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and Holtzbrinck 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 STUDI VZ LTD., HOLTZBRINCK
18 NETWORKS GmbH,
HOLTZBRINCK VENTURES
GmbH, and DOES 1-25,

19 Defendants.
20

Case No. 5:08-CV-03468 JF

Assigned To: Honorable Jeremy Fogel

**STUDI VZ LTD.'S SUPPLEMENTAL
RESPONSES TO FACEBOOK,
INC.'S FIRST SET OF REQUESTS
FOR PRODUCTION**

Complaint Filed: July 18, 2008

21
22
23 PROPOUNDING PARTY: FACEBOOK, INC.

24 RESPONDING PARTY: STUDI VZ LTD.

25 SET NUMBER: ONE
26
27
28

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 parents, subsidiaries, 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, including
6 without limitation, Ehassan Dariani and Dennis Bemman." This is improperly
7 overbroad generally and is particularly so given that the discovery purports to relate
8 to personal jurisdiction, since in establishing jurisdiction discovery must be directed
9 at the 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. 1:**

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

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

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 California. Subject to
22 and without waiving the foregoing objections, StudiVZ states as follows:

23 StudiVZ has produced all non-confidential portions of the one negotiated
24 contract to which it was a party that was in effect as of July 18, 2008, where the
25 party on the other side was known by StudiVZ to be a California resident or where
26 the contract expressly called for application of California law.

27
28

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

2 All DOCUMENTS that RELATE TO ANY USER OF STUDIVZ residing
3 OR domiciled in California, including ALL COMMUNICATIONS.

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

5 StudiVZ hereby incorporates by reference the general objections set forth
6 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
7 entitled to take discovery on personal jurisdiction as a matter of right. In order to
8 do so, Facebook must either make a *prima facie* showing of jurisdiction over
9 StudiVZ, or it must identify material jurisdictional issues that are in dispute.

10 Facebook has done neither. StudiVZ further objects to this request on the grounds
11 that the definition of "STUDIVZ" is grossly overbroad. StudiVZ further objects to
12 this request on the grounds that it does not know where its USERS reside or where
13 they are domiciled. Subject to and without waiving the foregoing objections,
14 StudiVZ states as follows:

15 On November 26, 2008, during one of the parties' meet and confer sessions,
16 Facebook withdrew this request.

17
18 **REQUEST FOR PRODUCTION NO. 3:**

19 ALL DOCUMENTS that RELATE TO ANY COMMUNICATION between
20 YOU AND FACEBOOK.

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

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

27 Facebook has done neither. StudiVZ further objects to this request on the grounds
28 that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this

1 request on the grounds that it is unlimited as to time, and is so overbroad as to be
2 unduly burdensome and harassing. StudiVZ further objects to this request on the
3 grounds that it seeks information that is not relevant nor reasonably calculated to
4 lead to the discovery of admissible evidence. StudiVZ further objects to this
5 request to the extent it calls for documents covered by the Nondisclosure
6 Agreement dated May 9, 2008. Subject to and without waiving the foregoing
7 objections, StudiVZ states as follows:

8 As of the period on or near July 18, 2008, the date of the filing of this
9 lawsuit, StudiVZ is aware of only communications between StudiVZ and Facebook
10 related to Facebook's proposed purchase of StudiVZ from Holtzbrinck Networks
11 and Holtzbrinck Ventures. However, those documents are not relevant to any issue
12 in the case, including personal jurisdiction or venue, and are subject to the
13 Nondisclosure Agreement dated May 9, 2008, which provides that the
14 communications and disclosures related to the potential purchase would be not be
15 used for any purpose other than in connection with the potential purchase itself. As
16 to communications between StudiVZ and Facebook that have any relationship to
17 what is alleged by Facebook in its complaint, those communications have been or
18 will be produced.

19
20 **REQUEST FOR PRODUCTION NO. 4:**

21 DOCUMENTS sufficient to IDENTIFY the number AND amount of sales of
22 goods AND services sold OR provided by YOU to current OR former California
23 residents, including PERSONS, businesses, AND USERS OF STUDIVZ.

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

25 StudiVZ hereby incorporates by reference the general objections set forth
26 above. StudiVZ further objects to this request on the grounds that 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 the definition of "YOU" is grossly overbroad. StudiVZ further objects to this
4 request on the grounds that it is unlimited as to time, and is so overbroad as to be
5 unduly burdensome and harassing. Subject to and without waiving the foregoing
6 objections, StudiVZ states as follows:

7 As of July 18, 2008, StudiVZ did not have any accounts receivables that
8 were owed by any known California resident(s) to StudiVZ. Accordingly, after a
9 reasonable and diligent search, no documents responsive to this Request as limited
10 to the time period at which this lawsuit was filed were found.

11
12 **REQUEST FOR PRODUCTION NO. 5:**

13 DOCUMENTS THAT RELATE TO the relationship of VERLAGSGRUPPE
14 GEORG VON HOLTZBRINCK GmBH, HOLTZBRINCK NETWORKS GmBH,
15 AND HOLTZBRINCK VENTURES GmBH to OR with STUDIVZ, including
16 without limitation, the investments of VERLAGSGRUPPE GEORG VON
17 HOLTZBRINCK GmBH, HOLTZBRINCK NETWORKS GmBH, AND
18 HOLTZBRINCK VENTURES GmBH, in, AND control OR influence over
19 STUDIVZ.

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

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

1 information that is not relevant nor reasonably calculated to lead to the discovery of
2 admissible evidence. Subject to and without waiving the foregoing objections,
3 StudiVZ states as follows:

4 On November 26, 2008, during one of the parties' meet and confer sessions,
5 Facebook limited this request to due diligence, investment transaction documents
6 and StudiVZ board minutes that mention Facebook. Subject to this limitation,
7 StudiVZ has produced or will produce all non-confidential portions of responsive
8 documents in its possession, custody or control.

9
10 **REQUEST FOR PRODUCTION NO. 6:**

11 DOCUMENTS sufficient to describe in detail the organizational structure of
12 STUDIVZ from its creation until the present, including DOCUMENTS sufficient to
13 identify ALL shareholders, officers, employees, investors, AND directors.

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

15 StudiVZ hereby incorporates by reference the general objections set forth
16 above. StudiVZ further objects to this request on the grounds that 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 the definition of "STUDIVZ" is grossly overbroad. StudiVZ further objects to
22 this request on the grounds that it is unlimited as to time, and is so overbroad as to
23 be unduly burdensome and harassing. 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. Subject to and without waiving the
26 foregoing objections, StudiVZ states as follows:

27 On November 26, 2008, during one of the parties' meet and confer sessions,
28 Facebook limited this request to StudiVZ's organizational charts that go down to

1 the Vice Presidential level and cover Engineering and Product Management.
2 Subject to this limitation, StudiVZ has produced all responsive documents in its
3 possession, custody or control.
4

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

6 DOCUMENTS that RELATE TO STUDIVZ's business OR corporate
7 records, including without limitation, meeting minutes, Articles of Incorporation,
8 operating agreements, stock agreements, AND ANY DOCUMENTS that RELATE
9 TO STUDIVZ's observance of corporate formalities, as well as Units, Capital
10 Accounts. AND Management Reports.

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

12 StudiVZ hereby incorporates by reference the general objections set forth
13 above. StudiVZ further objects to this request on the grounds that 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 the definition of "STUDIVZ" is grossly overbroad. StudiVZ further objects to
19 this request on the grounds that it is unlimited as to time, and is so overbroad as to
20 be unduly burdensome and harassing. 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. Subject to and without waiving the
23 foregoing objections, StudiVZ states as follows:

24 On November 26, 2008, during one of the parties' meet and confer sessions,
25 Facebook limited this request to corporate formation documents. Subject to this
26 limitation, StudiVZ has produced all non-confidential portions of responsive
27 documents in its possession, custody or control.
28

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

2 DOCUMENTS that RELATE TO STUDIVZ's financial history, including
3 without limitation, financial reports, profit/loss statements, budgets, financial
4 planning DOCUMENTS, accounts payable, accounts receivable, AND loan
5 DOCUMENTS, as well as Financial Reports, Capital Accounts, AND Adjusted
6 Capital Accounts.

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

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 "STUDIVZ" is grossly overbroad. StudiVZ further objects to
15 this request on the grounds that it is unlimited as to time, and is so overbroad as to
16 be unduly burdensome and harassing. StudiVZ further objects to this request on the
17 grounds that it seeks information that is not relevant nor reasonably calculated to
18 lead to the discovery of admissible evidence. Subject to and without waiving the
19 foregoing objections, StudiVZ states as follows:

20 On November 26, 2008, during one of the parties' meet and confer sessions,
21 Facebook informed StudiVZ that Facebook was putting this request "on hold" and
22 that Facebook would not bring a motion to compel with respect to this request.
23 Facebook has not pursued, and has not further discussed, this request during
24 subsequent meet and confer sessions.

25
26 **REQUEST FOR PRODUCTION NO. 9:**

27 DOCUMENTS that RELATE TO ANY contacts OR COMMUNICATIONS
28 YOU have had with PERSONS currently OR formerly residing OR domiciled in

1 California; businesses (including without limitation, Internet search engines
2 providers such as Google Inc. AND Yahoo! Inc., server providers, advertising
3 agencies, advertisers, Internet service providers, computer equipment providers,
4 YOUR licensors AND licensees) currently OR formerly located, licensed, based,
5 OR incorporated in California; AND universities, colleges, high schools located in
6 California, including without limitation, letters, emails, advertising materials,
7 business solicitations, business contacts, telephonic conversations, facsimile
8 transmissions, AND trips to California.

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

10 StudivZ hereby incorporates by reference the general objections set forth
11 above. StudivZ further objects to this request on the grounds that 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 the definition of "YOU" is grossly overbroad. StudivZ further objects to this
17 request on the grounds that it is unlimited as to time, and is so overbroad as to be
18 unduly burdensome and harassing. StudivZ further objects to this request on the
19 grounds that it is compound. StudivZ further objects to this request on the grounds
20 that it seeks information that is not relevant nor reasonably calculated to lead to the
21 discovery of admissible evidence. Subject to and without waiving the foregoing
22 objections, StudivZ states as follows:

23 On November 26, 2008, during one of the parties' meet and confer sessions,
24 StudivZ agreed to produce any contracts in effect as of July 18, 2008, the date this
25 lawsuit was filed, with a known California resident or that expressly called for the
26 application of California law and any accounts payable or accounts receivable that
27 were owing to or from a known California resident as of July 18, 2008. After a
28 reasonable and diligent search, one such contract was found and produced and it

1 was discovered that StudiVZ did not have any accounts receivables or accounts
2 payable that existed with a known California resident as of July 18, 2008.

3
4 **REQUEST FOR PRODUCTION NO. 10:**

5 DOCUMENTS sufficient to show, on a monthly basis, how many USERS
6 OF STUDIVZ have been registered on www.studivz.net, www.meinvz.net,
7 www.studiqg.fr, www.studiln.it, www.estudiln.net, www.studentix.pl, AND
8 www.schuelervz.net since October 2005, AND how many of those USERS OF
9 STUDIVZ are residents of California.

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

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 it so overbroad as to be unduly burdensome and harassing. StudiVZ further
18 objects to this request on the grounds that it seeks information that is not relevant
19 nor reasonably calculated to lead to the discovery of admissible evidence. Subject
20 to and without waiving the foregoing objections, StudiVZ states as follows:

21 StudiVZ cannot go back into time to search its user records to determine on
22 any given date the number of users it has who are residents of California or who
23 have identified some affiliation with a California college or university. It can only
24 conduct such a search on a then-current basis. StudiVZ conducted two such
25 searches in October 2008 in connection with its then-anticipated motion to dismiss,
26 which has since been filed. The first was conducted on or about October 14, 2008.
27 At that time, there were a total of 11,628,863 users of all StudiVZ Websites. Only
28 10,272 of those users had identified themselves as being affiliated with California

1 or a California-located university. Specifically, out of the 5,509,971 registered
2 users of the StudiVZ- branded sites, only 8,547 identified themselves as affiliated
3 with universities located in California. Out of the 4,396,184 registered users of the
4 SchuelerVZ-branded sites, only 122 identified themselves as being located in
5 California. Out of the 1,722,708 registered users of the MeinVZ-branded sites,
6 only 1,603 identified themselves as being located in California. There are no
7 documents related to that search, other than attorney-client privileged
8 communications from StudiVZ to its counsel reciting the statistics.

9 The second search was done on or about October 22, 2008. At that time,
10 there were a total of 11,768,965 users of all StudiVZ Websites. Only 11,013 of
11 those users had identified themselves as being affiliated with California or a
12 California-located university. Specifically, out of the 5,534,300 registered users of
13 the StudiVZ-branded sites, only 9,144 had identified themselves as affiliated with
14 universities located in California. Out of the 4,443,708 registered users of the
15 SchuelerVZ-branded sites, only 122 identified themselves as being located in
16 California. Out of the 1,790,957 registered users of the MeinVZ-branded sites, only
17 1,747 identified themselves as being located in California. There is an excel
18 spreadsheet that StudiVZ used to compile the numbers from that search, which will
19 be produced. There are no other documents related to that search.

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

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

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

27 StudiVZ hereby incorporates by reference the general objections set forth
28 above. StudiVZ further objects to this request on the grounds that 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 the definition of "YOU" is grossly overbroad. StudiVZ further objects to this
6 request on the grounds that it so overbroad as to be unduly burdensome and
7 harassing. StudiVZ further objects to this request on the grounds that it seeks
8 information that is not relevant nor reasonably calculated to lead to the discovery of
9 admissible evidence. Subject to and without waiving the foregoing objections,
10 StudiVZ states as follows:

11 After a reasonable and diligent search, no responsive documents were found
12 for the time period at or about July 18, 2008, the date this lawsuit was filed.

13
14 **REQUEST FOR PRODUCTION NO. 12:**

15 DOCUMENTS sufficient to show ALL of YOUR current AND former
16 personal OR real property currently OR previously located in California.

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

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 "YOU" is grossly overbroad. Subject to and without waiving
25 the foregoing objections, StudiVZ states as follows:

26 After a reasonable and diligent search, no responsive documents were found.
27
28

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

2 ALL contracts involving YOU in which California law governs.

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

4 StudiVZ hereby incorporates by reference the general objections set forth
5 above. StudiVZ further objects to this request on the grounds that 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 the definition of "YOU" is grossly overbroad. StudiVZ further objects to this
11 request on the grounds that it so overbroad as to be unduly burdensome and
12 harassing. StudiVZ further objects to this request on the grounds that it does not
13 exclude contracts of adhesion. StudiVZ further objects to this request on the
14 grounds that it seeks information that is not relevant nor reasonably calculated to
15 lead to the discovery of admissible evidence. Subject to and without waiving the
16 foregoing objections, StudiVZ states as follows:

17 StudiVZ has produced all non-confidential portions of the one negotiated
18 contract to which it was a party that was in effect as of July 18, 2008, where the
19 party on the other side was known by StudiVZ to be a California resident or where
20 the contract expressly called for application of California law. Even that one
21 contract does not clearly call for the application of California law. One provision
22 refers to California law, but the more specific provision calls for the application of
23 German law.

24
25 **REQUEST FOR PRODUCTION NO. 14:**

26 ALL DOCUMENTS RELATED TO instances when YOU accessed
27 FACEBOOK website, www.facebook.com OR www.thefacebook.com.

28

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

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

13 Despite numerous conferences with counsel to meet and confer in an attempt
14 to narrow this request, the parties have been unable to come to agreement on the
15 appropriate scope of this request.

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

18 IDENTIFY ALL of YOUR licenses OR registrations regarding the ability to
19 do business in California.

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

21 StudivZ hereby incorporates by reference the general objections set forth
22 above. StudivZ further objects to this request on the grounds that a plaintiff is not
23 entitled to take discovery on personal jurisdiction as a matter of right. In order to
24 do so, Facebook must either make a *prima facie* showing of jurisdiction over
25 StudivZ, or it must identify material jurisdictional issues that are in dispute.
26 Facebook has done neither. StudivZ further objects to this request on the grounds
27 that the definition of "YOUR" is grossly overbroad. Subject to and without
28 waiving the foregoing objections, StudivZ states as follows:

1 After a reasonable and diligent search, no responsive documents were found.
2

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

4 ALL DOCUMENTS RELATED TO the services provided by
5 www.studivz.net, www.meinvz.net, www.studiqq.fr, www.studiln.it,
6 www.estudiln.net, www.studentix.pl, AND www.schuelervz.net to USERS OF
7 STUDIVZ, including how they are provided.

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

9 StudiVZ hereby incorporates by reference the general objections set forth
10 above. StudiVZ further objects to this request on the grounds that 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 unlimited as to time, and is so overbroad as to be unduly burdensome and
16 harassing. StudiVZ further objects to this request on the grounds that it seeks
17 information that is not relevant nor reasonably calculated to lead to the discovery of
18 admissible evidence. Subject to and without waiving the foregoing objections,
19 StudiVZ states as follows:

20 On November 26, 2008, during one of the parties' meet and confer sessions,
21 Facebook's counsel, Annette Hurst, agreed that this request was too broad and
22 informed StudiVZ's counsel that Facebook would reconsider what, if anything,
23 Facebook really needed. On December 23, 2008, during another one of the parties'
24 meet and confer sessions, Facebook's new counsel, Thomas Gray, proposed to
25 "limit" this request to documents regarding the design, development and
26 implementation of StudiVZ's websites. Since the proposed "limitation"
27 encompasses categories beyond the actual request and would make this request
28 even more broad, StudiVZ rejected Facebook's proposed "limitation."

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

2 ALL DOCUMENTS RELATED TO the circumstances surrounding the
3 formation of STUDIVZ as a company, including filings, investments,
4 communications, capitalization, directors, officers, attorneys, investors, AND
5 reasons for the formation.

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

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 "STUDIVZ" is grossly overbroad. StudiVZ further objects to
14 this request on the grounds that it is unlimited as to time, and is so overbroad as to
15 be 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. Subject to and without waiving the
18 foregoing objections, StudiVZ states as follows: Subject to and without waiving
19 the foregoing objections, StudiVZ states as follows:

20 On November 26, 2008, during one of the parties' meet and confer sessions,
21 StudiVZ agreed to produce a somewhat more limited category of responsive
22 documents -- i.e., the documents that constitute the actual corporate formation of
23 StudiVZ -- and those documents have been produced.

24
25 **REQUEST FOR PRODUCTION NO. 18:**

26 ALL DOCUMENTS RELATED TO current AND former directors, officers,
27 employees, AND agents of STUDIVZ, including DOCUMENTS RELATED TO
28 dates in these positions, duties, authorities, AND responsibilities.

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

2 StudiVZ hereby incorporates by reference the general objections set forth
3 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
4 entitled to take discovery on personal jurisdiction as a matter of right. In order to do
5 so, Facebook must either make a *prima facie* showing of jurisdiction over StudiVZ,
6 or it must identify material jurisdictional issues that are in dispute. Facebook has
7 done neither. 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. Subject to and without waiving the
13 foregoing objections, StudiVZ states as follows:

14 On November 26, 2008, during one of the parties' meet and confer sessions,
15 Facebook limited this request to StudiVZ's organizational charts that go down to
16 the Vice Presidential level and cover Engineering and Product Management.
17 Subject to this limitation, StudiVZ has produced all responsive documents in its
18 possession, custody or control.

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

21 ALL DOCUMENTS RELATED TO YOUR promotions AND marketing
22 activities directed, at least in part, at California residents.

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

24 StudiVZ hereby incorporates by reference the general objections set forth
25 above. StudiVZ further objects to this request on the grounds that 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 the definition of “YOUR” is grossly overbroad. StudiVZ further objects to this
3 request on the grounds that it is unlimited as to time, and is so overbroad as to be
4 unduly burdensome and harassing. 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. Subject to and without waiving the
7 foregoing objections, StudiVZ states as follows:

8 After a reasonable and diligent search, no responsive documents were found.
9

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

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 California, including the nature of each relationship,
14 including the name of each business, whether each business is incorporated,
15 located, based OR has facilities OR offices located in California, AND the nature of
16 the relationship, including ANY goods OR services provided.

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

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. Subject to and without waiving the

1 foregoing objections, StudiVZ states as follows:

2 On November 26, 2008, during one of the parties' meet and confer sessions,
3 StudiVZ agreed to produce any contracts in effect as of July 18, 2008, the date this
4 lawsuit was filed, with a known California resident or that expressly called for the
5 application of California law and any accounts payable or accounts receivable that
6 were owing to or from a known California resident as of July 18, 2008. After a
7 reasonable and diligent search, one such contract was found and produced and it
8 was discovered that StudiVZ did not have any accounts receivable or accounts
9 payable that existed with a known California resident as of July 18, 2008.

10
11 **REQUEST FOR PRODUCTION NO. 21:**

12 DOCUMENTS sufficient to show the ownership of STUDIVZ, including
13 without limitation PERSON'S names, amounts they contributed OR invested, AND
14 their percent ownership OR control on a by-PERSON basis.

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

16 StudiVZ hereby incorporates by reference the general objections set forth
17 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
18 entitled to take discovery on personal jurisdiction as a matter of right. In order to
19 do so, Facebook must either make a *prima facie* showing of jurisdiction over
20 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
21 Facebook has done neither. StudiVZ further objects to this request on the grounds
22 that the definition of "STUDIVZ" is grossly overbroad. StudiVZ further objects to
23 this request on the grounds that it is unlimited as to time, and is so overbroad as to
24 be unduly burdensome and harassing. 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. Subject to and without waiving the
27 foregoing objections, StudiVZ states as follows:

28 StudiVZ has produced such responsive documents.

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

2 ALL DOCUMENTS RELATED TO universities, colleges, high schools,
3 AND institutes of higher learning located in California at which STUDIVZ
4 provides OR provided services including without limitation access to
5 www.studivz.net, www.meinvz.net, www.studiqq.fr, www.studiln.it,
6 www.estudiln.net, www.studentix.pl, AND www.schuelervz.net, including without
7 limitation University of California (ALL campuses), California State University
8 (ALL campuses), as well as the USERS OF STUDIVZ using email domains (e.g.,
9 name@stanford.edu) from those universities, colleges, high schools, AND institutes
10 of higher learning.

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

12 StudiVZ hereby incorporates by reference the general objections set forth
13 above. StudiVZ further objects to this request on the grounds that 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 the definition of "STUDIVZ" is grossly overbroad. Subject to and without
19 waiving the foregoing objections, StudiVZ states as follows:

20 On November 26, 2008, during one of the parties' meet and confer sessions,
21 Facebook withdrew this request. At that time, Facebook's counsel stated that
22 Facebook was not interested in high schools, that Facebook would try to come up
23 with a limitation on this request, and that Facebook might re-propound this request
24 on a school by school basis. Facebook has not pursued, and has not further
25 discussed, this request during subsequent meet and confer sessions.

26 ///

27 ///

28 ///

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

2 ALL versions of COMPUTER CODE YOU wrote, programmed OR helped
3 develop that RELATES TO www.studivz.net, www.meinvz.net, www.studiqq.fr,
4 www.studiln.it, www.estudiln.net, www.studentix.pl, AND www.schuelervz.net.

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

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 "YOU" 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 Despite numerous conferences with counsel to meet and confer in an attempt
18 to narrow this request, the parties have been unable to come to agreement on the
19 appropriate scope of this request.

20
21 **REQUEST FOR PRODUCTION NO. 24:**

22 A copy of ALL executable versions of COMPUTER CODE YOU use, used,
23 developed OR helped develop that RELATES TO www.studivz.net,
24 www.meinvz.net, www.studiqq.fr, www.studiln.it, www.estudiln.net,
25 www.studentix.pl, AND www.schuelervz.net.

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

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

1 entitled to take discovery on personal jurisdiction as a matter of right. I 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 the definition of “YOU” is grossly overbroad. StudiVZ further objects to this
6 request on the grounds that it is unlimited as to time, and is so overbroad as to be
7 unduly burdensome and harassing. 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. Subject to and without waiving the
10 foregoing objections, StudiVZ states as follows:

11 On November 26, 2008, during one of the parties’ meet and confer sessions,
12 Facebook’s counsel stated StudiVZ should “put a pin in that one” because she did
13 not know why Facebook wanted executable code. Accordingly, and in reliance
14 upon that statement by Facebook’s counsel, StudiVZ has not taken any further
15 action with respect to this request.
16

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

18 ALL COMMUNICATIONS that RELATE TO FACEBOOK, its website,
19 OR the servers it uses, used, accesses OR accessed.

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

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

1 information that is not relevant nor reasonably calculated to lead to the discovery of
2 admissible evidence.

3 Despite numerous conferences with counsel to meet and confer in an attempt
4 to narrow this request, the parties have been unable to come to agreement on the
5 appropriate scope of this request.

6
7 **REQUEST FOR PRODUCTION NO. 26:**

8 ALL COMMUNICATIONS that RELATE TO OR REFER TO
9 FACEBOOK.

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

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 it is 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 it seeks
19 information that is not relevant nor reasonably calculated to lead to the discovery of
20 admissible evidence.

21 Despite numerous conferences with counsel to meet and confer in an attempt
22 to narrow this request, the parties have been unable to come to agreement on the
23 appropriate scope of this request.

24
25 **REQUEST FOR PRODUCTION NO. 27:**

26 A copy of ALL versions of COMPUTER CODE (including, without
27 limitation, source code, object code and scripts) YOU wrote, which YOU used OR
28 use, OR for which YOU paid that was designed to extract information from any

1 website, including thefacebook.com OR facebook.com.

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

3 StudiVZ hereby incorporates by reference the general objections set forth
4 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
5 entitled to take discovery on personal jurisdiction as a matter of right. In order to
6 do so, Facebook must either make a *prima facie* showing of jurisdiction over
7 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
8 Facebook has done neither. StudiVZ further objects to this request on the grounds
9 that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this
10 request on the grounds that it is unlimited as to time, and is so overbroad as to be
11 unduly burdensome and harassing. StudiVZ further objects to this request on the
12 grounds that it seeks information that is not relevant nor reasonably calculated to
13 lead to the discovery of admissible evidence. Subject to and without waiving the
14 foregoing objections, StudiVZ states as follows:

15 After a reasonable and diligent search, no responsive documents were found.

16
17 **REQUEST FOR PRODUCTION NO. 28:**

18 ALL DOCUMENTS related to any account YOU created to access any
19 FACEBOOK website, including thefacebook.com AND facebook.com.

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

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

1 unduly burdensome and harassing. StudiVZ further objects to this request on the
2 grounds that it seeks information that is not relevant nor reasonably calculated to
3 lead to the discovery of admissible evidence.

4 Despite numerous conferences with counsel to meet and confer in an attempt
5 to narrow this request, the parties have been unable to come to agreement on the
6 appropriate scope of this request.

7
8 **REQUEST FOR PRODUCTION NO. 29:**

9 ALL COMMUNICATIONS OR DOCUMENTS concerning or that
10 RELATE TO the use of any server, including proxy server, to access
11 FACEBOOK's server(s) OR website(s).

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

13 StudiVZ hereby incorporates by reference the general objections set forth
14 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
15 entitled to take discovery on personal jurisdiction as a matter of right. In order to
16 do so, Facebook must either make a *prima facie* showing of jurisdiction over
17 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
18 Facebook has done neither. StudiVZ further objects to this request on the grounds
19 that it is 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 it seeks
21 information that is not relevant nor reasonably calculated to lead to the discovery of
22 admissible evidence.

23 Despite numerous conferences with counsel to meet and confer in an attempt
24 to narrow this request, the parties have been unable to come to agreement on the
25 appropriate scope of this request.

26 ///

27 ///

28 ///

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

2 ALL DOCUMENTS reflecting, associated with, OR that RELATE TO any
3 of YOUR responses to Interrogatories in this action.

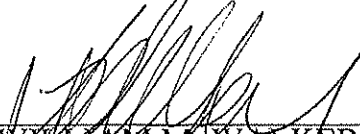
4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

5 StudiVZ hereby incorporates by reference the general objections set forth
6 above. StudiVZ further objects to this request on the grounds that a plaintiff is not
7 entitled to take discovery on personal jurisdiction as a matter of right. In order to do
8 so, Facebook must either make a *prima facie* showing of jurisdiction over StudiVZ,
9 or it must identify material jurisdictional issues that are in dispute. Facebook has
10 done neither. StudiVZ further objects to this request on the grounds that it is
11 unlimited as to time, and is so overbroad as to be unduly burdensome and
12 harassing. StudiVZ further objects to this request on the grounds that it seeks
13 information that is not relevant nor reasonably calculated to lead to the discovery of
14 admissible evidence. Subject to and without waiving the foregoing objections,
15 StudiVZ states as follows:

16 StudiVZ has produced or will produce the specific documents identified in its
17 interrogatory responses.

18 DATED: January 9, 2009

GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP

20
21 By: 
22 WILLIAM M. WALKER (SBN 145559)
23 Attorneys for Defendants StudiVZ Ltd.,
24 Holtzbrinck Networks GmbH, and
25 Holtzbrinck 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 January 9, 2009, I served the foregoing document described as **STUDIVZ LTD.'S SUPPLEMENTAL RESPONSES TO FACEBOOK, INC.'S FIRST 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

BOTH BY E-MAIL AND 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. A true and correct copy of the document was also e-mailed to Thomas Gray, Esq., tgray@orrick.com, and to Gary E. Weiss, Esq. at gweiss@orrick.com.

Executed on January 9, 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.

Nancy L. Luis


SIGNATURE

PROOF OF SERVICE