

EXHIBIT C

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 Defendants
8 StudiVZ Ltd., Holtzbrinck Networks GmbH,
and Holtzbrinck Ventures GmbH
9

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
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

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

Complaint Filed: July 18, 2008

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22
23 PROPOUNDING PARTY: FACEBOOK, INC.

24 RESPONDING PARTY: STUDIVZ LTD.

25 SET NUMBER: ONE
26
27
28

1 I. GENERAL OBJECTIONS

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

12
13 B. StudiVZ objects to the Requests on the grounds that they seek
14 discovery that goes to the merits and is not confined to disputed jurisdictional
15 issues, which is improper given that there are currently pending motions to dismiss
16 all defendants for lack of personal jurisdiction. StudiVZ has filed a motion for a
17 protective order to prevent any discovery on any issue other than material, disputed
18 issues of personal jurisdiction while the motions to dismiss remain pending.

19
20 C. StudiVZ objects to the Requests on the grounds that they would
21 require violation of the privacy rights of its employees and its customers as
22 embodied in the German Constitution and the German Federal Data Protection Act
23 (BDSG).

24
25 D. StudiVZ objects to the Requests on the grounds that the definition of
26 “STUDIVZ,” “YOU,” and “YOUR” includes StudiVZ’s “directors, officers,
27 parents, subsidiaries, predecessors, successors, assigns, agents, servants,
28 employees, investigators, attorneys, AND ALL other persons and entities

1 representing it acting on its behalf, OR purporting to act on its behalf, including
2 without limitation, Ehassan Dariani and Dennis Bemman.” This is improperly
3 overbroad generally and is particularly so given that the discovery purports to relate
4 to personal jurisdiction, since in establishing jurisdiction discovery must be directed
5 at the party only.

6
7 E. StudiVZ objects to the Requests on the grounds that their gross
8 overbreadth would require StudiVZ to incur an unreasonable amount of expense
9 and time to search for and then produce the requested documents.

10
11 F. StudiVZ objects to the Requests to the extent they seek documents that
12 are protected from disclosure by the attorney-client privilege, the attorney work
13 product doctrine, the right of privacy and/or any other applicable privileges,
14 doctrines, or immunity from disclosure.

15
16 G. StudiVZ further objects to the Requests to the extent they attempt or
17 purport to impose obligations on StudiVZ beyond those set forth in the Federal
18 Rules of Civil Procedure. All definitions and instructions will be treated as having
19 no force or effect to the extent they purport to impose obligations on StudiVZ
20 beyond those set forth in the Federal Rules of Civil Procedure.

21
22 **REQUEST FOR PRODUCTION NO. 1:**

23 All DOCUMENTS that RELATE TO ANY contracts OR agreements
24 between YOU AND ANY business licensed, located, based, OR incorporated in
25 California OR ANY PERSON currently OR formerly residing OR domiciled in
26 California.

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

28 StudiVZ hereby incorporates by reference the general objections set

1 forth above. StudiVZ further objects to this request on the grounds that a plaintiff
2 is not entitled to take discovery on personal jurisdiction as a matter of right. In
3 order to do so, Facebook must either make a *prima facie* showing of jurisdiction
4 over 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 is unlimited as to time, and is so overbroad as to be
8 unduly burdensome and harassing. StudiVZ further objects to this request on the
9 grounds that it seeks information that is not relevant nor reasonably calculated to
10 lead to the discovery of admissible evidence. StudiVZ further objects to this
11 request on the grounds that it does not exclude contracts of adhesion, which are
12 irrelevant to any issue of personal jurisdiction or forum non conveniens. StudiVZ
13 further objects to this request on the grounds that it is not limited to contracts
14 StudiVZ knew were with businesses or residents located in California. Subject to
15 and without waiving the foregoing objections, StudiVZ states as follows:

16 After resolution of the issues raised by StudiVZ’s general objections and
17 entry of an appropriate protective order, StudiVZ will agree to produce non-
18 confidential portions, if any, of the negotiated contracts (i.e. not adhesion contracts)
19 to which it was a party that were in effect as of July 18, 2008, where the party on
20 the other side was known by StudiVZ to be a California resident or where the
21 contract expressly called for application of California law.

22
23 **REQUEST FOR PRODUCTION NO. 2:**

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

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

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 “STUDIVZ” is grossly overbroad. StudiVZ further objects to
6 this request on the grounds that it does not know where its USERS reside or where
7 they are domiciled.

8
9 **REQUEST FOR PRODUCTION NO. 3:**

10 ALL DOCUMENTS that RELATE TO ANY COMMUNICATION between
11 YOU AND FACEBOOK.

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

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 the definition of “YOU” is grossly overbroad. StudiVZ further objects to this
20 request on the grounds that it is unlimited as to time, and is so overbroad as to be
21 unduly burdensome and harassing. 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 interrogatory to the extent it calls for documents covered by the Nondisclosure
25 Agreement dated May 9, 2008.

26
27 **REQUEST FOR PRODUCTION NO. 4:**

28 DOCUMENTS sufficient to IDENTIFY the number AND amount of sales of

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 After resolution of the issues raised by StudiVZ's general objections and
5 entry of an appropriate protective order, StudiVZ will agree to produce documents
6 sufficient to show the number and amount of sales and accounts receivable owed to
7 StudiVZ by California addresses in May, June and July 2008.

8
9 **REQUEST FOR PRODUCTION NO. 12:**

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

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

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

21 After resolution of the issues raised by StudiVZ's general objections and
22 entry of an appropriate protective order, StudiVZ will agree to produce documents
23 sufficient to show any real or personal property it owns in California.

24
25 **REQUEST FOR PRODUCTION NO. 13:**

26 ALL contracts involving YOU in which California law governs.

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

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 does not
9 exclude contracts of adhesion. StudiVZ further objects to this request on the
10 grounds that it seeks information that is not relevant nor reasonably calculated to
11 lead to the discovery of admissible evidence. Subject to and without waiving the
12 foregoing objections, StudiVZ states as follows:

13 After resolution of the issues raised by StudiVZ’s general objections and
14 entry of an appropriate protective order, StudiVZ will agree to produce non-
15 confidential portions, if any, of the negotiated contracts (i.e. not adhesion contracts)
16 to which it was a party that were in effect as of July 18, 2008, where the party on
17 the other side was known by StudiVZ to be a California resident or where the
18 contract expressly called for application of California law.

19
20 **REQUEST FOR PRODUCTION NO. 14:**

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

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

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

7
8 **REQUEST FOR PRODUCTION NO. 15:**

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

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

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 “YOUR” is grossly overbroad. Subject to and without
19 waiving the foregoing objections, StudiVZ states as follows:

20 After resolution of the issues raised by StudiVZ’s general objections and
21 entry of an appropriate protective order, StudiVZ will agree to produce any of its
22 licenses or registrations to do business in California as of July 18, 2008.

23
24 **REQUEST FOR PRODUCTION NO. 16:**

25 ALL DOCUMENTS RELATED TO the services provided by
26 www.studivz.net, www.meinvz.net, www.studiqg.fr, www.studiln.it,
27 www.estudiln.net, www.studentix.pl, AND www.schuelervz.net to USERS OF
28 STUDIVZ, including how they are provided.

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

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

12
13 **REQUEST FOR PRODUCTION NO. 17:**

14 ALL DOCUMENTS RELATED TO the circumstances surrounding the
15 formation of STUDIVZ as a company, including filings, investments,
16 communications, capitalization, directors, officers, attorneys, investors, AND
17 reasons for the formation.

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

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 is unlimited as to time, and is so overbroad as to
27 be unduly burdensome and harassing. StudiVZ further objects to this request on the
28 grounds that it seeks information that is not relevant nor reasonably calculated to

1 foregoing objections, StudiVZ states as follows:

2 After resolution of the issues raised by StudiVZ's general objections and
3 entry of an appropriate protective order, StudiVZ will agree to produce documents
4 sufficient to show who owns StudiVZ.

5
6 **REQUEST FOR PRODUCTION NO. 22:**

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

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

17 StudiVZ hereby incorporates by reference the general objections set forth
18 above. StudiVZ 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 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
22 Facebook has done neither. StudiVZ further objects to this request on the grounds
23 that the definition of "STUDIVZ" is grossly overbroad.

24
25 **REQUEST FOR PRODUCTION NO. 23:**

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

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

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 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.

13
14 **REQUEST FOR PRODUCTION NO. 24:**

15 A copy of ALL executable versions of COMPUTER CODE YOU use, used,
16 developed OR helped develop that RELATES TO www.studivz.net,
17 www.meinvz.net, www.studigg.fr, www.studiln.it, www.estudiln.net,
18 www.studentix.pl, AND www.schuelervz.net.

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

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

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

3
4 **REQUEST FOR PRODUCTION NO. 25:**

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

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

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 it is unlimited as to time, and is so overbroad as to be unduly burdensome and
15 harassing. StudiVZ further objects to this request on the grounds that it seeks
16 information that is not relevant nor reasonably calculated to lead to the discovery of
17 admissible evidence.

18
19 **REQUEST FOR PRODUCTION NO. 26:**

20 ALL COMMUNICATIONS that RELATE TO OR REFER TO
21 FACEBOOK.

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

23 StudiVZ hereby incorporates by reference the general objections set forth
24 above. StudiVZ further objects to this request on the grounds that 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 it is unlimited as to time, and is so overbroad as to be unduly burdensome and
2 harassing. StudiVZ further objects to this request on the grounds that it seeks
3 information that is not relevant nor reasonably calculated to lead to the discovery of
4 admissible evidence.

5
6 **REQUEST FOR PRODUCTION NO. 27:**

7 A copy of ALL versions of COMPUTER CODE (including, without
8 limitation, source code, object code and scripts) YOU wrote, which YOU used OR
9 use, OR for which YOU paid that was designed to extract information from any
10 website, including thefacebook.com OR facebook.com.

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

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 "YOU" is grossly overbroad. StudiVZ further objects to this
19 request on the grounds that it is unlimited as to time, and is so overbroad as to be
20 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.

23
24 **REQUEST FOR PRODUCTION NO. 28:**

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

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

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 is unlimited as to time, and is so overbroad as to be
8 unduly burdensome and harassing. StudiVZ further objects to this request on the
9 grounds that it seeks information that is not relevant nor reasonably calculated to
10 lead to the discovery of admissible evidence.

11
12 **REQUEST FOR PRODUCTION NO. 29:**

13 ALL COMMUNICATIONS OR DOCUMENTS concerning or that
14 RELATE TO the use of any server, including proxy server, to access
15 FACEBOOK’s server(s) OR website(s).

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

17 StudiVZ hereby incorporates by reference the general objections set forth
18 above. StudiVZ 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 StudiVZ, or it must identify material jurisdictional issues that are in dispute.
22 Facebook has done neither. StudiVZ 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. StudiVZ further objects to this request on the grounds that it seeks
25 information that is not relevant nor reasonably calculated to lead to the discovery of
26 admissible evidence.

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 After resolution of the issues raised by StudiVZ's general objections and
17 entry of an appropriate protective order, StudiVZ will agree to produce the specific
18 documents identified in its interrogatory responses.

19
20
21 DATED: November 17, 2008

GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP

22
23 By: 
24 STEPHEN S. SMITH (SBN 166539)
25 Attorneys for Defendants StudiVZ
26 Ltd., Holtzbrinck Networks GmbH,
27 and Holtzbrinck Ventures GmbH
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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 November 17, 2008, I served the foregoing document described as **STUDIVZ LTD.'S 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:

Warrington S. Parker, Esq. **(ORIGINAL)** Attorneys for Plaintiff Facebook, Inc.
wparker@orrick.com
Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669

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 Warrington S. Parker, Esq. at wparker@orrick.com, and to Gary E. Weiss, Esq. at gweiss@orrick.com.

Executed on November 17, 2008, 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

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1 STEPHEN S. SMITH (SBN 166539)
SSmith@GreenbergGlusker.com
2 WILLIAM M. WALKER (SBN 145559)
WWalker@GreenbergGlusker.com
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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 Defendants
8 StudiVZ Ltd., Holtzbrinck Networks GmbH,
and Holtzbrinck Ventures GmbH
9

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
18 NETWORKS GmbH,
HOLTZBRINCK VENTURES
19 GmbH, and DOES 1-25,
20 Defendants.

Case No. 5:08-CV-03468 JF

Assigned To: Honorable Jeremy Fogel

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

Complaint Filed: July 18, 2008

23 PROPOUNDING PARTY: FACEBOOK, INC.

24 RESPONDING PARTY: HOLTZBRINCK VENTURES GmbH

25 SET NUMBER: ONE
26
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28

1
2 **I. GENERAL OBJECTIONS**
3

4 A. Holtzbrinck Ventures GmbH (“Ventures”) objects to the Requests for
5 Production (“Requests”) on the grounds that Facebook seeks the right to use
6 evidence obtained in this action in the action pending between Facebook and
7 StudiVZ in Germany (the “German Action”). It is improper under established law
8 to use this lawsuit or this Court as vehicles to obtain discovery for use in a foreign
9 case when that evidence is located outside the United States, as it is here. It is also
10 inconsistent with the District Court’s form protective order. Ventures will not
11 produce evidence absent the protective order it has requested from the Court,
12 requiring the evidence to be used only in this action.
13

14 B. Ventures objects to the Notice on the grounds that it seeks discovery
15 that goes to the merits and is not confined to disputed jurisdictional issues, which is
16 improper given that there are currently pending motions to dismiss all defendants
17 for lack of personal jurisdiction. Ventures has filed a motion for a protective order
18 to prevent any discovery on any issue other than material, disputed issues of
19 personal jurisdiction while the motions to dismiss remain pending.
20

21 C. Ventures objects to the Requests on the grounds that they would
22 require violation of the privacy rights of its employees and its customers as
23 embodied in the German Constitution and the German Federal Data Protection Act
24 (BDSG).
25

26 D. Ventures objects to the Requests on the grounds that the definition of
27 “HOLTZBRINCK VENTURES GmbH,” “YOU” and “YOUR” includes
28 HOLTZBRINCK VENTURES GmbH’s “directors, officers, parents, subsidiaries,

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

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

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

21
22 G. Ventures further objects to the Requests to the extent they attempt or
23 purport to impose obligations on Ventures beyond those set forth in the Federal
24 Rules of Civil Procedure. All definitions and instructions will be treated as having
25 no force or effect to the extent they purport to impose obligations on Ventures
26 beyond those set forth in the Federal Rules of Civil Procedure.

27
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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 Ventures hereby incorporates by reference the general objections set forth
8 above. Ventures 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 Ventures, or it must identify material jurisdictional issues that are in dispute.
12 Facebook has done neither. Ventures further objects to this request on the grounds
13 that the definition of "YOU" is grossly overbroad. Ventures 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. Ventures 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. Ventures 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. Ventures
20 further objects to this request on the grounds that it is not limited to contracts
21 Ventures knew were with businesses or residents located in California. Subject to
22 and without waiving the foregoing objections, Ventures states as follows:

23 After resolution of the issues raised by Ventures' general objections and
24 entry of an appropriate protective order, Ventures will agree to produce non-
25 confidential portions, if any, of the negotiated contracts (i.e. not adhesion contracts)
26 to which it was a party that were in effect as of July 18, 2008, where the party on
27 the other side was known by Ventures to be a California resident or where the
28 contract expressly called for application of California law.

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 Ventures hereby incorporates by reference the general objections set forth
6 above. Ventures 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 Ventures, or it must identify material jurisdictional issues that are in dispute.
10 Facebook has done neither. Ventures further objects to this request on the grounds
11 that the definition of "STUDIVZ" is grossly overbroad. Ventures further objects to
12 this request on the grounds that it does not know where StudiVZ's USERS reside or
13 where they are domiciled.

14
15 **REQUEST FOR PRODUCTION NO. 3:**

16 ALL DOCUMENTS that RELATE TO ANY COMMUNICATION between
17 YOU AND FACEBOOK.

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

19 Ventures hereby incorporates by reference the general objections set forth
20 above. Ventures 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 Ventures, or it must identify material jurisdictional issues that are in dispute.
24 Facebook has done neither. Ventures further objects to this request on the grounds
25 that the definition of "YOU" is grossly overbroad. Ventures further objects to this
26 request on the grounds that it is unlimited as to time, and is so overbroad as to be
27 unduly burdensome and harassing. Ventures further objects to this request on the
28 grounds that it seeks information that is not relevant nor reasonably calculated to

1 lead to the discovery of admissible evidence. Ventures further objects to this
2 request to the extent it calls for documents covered by the Nondisclosure
3 Agreement dated May 9, 2008.

4
5 **REQUEST FOR PRODUCTION NO. 4:**

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

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

10 Ventures hereby incorporates by reference the general objections set forth
11 above. Ventures 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 Ventures, or it must identify material jurisdictional issues that are in dispute.
15 Facebook has done neither. Ventures further objects to this request on the grounds
16 that the definition of "YOU" is grossly overbroad. Ventures 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. Subject to and without waiving the foregoing
19 objections, Ventures states as follows:

20 After resolution of the issues raised by Ventures' general objections and
21 entry of an appropriate protective order, Ventures will agree to produce documents
22 sufficient to show the number and amount of sales and accounts receivable owed to
23 Ventures by California addresses in May, June and July 2008.

24
25 **REQUEST FOR PRODUCTION NO. 5:**

26 DOCUMENTS THAT RELATE TO the relationship of VERLAGSGRUPPE
27 GEORG VON HOLTZBRINCK GmBH, HOLTZBRINCK NETWORKS GmBH,
28 AND HOLTZBRINCK VENTURES GmBH to OR with STUDIVZ, including

1 After resolution of the issues raised by Ventures' general objections and
2 entry of an appropriate protective order, Ventures will agree to produce documents
3 sufficient to show the number and amount of sales and accounts receivable owed to
4 Ventures by California addresses in May, June and July 2008.

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

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

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

10 Ventures hereby incorporates by reference the general objections set forth
11 above. Ventures 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 Ventures, or it must identify material jurisdictional issues that are in dispute.
15 Facebook has done neither. Ventures further objects to this request on the grounds
16 that the definition of "YOUR" is grossly overbroad. Subject to and without
17 waiving the foregoing objections, Ventures states as follows:

18 After resolution of the issues raised by Ventures' general objections and
19 entry of an appropriate protective order, Ventures will agree to produce documents
20 sufficient to show any real or personal property it owns in California.

21
22 **REQUEST FOR PRODUCTION NO. 13:**

23 ALL contracts involving YOU in which California law governs.

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

25 Ventures hereby incorporates by reference the general objections set forth
26 above. Ventures 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 Ventures, or it must identify material jurisdictional issues that are in dispute.
2 Facebook has done neither. Ventures further objects to this request on the grounds
3 that the definition of “YOU” is grossly overbroad. Ventures further objects to this
4 request on the grounds that it so overbroad as to be unduly burdensome and
5 harassing. Ventures further objects to this request on the grounds that it does not
6 exclude contracts of adhesion. Ventures 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. Subject to and without waiving the
9 foregoing objections, Ventures states as follows:

10 After resolution of the issues raised by Ventures’ general objections and
11 entry of an appropriate protective order, Ventures will agree to produce non-
12 confidential portions, if any, of the negotiated contracts (i.e. not adhesion contracts)
13 to which it was a party that were in effect as of July 18, 2008, where the party on
14 the other side was known by Ventures to be a California resident or where the
15 contract expressly called for application of California law.

16
17 **REQUEST FOR PRODUCTION NO. 14:**

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

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

21 Ventures hereby incorporates by reference the general objections set forth
22 above. Ventures 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 do
24 so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures,
25 or it must identify material jurisdictional issues that are in dispute. Facebook has
26 done neither. Ventures further objects to this request on the grounds that the
27 definition of “YOU” is grossly overbroad. Ventures further objects to this request
28 on the grounds that it so overbroad as to be unduly burdensome and harassing.

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

4
5 **REQUEST FOR PRODUCTION NO. 15:**

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

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

9 Ventures hereby incorporates by reference the general objections set forth
10 above. Ventures 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 Ventures, or it must identify material jurisdictional issues that are in dispute.
14 Facebook has done neither. Ventures further objects to this request on the grounds
15 that the definition of "YOUR" is grossly overbroad. Subject to and without
16 waiving the foregoing objections, Ventures states as follows:

17 After resolution of the issues raised by Ventures' general objections and
18 entry of an appropriate protective order, Ventures will agree to produce any of its
19 licenses or registrations to do business in California as of July 18, 2008.

20
21 **REQUEST FOR PRODUCTION NO. 16:**

22 ALL DOCUMENTS RELATED TO the services provided by
23 www.studivz.net, www.meinvz.net, www.studiqq.fr, www.studiln.it,
24 www.estudiln.net, www.studentix.pl, AND www.schuelervz.net to USERS OF
25 STUDIVZ, including how they are provided.

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

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

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 Ventures hereby incorporates by reference the general objections set forth
13 above. Ventures 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 Ventures, or it must identify material jurisdictional issues that are in dispute.
17 Facebook has done neither. Ventures further objects to this request on the grounds
18 that it seeks information that is not relevant nor reasonably calculated to lead to the
19 discovery of admissible evidence. Ventures further objects to this request on the
20 grounds that it seeks information about StudiVZ, not Ventures. Ventures further
21 objects to this request on the grounds that Facebook has made no alter ego
22 allegations.

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

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

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

2 Ventures hereby incorporates by reference the general objections set forth
3 above. Ventures 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 Ventures,
6 or it must identify material jurisdictional issues that are in dispute. Facebook has
7 done neither. Ventures further objects to this request on the grounds that the
8 definition of “YOU” is grossly overbroad. Ventures further objects to this request
9 on the grounds that it is unlimited as to time, and is so overbroad as to be unduly
10 burdensome and harassing. Ventures further objects to this request on the grounds
11 that it seeks information that is not relevant nor reasonably calculated to lead to the
12 discovery of admissible evidence. Ventures further objects to this request on the
13 grounds that it does not operate the websites in question.

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

16 A copy of ALL executable versions of COMPUTER CODE YOU use, used,
17 developed OR helped develop that RELATES TO www.studivz.net,
18 www.meinvz.net, www.studiqg.fr, www.studiln.it, www.estudiln.net,
19 www.studentix.pl, AND www.schuelervz.net.

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

21 Ventures hereby incorporates by reference the general objections set forth
22 above. Ventures 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 Ventures, or it must identify material jurisdictional issues that are in dispute.
26 Facebook has done neither. Ventures further objects to this request on the grounds
27 that the definition of “YOU” is grossly overbroad. Ventures 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. Ventures 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. Ventures further objects to this
4 request on the grounds that it does not operate the websites in question.
5

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

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

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

10 Ventures hereby incorporates by reference the general objections set forth
11 above. Ventures 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 Ventures, or it must identify material jurisdictional issues that are in dispute.
15 Facebook has done neither. Ventures further objects to this request on the grounds
16 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and
17 harassing. Ventures further objects to this request on the grounds that it seeks
18 information that is not relevant nor reasonably calculated to lead to the discovery of
19 admissible evidence.
20

21 **REQUEST FOR PRODUCTION NO. 26:**

22 ALL COMMUNICATIONS that RELATE TO OR REFER TO
23 FACEBOOK.

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

25 Ventures hereby incorporates by reference the general objections set forth
26 above. Ventures 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 Ventures, or it must identify material jurisdictional issues that are in dispute.
2 Facebook has done neither. Ventures 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. Ventures further objects to this request on the grounds that it seeks
5 information that is not relevant nor reasonably calculated to lead to the discovery of
6 admissible evidence.

7
8 **REQUEST FOR PRODUCTION NO. 27:**

9 A copy of ALL versions of COMPUTER CODE (including, without
10 limitation, source code, object code and scripts) YOU wrote, which YOU used OR
11 use, OR for which YOU paid that was designed to extract information from any
12 website, including thefacebook.com OR facebook.com.

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

14 Ventures hereby incorporates by reference the general objections set forth
15 above. Ventures further objects to this request on the grounds that 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 Ventures, or it must identify material jurisdictional issues that are in dispute.
19 Facebook has done neither. Ventures further objects to this request on the grounds
20 that the definition of "YOU" is grossly overbroad. Ventures further objects to this
21 request on the grounds that it is unlimited as to time, and is so overbroad as to be
22 unduly burdensome and harassing. Ventures further objects to this request on the
23 grounds that it seeks information that is not relevant nor reasonably calculated to
24 lead to the discovery of admissible evidence.

25
26 **REQUEST FOR PRODUCTION NO. 28:**

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

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

2 Ventures hereby incorporates by reference the general objections set forth
3 above. Ventures 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 Ventures, or it must identify material jurisdictional issues that are in dispute.
7 Facebook has done neither. Ventures further objects to this request on the grounds
8 that the definition of “YOU” is grossly overbroad. Ventures 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. Ventures 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.

13
14 **REQUEST FOR PRODUCTION NO. 29:**

15 ALL COMMUNICATIONS OR DOCUMENTS concerning or that
16 RELATE TO the use of any server, including proxy server, to access
17 FACEBOOK’s server(s) OR website(s).

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


19 Ventures hereby incorporates by reference the general objections set forth
20 above. Ventures 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 Ventures, or it must identify material jurisdictional issues that are in dispute.
24 Facebook has done neither. Ventures further objects to this request on the grounds
25 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and
26 harassing. Ventures 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.

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DATED: November 17, 2008

GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP

By:


STEPHEN S. SMITH (SBN 166539)
Attorneys for Defendants StudiVZ
Ltd., Holtzbrinck Networks GmbH,
and Holtzbrinck Ventures GmbH

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

1 **PROOF OF SERVICE**

2 CCP §1011, CCP §1013a(3)

3 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

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

5 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.

6 On November 17, 2008, I served the foregoing document described as **HOLTZBRINCK VENTURES GmbH'S RESPONSES TO FACEBOOK, INC.'S FIRST SET OF REQUESTS FOR PRODUCTION** on the interested parties in this action

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

8 Warrington S. Parker, Esq. **(ORIGINAL)** Attorneys for Plaintiff Facebook, Inc.
9 wparker@orrick.com
10 Orrick, Herrington & Sutcliffe LLP
11 The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669

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

15 **BOTH BY E-MAIL AND U.S. MAIL:**

16 As follows: I am "readily familiar" with the firm's practice of collection and processing
17 correspondence for mailing. Under that practice it would be deposited with U.S. postal service
18 on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary
19 course of business. I am aware that on motion of the party served, service is presumed invalid if
20 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 Warrington S.
Parker, Esq. at wparker@orrick.com, and to Gary E. Weiss, Esq. at gweiss@orrick.com.

21 Executed on November 17, 2008, at Los Angeles, California.

22 **BY PERSONAL SERVICE:**

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

24 Executed on _____, at Los Angeles, California.

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

27 _____
Nancy L. Luis

28 
SIGNATURE

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

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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 Defendants
8 StudiVZ Ltd., Holtzbrinck Networks GmbH,
and Holtzbrinck Ventures GmbH
9

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
18 NETWORKS GmbH,
HOLTZBRINCK VENTURES
19 GmbH, and DOES 1-25,

20 Defendants.

Case No. 5:08-CV-03468 JF

Assigned To: Honorable Jeremy Fogel

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

Complaint Filed: July 18, 2008

23 PROPOUNDING PARTY: FACEBOOK, INC.

24 RESPONDING PARTY: HOLTZBRINCK NETWORKS GmbH

25 SET NUMBER: ONE
26
27
28

1 **I. GENERAL OBJECTIONS**

2

3 A. Holtzbrinck Networks GmbH (“Networks”) 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. Networks will not
10 produce evidence absent the protective order it has requested from the Court,
11 requiring the evidence to be used only in this action.

12

13 B. Networks objects to the Notice on the grounds that it seeks discovery
14 that goes to the merits and is not confined to disputed jurisdictional issues, which is
15 improper given that there are currently pending motions to dismiss all defendants
16 for lack of personal jurisdiction. Networks has filed a motion for a protective order
17 to prevent any discovery on any issue other than material, disputed issues of
18 personal jurisdiction while the motions to dismiss remain pending.

19

20 C. Networks objects to the Requests on the grounds that they would
21 require violation of the privacy rights of its employees and its customers as
22 embodied in the German Constitution and the German Federal Data Protection Act
23 (BDSG).

24

25 D. Networks objects to the Requests on the grounds that the definition of
26 “HOLTZBRINCK NETWORKS GmbH,” “YOU,” and “YOUR” includes
27 Networks’ “directors, officers, parents, subsidiaries, predecessors, successors,
28 assigns, agents, servants, employees, investigators, attorneys, AND ALL other

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

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

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

20
21 G. Networks further objects to the Requests to the extent they attempt or
22 purport to impose obligations on Networks beyond those set forth in the Federal
23 Rules of Civil Procedure. All definitions and instructions will be treated as having
24 no force or effect to the extent they purport to impose obligations on Networks
25 beyond those set forth in the Federal Rules of Civil Procedure.

26
27 **REQUEST FOR PRODUCTION NO. 1:**

28 All DOCUMENTS that RELATE TO ANY contracts OR agreements

1 between YOU AND ANY business licensed, located, based, OR incorporated in
2 California OR ANY PERSON currently OR formerly residing OR domiciled in
3 California.

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

5 Networks hereby incorporates by reference the general objections set forth
6 above. Networks 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 Networks, or it must identify material jurisdictional issues that are in dispute.
10 Facebook has done neither. Networks further objects to this request on the grounds
11 that the definition of “YOU” is grossly overbroad. Networks further objects to this
12 request on the grounds that it is unlimited as to time, and is so overbroad as to be
13 unduly burdensome and harassing. Networks 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. Networks further objects to this
16 request on the grounds that it does not exclude contracts of adhesion, which are
17 irrelevant to any issue of personal jurisdiction or forum non conveniens. Networks
18 further objects to this request on the grounds that it is not limited to contracts
19 Networks knew were with businesses or residents located in California. Subject to
20 and without waiving the foregoing objections, Networks states as follows:

21 After resolution of the issues raised by Networks’ general objections and
22 entry of an appropriate protective order, Networks will agree to produce non-
23 confidential portions, if any, of the negotiated contracts (i.e. not adhesion contracts)
24 to which it was a party that were in effect as of July 18, 2008, where the party on
25 the other side was known by Networks to be a California resident or where the
26 contract expressly called for application of California law.

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 Networks hereby incorporates by reference the general objections set forth
6 above. Networks 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 Networks, or it must identify material jurisdictional issues that are in dispute.
10 Facebook has done neither. Networks further objects to this request on the grounds
11 that the definition of "STUDIVZ" is grossly overbroad. Networks further objects
12 to this request on the grounds that it does not know where StudiVZ's USERS reside
13 or where they are domiciled.

14
15 **REQUEST FOR PRODUCTION NO. 3:**

16 ALL DOCUMENTS that RELATE TO ANY COMMUNICATION between
17 YOU AND FACEBOOK.

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

19 Networks hereby incorporates by reference the general objections set forth
20 above. Networks 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 Networks, or it must identify material jurisdictional issues that are in dispute.
24 Facebook has done neither. Networks further objects to this request on the grounds
25 that the definition of "YOU" is grossly overbroad. Networks further objects to this
26 request on the grounds that it is unlimited as to time, and is so overbroad as to be
27 unduly burdensome and harassing. Networks further objects to this request on the
28 grounds that it seeks information that is not relevant nor reasonably calculated to

1 lead to the discovery of admissible evidence. Networks further objects to the extent
2 that it calls for documents covered by the Nondisclosure Agreement dated May 9,
3 2008.

4
5 **REQUEST FOR PRODUCTION NO. 4:**

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

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

10 Networks hereby incorporates by reference the general objections set forth
11 above. Networks 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 Networks, or it must identify material jurisdictional issues that are in dispute.
15 Facebook has done neither. Networks further objects to this request on the grounds
16 that the definition of "YOU" is grossly overbroad. Networks 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. Subject to and without waiving the foregoing
19 objections, Networks states as follows:

20 After resolution of the issues raised by Networks' general objections and
21 entry of an appropriate protective order, Networks will agree to produce documents
22 sufficient to show the number and amount of sales and accounts receivable owed to
23 Networks by California addresses in May, June and July 2008.

24
25 **REQUEST FOR PRODUCTION NO. 5:**

26 DOCUMENTS THAT RELATE TO the relationship of VERLAGSGRUPPE
27 GEORG VON HOLTZBRINCK GmBH, HOLTZBRINCK NETWORKS GmBH,
28 AND HOLTZBRINCK VENTURES GmBH to OR with STUDIVZ, including

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 Networks states as follows:

4 After resolution of the issues raised by Networks' general objections and
5 entry of an appropriate protective order, Networks will agree to produce documents
6 sufficient to show the number and amount of sales and accounts receivable owed to
7 Networks by California addresses in May, June and July 2008.

8
9 **REQUEST FOR PRODUCTION NO. 12:**

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

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

13 Networks hereby incorporates by reference the general objections set forth
14 above. Networks 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 Networks, or it must identify material jurisdictional issues that are in dispute.
18 Facebook has done neither. Networks further objects to this request on the grounds
19 that the definition of "YOUR" is grossly overbroad. Subject to and without
20 waiving the foregoing objections, Networks states as follows:

21 After resolution of the issues raised by Networks' general objections and
22 entry of an appropriate protective order, Networks will agree to produce documents
23 sufficient to show any real or personal property it owns in California.

24
25 **REQUEST FOR PRODUCTION NO. 13:**

26 ALL contracts involving YOU in which California law governs.

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

28 Networks hereby incorporates by reference the general objections set forth

1 above. Networks 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 Networks, or it must identify material jurisdictional issues that are in dispute.
5 Facebook has done neither. Networks further objects to this request on the
6 grounds that the definition of "YOU" is grossly overbroad. Networks further
7 objects to this request on the grounds that it so overbroad as to be unduly
8 burdensome and harassing. Networks further objects to this request on the grounds
9 that it does not exclude contracts of adhesion. Networks further objects to this
10 request on the grounds that it seeks information that is not relevant nor reasonably
11 calculated to lead to the discovery of admissible evidence. Subject to and without
12 waiving the foregoing objections, Networks states as follows:

13 After resolution of the issues raised by Networks' general objections and
14 entry of an appropriate protective order, Networks will agree to produce non-
15 confidential portions, if any, of the negotiated contracts (i.e. not adhesion contracts)
16 to which it was a party that were in effect as of July 18, 2008, where the party on
17 the other side was known by Networks to be a California resident or where the
18 contract expressly called for application of California law.

19
20 **REQUEST FOR PRODUCTION NO. 14:**

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

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

24 Networks hereby incorporates by reference the general objections set forth
25 above. Networks 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 do
27 so, Facebook must either make a *prima facie* showing of jurisdiction over
28 Networks, or it must identify material jurisdictional issues that are in dispute.

1 Facebook has done neither. Networks further objects to this request on the grounds
2 that the definition of "YOU" is grossly overbroad. Networks further objects to this
3 request on the grounds that it so overbroad as to be unduly burdensome and
4 harassing. Networks further objects to this request on the grounds that it seeks
5 information that is not relevant nor reasonably calculated to lead to the discovery of
6 admissible evidence.

7
8 **REQUEST FOR PRODUCTION NO. 15:**

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

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

12 Networks hereby incorporates by reference the general objections set forth
13 above. Networks 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 Networks, or it must identify material jurisdictional issues that are in dispute.
17 Facebook has done neither. Networks further objects to this request on the grounds
18 that the definition of "YOUR" is grossly overbroad. Subject to and without
19 waiving the foregoing objections, Networks states as follows:

20 After resolution of the issues raised by Networks' general objections and
21 entry of an appropriate protective order, Networks will agree to produce any of its
22 licenses or registrations to do business in California as of July 18, 2008.

23
24 **REQUEST FOR PRODUCTION NO. 16:**

25 ALL DOCUMENTS RELATED TO the services provided by
26 www.studivz.net, www.meinvz.net, www.studiqg.fr, www.studiln.it,
27 www.estudiln.net, www.studentix.pl, AND www.schuelervz.net to USERS OF
28 STUDIVZ, including how they are provided.

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

2 Networks hereby incorporates by reference the general objections set forth
3 above. Networks 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
6 Networks, or it must identify material jurisdictional issues that are in dispute.
7 Facebook has done neither. Networks further objects to this request on the
8 grounds that it is unlimited as to time, and is so overbroad as to be unduly
9 burdensome and harassing. Networks further objects to this request on the grounds
10 that it seeks information that is not relevant nor reasonably calculated to lead to the
11 discovery of admissible evidence. Networks further objects to this request on the
12 grounds that it does not operate the websites in question.

13
14 **REQUEST FOR PRODUCTION NO. 17:**

15 ALL DOCUMENTS RELATED TO ANY transaction OR transactions
16 whereby HOLTZBRINCK NETWORKS GmbH invested in, gave money to, OR
17 obtained an interest in STUDIVZ, including filings AND communications.

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

19 Networks hereby incorporates by reference the general objections set forth
20 above. Networks 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 Networks, or it must identify material jurisdictional issues that are in dispute.
24 Facebook has done neither. Networks further objects to this request on the
25 grounds that the definition of "HOLTZBRINCK NETWORKS GmbH" is grossly
26 overbroad. Networks further objects to this request on the grounds that it is
27 unlimited as to time, and is so overbroad as to be unduly burdensome and
28 harassing. Networks further objects to this request on the grounds that it seeks

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 Networks hereby incorporates by reference the general objections set forth
13 above. Networks 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 Networks, or it must identify material jurisdictional issues that are in dispute.
17 Facebook has done neither. Networks further objects to this request on the grounds
18 that it seeks information that is not relevant nor reasonably calculated to lead to the
19 discovery of admissible evidence. Networks further objects to this request on the
20 grounds that it seeks information about StudiVZ, not Networks. Networks further
21 objects to this request on the grounds that Facebook has made no alter ego
22 allegations.

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

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

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

2 Networks hereby incorporates by reference the general objections set forth
3 above. Networks 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
6 Networks, or it must identify material jurisdictional issues that are in dispute.
7 Facebook has done neither. Networks further objects to this request on the grounds
8 that the definition of “YOU” is grossly overbroad. Networks 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. Networks 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. Networks further objects to this
13 request on the grounds that it does not operate the websites in question.

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

16 A copy of ALL executable versions of COMPUTER CODE YOU use, used,
17 developed OR helped develop that RELATES TO www.studivz.net,
18 www.meinvz.net, www.studiqg.fr, www.studiln.it, www.estudiln.net,
19 www.studentix.pl, AND www.schuelervz.net.

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

21 Networks hereby incorporates by reference the general objections set forth
22 above. Networks 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 Networks, or it must identify material jurisdictional issues that are in dispute.
26 Facebook has done neither. Networks further objects to this request on the grounds
27 that the definition of “YOU” is grossly overbroad. Networks 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. Networks 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. Networks further objects to this
4 request on the grounds that it does not operate the websites in question.

5
6 **REQUEST FOR PRODUCTION NO. 25:**

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

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

10 Networks hereby incorporates by reference the general objections set forth
11 above. Networks 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 Networks, or it must identify material jurisdictional issues that are in dispute.
15 Facebook has done neither. Networks further objects to this request on the grounds
16 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and
17 harassing. Networks further objects to this request on the grounds that it seeks
18 information that is not relevant nor reasonably calculated to lead to the discovery of
19 admissible evidence.

20
21 **REQUEST FOR PRODUCTION NO. 26:**

22 ALL COMMUNICATIONS that RELATE TO OR REFER TO
23 FACEBOOK.

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

25 Networks hereby incorporates by reference the general objections set forth
26 above. Networks 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 Networks, or it must identify material jurisdictional issues that are in dispute.
2 Facebook has done neither. Networks 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. Networks further objects to this request on the grounds that it seeks
5 information that is not relevant nor reasonably calculated to lead to the discovery of
6 admissible evidence.

7
8 **REQUEST FOR PRODUCTION NO. 27:**

9 A copy of ALL versions of COMPUTER CODE (including, without
10 limitation, source code, object code and scripts) YOU wrote, which YOU used OR
11 use, OR for which YOU paid that was designed to extract information from any
12 website, including thefacebook.com OR facebook.com.

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

14 Networks hereby incorporates by reference the general objections set forth
15 above. Networks further objects to this request on the grounds that 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 Networks, or it must identify material jurisdictional issues that are in dispute.
19 Facebook has done neither. Networks further objects to this request on the grounds
20 that the definition of "YOU" is grossly overbroad. Networks further objects to this
21 request on the grounds that it is unlimited as to time, and is so overbroad as to be
22 unduly burdensome and harassing. Networks further objects to this request on the
23 grounds that it seeks information that is not relevant nor reasonably calculated to
24 lead to the discovery of admissible evidence.

25
26 **REQUEST FOR PRODUCTION NO. 28:**

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

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

2 Networks hereby incorporates by reference the general objections set forth
3 above. Networks 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 Networks, or it must identify material jurisdictional issues that are in dispute.
7 Facebook has done neither. Networks further objects to this request on the grounds
8 that the definition of "YOU" is grossly overbroad. Networks 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. Networks 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.

13
14 **REQUEST FOR PRODUCTION NO. 29:**

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

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

19 Networks hereby incorporates by reference the general objections set forth
20 above. Networks 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 Networks, or it must identify material jurisdictional issues that are in dispute.
24 Facebook has done neither. Networks further objects to this request on the grounds
25 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and
26 harassing. Networks 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.

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

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REQUEST FOR PRODUCTION NO. 30:


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

RESPONSE TO REQUEST FOR PRODUCTION NO. 30:

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

After resolution of the issues raised by Networks' general objections and entry of an appropriate protective order, Networks will agree to produce the specific documents identified in its interrogatory responses.

DATED: November 17, 2008

GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP
By: 
STEPHEN S. SMITH (SBN 166539)
Attorneys for Defendants StudiVZ
Ltd., Holtzbrinck Networks GmbH,
and Holtzbrinck Ventures GmbH

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

3 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

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

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

7 On November 17, 2008, I served the foregoing document described as **HOLTZBRINCK NETWORKS**
8 **GmbH'S RESPONSES TO FACEBOOK, INC.'S FIRST SET OF REQUESTS FOR PRODUCTION** on the
9 interested parties in this action

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

11 Warrington S. Parker, Esq. **(ORIGINAL)** Attorneys for Plaintiff Facebook, Inc.
12 wparker@orrick.com
13 Orrick, Herrington & Sutcliffe LLP
14 The Orrick Building
15 405 Howard Street
16 San Francisco, CA 94105-2669

17 Gary E. Weiss, Esq. **(COPY)**
18 gweiss@orrick.com
19 Orrick, Herrington & Sutcliffe LLP
20 1000 Marsh Road
21 Menlo Park, CA 94025

22 **BOTH BY E-MAIL AND U.S. MAIL:**

23 As follows: I am "readily familiar" with the firm's practice of collection and processing
24 correspondence for mailing. Under that practice it would be deposited with U.S. postal service
25 on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary
26 course of business. I am aware that on motion of the party served, service is presumed invalid if
27 postal cancellation date or postage meter date is more than one day after date of deposit for
28 mailing in affidavit. A true and correct copy of the document was also e-mailed to Warrington S.
Parker, Esq. at wparker@orrick.com, and to Gary E. Weiss, Esq. at gweiss@orrick.com.

Executed on November 17, 2008, at Los Angeles, California.

29 **BY PERSONAL SERVICE:**

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

31 Executed on _____, at Los Angeles, California.

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

34 _____
35 Nancy L. Luis

36 
37 _____
38 SIGNATURE

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