH,” “YOU,” and “YOUR” includes
3 Networks’ “directors, officers, predecessors, successors, assigns, agents, servants,
4 employees, investigators, attorneys, AND ALL other persons and entities
5 representing it, acting on its behalf, OR purporting to act on its behalf.” This is
6 improperly overbroad generally and is particularly so given that the discovery
7 purports to relate to personal jurisdiction, since in establishing jurisdiction
8 discovery must be directed at the party only.

9
10 E. Networks objects to the Requests on the grounds that their gross
11 overbreadth would require Networks to incur an unreasonable amount of expense
12 and time to search for and then produce the requested documents.

13
14 F. Networks objects to the Requests to the extent they seek documents
15 that are protected from disclosure by the attorney-client privilege, the attorney work
16 product doctrine, the right of privacy and/or any other applicable privileges,
17 doctrines, or immunity from disclosure.

18
19 G. Networks further objects to the Requests to the extent they attempt or
20 purport to impose obligations on Networks beyond those set forth in the Federal
21 Rules of Civil Procedure and the Hague Convention of 18 March 1970 on the
22 Taking of Evidence Abroad in Civil or Commercial Matters (“Hague Evidence
23 Convention”) as interpreted and enforced under German law. All definitions and
24 instructions will be treated as having no force or effect to the extent they purport to
25 impose obligations on Networks beyond those set forth in the Federal Rules of
26 Civil Procedure or the Hague Evidence Convention as interpreted and enforced
27 under German law.

28

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

2 All DOCUMENTS OR COMMUNICATIONS RELATING TO YOUR
3 knowledge of FACEBOOK's legal claims against STUDIVZ, including, but not
4 limited to, the means by which YOU first gained that knowledge.

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

6 Networks hereby incorporates by reference the general objections set forth
7 above. Networks further objects to this request on the grounds that a plaintiff is not
8 entitled to take discovery on personal jurisdiction as a matter of right. In order to
9 do so, Facebook must either make a *prima facie* showing of jurisdiction over
10 Networks, or it must identify material jurisdictional issues that are in dispute.
11 Facebook has done neither. Networks further objects to this request on the grounds
12 that it is unlimited as to time. Networks further objects to this request on the
13 grounds that it is compound. Networks further objects to this request on the
14 grounds that the definition of "YOU" is grossly overbroad. Networks further
15 objects to this request on the grounds that it seeks information that is not relevant
16 nor reasonably calculated to lead to the discovery of admissible evidence.
17 Networks further objects to this request to the extent it calls for documents covered
18 by the Nondisclosure Agreement dated May 9, 2008, redacted portions of the
19 relevant portions of which have already been produced.

20 Networks further objects to this request on the grounds that it is moot.
21 Namely, Facebook has already filed its opposition to Networks' motion to dismiss
22 for lack of personal jurisdiction and *forum non conveniens*, and these requests are
23 specifically identified as being "relating to personal jurisdiction." In its request to
24 continue the hearings on that and other motions, Facebook asked the District Court
25 to allow it to file supplemental opposition papers with respect to *both* StudiVZ's
26 Motion to Dismiss and the Holtzbrinck defendants' Motion to Dismiss. (Docket
27 No. 77 at 1:25-2:3; Docket No. 77-2). Because the District Court found that
28 Facebook failed to demonstrate any reason to continue the hearing as to the

1 Holtzbrinck defendants (Order at 2:15-17) (Docket No. 92), it denied Facebook’s
2 request to file a supplemental brief with respect to either of the Holtzbrinck
3 defendants. (Order at 2:20-22) (Docket No. 92) (ruling that Facebook would only
4 be “permitted to file a supplemental opposition with respect to whether this Court
5 has personal jurisdiction over StudiVZ in light of any newly discovered material”).

6 Networks further objects to this request on the grounds that it is redundant
7 and duplicative of prior discovery requests as modified by Facebook during the meet
8 and confer process and Networks previously agreed to produce, and did produce, all
9 non-privileged, responsive documents in Networks’ possession, custody or control.

10

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

12 All DOCUMENTS OR COMMUNICATIONS RELATING TO similarities
13 between the FACEBOOK WEBSITE and the STUDIVZ WEBSITES, including,
14 but not limited to, graphical similarities, layout similarities, functional similarities,
15 and feature similarities.

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

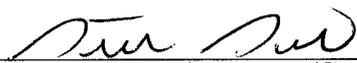
17 Networks hereby incorporates by reference the general objections set forth
18 above. Networks further objects to this request on the grounds that a plaintiff is not
19 entitled to take discovery on personal jurisdiction as a matter of right. In order to
20 do so, Facebook must either make a *prima facie* showing of jurisdiction over
21 Networks, or it must identify material jurisdictional issues that are in dispute.
22 Facebook has done neither. Networks further objects to this request on the grounds
23 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and
24 harassing. Networks further objects to this request on the grounds that it is
25 compound. Networks further objects to this request on the grounds that it assumes
26 facts not in evidence. Networks further objects to this request on the grounds that
27 the definition of “YOU” is grossly overbroad. Networks further objects to this
28 request on the grounds that the term “similarities” is vague and ambiguous,

1 especially in the context of social networking websites, which all have some level of
2 similarity to one another. Networks further objects to this request on the grounds
3 that it seeks information that is not relevant nor reasonably calculated to lead to the
4 discovery of admissible evidence.

5 Networks further objects to this request on the grounds that it is moot.
6 Namely, Facebook has already filed its opposition to Networks' motion to dismiss
7 for lack of personal jurisdiction and *forum non conveniens*, and these requests are
8 specifically identified as being "relating to personal jurisdiction." In its request to
9 continue the hearings on that and other motions, Facebook asked the District Court
10 to allow it to file supplemental opposition papers with respect to *both* StudiVZ's
11 Motion to Dismiss and the Holtzbrinck defendants' Motion to Dismiss. (Docket
12 No. 77 at 1:25-2:3; Docket No. 77-2). Because the District Court found that
13 Facebook failed to demonstrate any reason to continue the hearing as to the
14 Holtzbrinck defendants (Order at 2:15-17) (Docket No. 92), it denied Facebook's
15 request to file a supplemental brief with respect to either of the Holtzbrinck
16 defendants. (Order at 2:20-22) (Docket No. 92) (ruling that Facebook would only
17 be "permitted to file a supplemental opposition with respect to whether this Court
18 has personal jurisdiction over StudiVZ in light of any newly discovered material").

19
20 DATED: March 4, 2009

GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP

21
22 By: 
23 STEPHEN S. SMITH (SBN 166539)
24 Attorneys for Defendant Holtzbrinck
25 Networks GmbH
26
27
28

GREENBERG GLUSKER FIELDS CLAMAN
& MACHTINGER LLP
1900 Avenue of the Stars, 21st Floor
Los Angeles, California 90067-4590

PROOF OF SERVICE
CCP §1011, CCP §1013a(3)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my business address is 1900 Avenue of the Stars, Suite 2100, Los Angeles, California 90067-4590.

On March 4, 2009, I served the foregoing document described as **HOLTZBRINCK NETWORKS GmbH'S RESPONSES TO FACEBOOK, INC.'S SECOND SET OF REQUESTS FOR PRODUCTION** on the interested parties in this action

by placing the original a true copy thereof enclosed in sealed envelopes addressed as follows:

Thomas Gray, Esq. (ORIGINAL)
tgray@orrick.com
Orrick, Herrington & Sutcliffe LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558

Attorneys for Plaintiff Facebook, Inc.

Gary E. Weiss, Esq. (COPY)
gweiss@orrick.com
Orrick, Herrington & Sutcliffe LLP
1000 Marsh Road
Menlo Park, CA 94025

BY U.S. MAIL:

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on March 4, 2009, at Los Angeles, California.

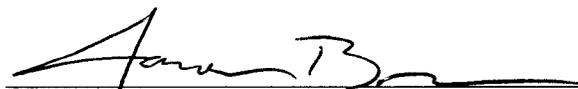
BY PERSONAL SERVICE:

I delivered such envelope by hand to the offices of the addressee.

Executed on _____, at Los Angeles, California.

(Fed) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Aaron B. Bloom


SIGNATURE

PROOF OF SERVICE

1 STEPHEN S. SMITH (SBN 166539)
SSmith@GreenbergGlusker.com
2 WILLIAM M. WALKER (SBN 145559)
WWalker@GreenbergGlusker.com
3 AARON J. MOSS (SBN 190625)
AMoss@GreenbergGlusker.com
4 GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP
5 1900 Avenue of the Stars, 21st Floor
Los Angeles, California 90067-4590
6 Telephone: 310.553.3610
Fax: 310.553.0687

7 Attorneys for Defendant Holtzbrinck
8 Ventures GmbH

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13
14 FACEBOOK, INC.,

15 Plaintiff,

16 v.

17 STUDIVZ LTD., HOLTZBRINCK
NETWORKS GmbH,
18 HOLTZBRINCK VENTURES
GmbH, and DOES 1-25,

19 Defendants.

Case No. 5:08-CV-03468 JF

Assigned To: Honorable Jeremy Fogel

**HOLTZBRINCK VENTURES
GmbH'S RESPONSES TO
FACEBOOK, INC.'S SECOND SET
OF REQUESTS FOR PRODUCTION**

Complaint Filed: July 18, 2008

20
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23 PROPOUNDING PARTY: FACEBOOK, INC.

24 RESPONDING PARTY: HOLTZBRINCK VENTURES GmbH

25 SET NUMBER: TWO
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1 I. GENERAL OBJECTIONS

2
3 A. Holtzbrinck Ventures GmbH (“Ventures”) objects to the Requests for
4 Production (“Requests”) on the grounds that Facebook seeks the right to use
5 evidence obtained in this action in the action pending between Facebook and
6 StudiVZ in Germany (the “German Action”). It is improper under established law
7 to use this lawsuit or this Court as vehicles to obtain discovery for use in a foreign
8 case when that evidence is located outside the United States, as it is here. It is also
9 inconsistent with the District Court’s form protective order. Ventures will only
10 produce evidence pursuant to a protective order specifying that the evidence is not
11 specifically authorized to be used in any other court.

12
13 B. Ventures objects to the Requests on the grounds that they seek
14 discovery that is not reasonably related to pertinent disputed personal jurisdictional
15 or *forum non conveniens* issues, which is improper given that there are currently
16 pending motions to dismiss all defendants for lack of personal jurisdiction and
17 *forum non conveniens*.

18
19 C. Ventures objects to the Requests on the grounds that they would
20 require violation of the privacy rights of its employees and its customers as
21 embodied in German and European Union law, including but not limited to the
22 German Constitution, the German Federal Data Protection Act (BDSG), the
23 German Telecommunications Act (TKG), the German Tele Services Data
24 Protection Act (TDDSG), the European Community Data Protection Directive
25 95/46/EC, Data Protection Directive for Electronic Communication 2002/58/ED
26 and the E-Commerce Directive 2000/31/EC.

1 D. Ventures objects to the Requests on the grounds that the definition of
2 “HOTLZBRINCK [sic] VENTURES GmbH,” “YOU,” and “YOUR” includes
3 Ventures’ “directors, officers, predecessors, successors, assigns, agents, servants,
4 employees, investigators, attorneys, AND ALL other persons and entities
5 representing it, acting on its behalf, OR purporting to act on its behalf.” This is
6 improperly overbroad generally and is particularly so given that the discovery
7 purports to relate to personal jurisdiction, since in establishing jurisdiction
8 discovery must be directed at the party only.

9
10 E. Ventures objects to the Requests on the grounds that their gross
11 overbreadth would require Ventures to incur an unreasonable amount of expense
12 and time to search for and then produce the requested documents.

13
14 F. Ventures objects to the Requests to the extent they seek documents
15 that are protected from disclosure by the attorney-client privilege, the attorney work
16 product doctrine, the right of privacy and/or any other applicable privileges,
17 doctrines, or immunity from disclosure.

18
19 G. Ventures further objects to the Requests to the extent they attempt or
20 purport to impose obligations on Ventures beyond those set forth in the Federal
21 Rules of Civil Procedure and the Hague Convention of 18 March 1970 on the
22 Taking of Evidence Abroad in Civil or Commercial Matters (“Hague Evidence
23 Convention”) as interpreted and enforced under German law. All definitions and
24 instructions will be treated as having no force or effect to the extent they purport to
25 impose obligations on Ventures beyond those set forth in the Federal Rules of Civil
26 Procedure or the Hague Evidence Convention as interpreted and enforced under
27 German law.

28

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

2 All DOCUMENTS OR COMMUNICATIONS RELATING TO YOUR
3 knowledge of FACEBOOK’s legal claims against STUDIVZ, including, but not
4 limited to, the means by which YOU first gained that knowledge.

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

6 Ventures hereby incorporates by reference the general objections set forth
7 above. Ventures further objects to this request on the grounds that a plaintiff is not
8 entitled to take discovery on personal jurisdiction as a matter of right. In order to
9 do so, Facebook must either make a *prima facie* showing of jurisdiction over
10 Ventures, or it must identify material jurisdictional issues that are in dispute.
11 Facebook has done neither. Ventures further objects to this request on the grounds
12 that it is unlimited as to time. Ventures further objects to this request on the
13 grounds that it is compound. Ventures further objects to this request on the grounds
14 that the definition of “YOU” is grossly overbroad. Ventures further objects to this
15 request on the grounds that it seeks information that is not relevant nor reasonably
16 calculated to lead to the discovery of admissible evidence. Ventures further objects
17 to this request to the extent it calls for documents covered by the Nondisclosure
18 Agreement dated May 9, 2008, redacted portions of the relevant portions of which
19 have already been produced.

20 Ventures further objects to this request on the grounds that it is moot.
21 Namely, Facebook has already filed its opposition to Ventures’ motion to dismiss
22 for lack of personal jurisdiction and *forum non conveniens*, and these requests are
23 specifically identified as being “relating to personal jurisdiction.” In its request to
24 continue the hearings on that and other motions, Facebook asked the District Court
25 to allow it to file supplemental opposition papers with respect to *both* StudiVZ’s
26 Motion to Dismiss and the Holtzbrinck defendants’ Motion to Dismiss. (Docket
27 No. 77 at 1:25-2:3; Docket No. 77-2). Because the District Court found that
28 Facebook failed to demonstrate any reason to continue the hearing as to the

1 Holtzbrinck defendants (Order at 2:15-17) (Docket No. 92), it denied Facebook’s
2 request to file a supplemental brief with respect to either of the Holtzbrinck
3 defendants. (Order at 2:20-22) (Docket No. 92) (ruling that Facebook would only
4 be “permitted to file a supplemental opposition with respect to whether this Court
5 has personal jurisdiction over StudiVZ in light of any newly discovered material”).

6 Ventures further objects to this request on the grounds that it is redundant and
7 duplicative of prior discovery requests as modified by Facebook during the meet and
8 confer process and Ventures previously agreed to produce, and did produce, all non-
9 privileged, responsive documents in Ventures’ possession, custody or control.

10
11 **REQUEST FOR PRODUCTION NO. 32:**

12 All DOCUMENTS OR COMMUNICATIONS RELATING TO similarities
13 between the FACEBOOK WEBSITE and the STUDIVZ WEBSITES, including,
14 but not limited to, graphical similarities, layout similarities, functional similarities,
15 and feature similarities.

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

17 Ventures hereby incorporates by reference the general objections set forth
18 above. Ventures further objects to this request on the grounds that a plaintiff is not
19 entitled to take discovery on personal jurisdiction as a matter of right. In order to
20 do so, Facebook must either make a *prima facie* showing of jurisdiction over
21 Ventures, or it must identify material jurisdictional issues that are in dispute.
22 Facebook has done neither. Ventures further objects to this request on the grounds
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26 facts not in evidence. Ventures further objects to this request on the grounds that
27 the definition of “YOU” is grossly overbroad. Ventures further objects to this
28 request on the grounds that the term “similarities” is vague and ambiguous,

1 especially in the context of social networking websites, which all have some level of
2 similarity to one another. Ventures further objects to this request on the grounds
3 that it seeks information that is not relevant nor reasonably calculated to lead to the
4 discovery of admissible evidence.

5 Ventures further objects to this request on the grounds that it is moot.
6 Namely, Facebook has already filed its opposition to Ventures' motion to dismiss
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9 continue the hearings on that and other motions, Facebook asked the District Court
10 to allow it to file supplemental opposition papers with respect to *both* StudiVZ's
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16 defendants. (Order at 2:20-22) (Docket No. 92) (ruling that Facebook would only
17 be "permitted to file a supplemental opposition with respect to whether this Court
18 has personal jurisdiction over StudiVZ in light of any newly discovered material").

19
20 DATED: March 4, 2009

GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP

21
22 By: 

23 STEPHEN S. SMITH (SBN 166539)
24 Attorneys for Defendant Holtzbrinck
25 Ventures GmbH
26
27
28

GREENBERG GLUSKER FIELDS CLAMAN
& MACHTINGER LLP
1900 Avenue of the Stars, 21st Floor
Los Angeles, California 90067-4590

PROOF OF SERVICE
CCP §1011, CCP §1013a(3)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my business address is 1900 Avenue of the Stars, Suite 2100, Los Angeles, California 90067-4590.

On March 4, 2009, I served the foregoing document described as **HOLTZBRINCK VENTURES GmbH'S RESPONSES TO FACEBOOK, INC.'S SECOND SET OF REQUESTS FOR PRODUCTION** on the interested parties in this action

by placing the original a true copy thereof enclosed in sealed envelopes addressed as follows:

Thomas Gray, Esq. (ORIGINAL)
tgray@orrick.com
Orrick, Herrington & Sutcliffe LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558

Attorneys for Plaintiff Facebook, Inc.

Gary E. Weiss, Esq. (COPY)
gweiss@orrick.com
Orrick, Herrington & Sutcliffe LLP
1000 Marsh Road
Menlo Park, CA 94025

BY U.S. MAIL:

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on March 4, 2009, at Los Angeles, California.

BY PERSONAL SERVICE:

I delivered such envelope by hand to the offices of the addressee.

Executed on _____, at Los Angeles, California.

(Fed) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Aaron B. Bloom

SIGNATURE

PROOF OF SERVICE