

# EXHIBIT C

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

12 **INTERSERVE, INC., dba TECHCRUNCH, )**  
**a Delaware corporation, and CRUNCHPAD, )**  
13 **INC., a Delaware corporation, )**

14 Plaintiffs, )

15 vs. )

16 **FUSION GARAGE PTE. LTD., a Singapore )**  
**company, )**

17 Defendant. )

Case No. CV-09-5812 JW (PVT)

**CRUNCHPAD INC.'S SUPPLEMENTAL  
RESPONSE TO FUSION GARAGE PTE.  
LTD.'S INTERROGATORIES, SET ONE,  
TO CRUNCHPAD, INC.**

[Supplementing Responses to Interrogatory  
Nos. 8, 9, and 10]

19  
20 CrunchPad Inc. hereby responds to Fusion Garage's Pte. Ltd.'s Interrogatories, Set One, to  
21 CrunchPad, Inc. as follows:

22 **GENERAL OBJECTIONS**

23 CrunchPad makes the following general objections, whether or not separately set forth in  
24 response to each and every instruction, definition and interrogatory:

25 1. CrunchPad objects to each interrogatory to the extent that it seeks information that is  
26 protected by the attorney-client privilege, the work product privilege and/or any other applicable  
27 privilege. Such information will not be disclosed. Any inadvertent disclosure of such information  
28 shall not be deemed a waiver of the attorney-client privilege, the attorney work product doctrine, or

1 any other applicable privilege or immunity recognized by statute or case law.

2 2. CrunchPad objects to each interrogatory to the extent that it seeks information protected by a  
3 constitutional right of privacy or applicable privacy law.

4 3. CrunchPad objects to each interrogatory to the extent that it seeks information not reasonably  
5 related to the claims or defenses in this matter.

6 4. CrunchPad objects to each interrogatory, and the instructions contained therein, to the extent  
7 they purport to impose any requirement or discovery obligation on CrunchPad other than those set  
8 forth in the Federal Rules of Civil Procedure and the applicable rules of this Court.

9 5. CrunchPad responds to the interrogatories with information of which it is now aware and  
10 reserves the right to modify or amend its responses if and when it becomes aware of information not  
11 reflected in its responses.

12 **RESPONSE TO SPECIAL INTERROGATORIES**

13 **SPECIAL INTERROGATORY NO. 1**

14 Describe with particularity each and every "business idea" that YOU contend DEFENDANT  
15 misappropriated.

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 1**

17 CrunchPad objects that this interrogatory is overbroad and unduly burdensome and seeks  
18 information outside the scope of permissible discovery because it seeks information that is not  
19 relevant to the subject matter of this action and because it is not reasonably calculated to lead to the  
20 discovery of admissible evidence. CrunchPad further objects to this interrogatory as vague and  
21 ambiguous. CrunchPad also objects to the extent this interrogatory seeks information protected by  
22 the attorney-client privilege or the work product doctrine.

23 Without waiving and subject to CrunchPad's general and specific objections, CrunchPad  
24 respond as follows:

25 Fusion Garage has appropriated for its own benefit the joint collaborative effort between  
26 CrunchPad Inc. and Fusion Garage to develop the so-called "CrunchPad." The CrunchPad was  
27 conceived by CrunchPad Inc.'s principal, Mr. Arrington, no later than July 2008, before CrunchPad  
28

1 Inc. came into existence. On July 21, 2008, Mr. Arrington described his business idea as “a dead  
2 simple web tablet for \$200.” He elaborated:

3 Here’s The Plan

4 We’ll organize a small team of people to spec this out. First is the marketing document that  
5 just outlines what the machine will do – we have a first draft of that already and will post it  
6 soon. Then we’ll spec out the hardware and get people to help write the customized Linux  
7 and Firefox code. Once we’ve completed the design we’ll start to work with the supply chain  
8 company to get an idea on the cost of the machine (the goal is \$200), and hopefully build a  
9 few prototypes. Anyone who contributes significantly to the project would get one of those  
10 first prototypes. If everything works well, we’d then open source the design and software and  
11 let anyone build one that wants to.

12 The goal is to keep the machine very simple and very cheap. I think this will be a lot of fun,  
13 and it may just turn into an actual product that we can use to surf the web and talk to our  
14 friends.

15 We’ll be coordinating the project over at TechCrunchIT. Leave a comment there if you want  
16 to participate and we’ll be in touch soon.

17 By August 30, 2008, TechCrunch had constructed its first prototype web tablet. Fusion  
18 Garage played no role in the development of that prototype. TechCrunch posted pictures and a  
19 description on the TechCrunch blog, referring to it as Prototype A. As Michael Arrington noted in  
20 the blog posting: TechCrunch was “still far from having beta units but there is now a team working  
21 on the project, and an incredible group of people and companies have reached out to us to help.  
22 We’ve learned a lot about building a hardware device over the last few weeks, and it’s clear that it is  
23 quite possible to build a high performance web tablet in the price range we anticipated.”

24 In September 2008 TechCrunch and CrunchPad recruited Louis Monier to lead the project to  
25 build the CrunchPad. Mr. Monier was the founder and former CTO of AltaVista and had held  
26 positions at eBay, Google, and other high-performance Web- or technology-focused companies. As  
27 Fusion Garage publicly acknowledged, it “worked closely with Louis Monier in getting the software  
28 in shape for the hardware prototype B. We continue to work with [CrunchPad and TechCrunch] in  
getting the software in shape to make crunchpad a easy to use device.” All of the contributions of  
Mr. Monier and the other CrunchPad-affiliated individuals referenced in this Fusion Garage blog  
post constitute business ideas. Fusion Garage further conceded that “We continue to work with

1 Louis Monier on the feature set and the user experience. We are thrilled with this progress and  
2 would like to take the opportunity to thank Michael and Louis for giving us the opportunity to work  
3 with them on the Techcrunch Tablet.” Mr. Monier made presentations to Google and others  
4 concerning the project in an effort to encourage interest, raise investment capital, and assist in the  
5 development effort. At the time, Fusion Garage acknowledged that it had never built hardware, but  
6 instead wanted to build software that Fusion Garage would license to mobile device creators for a  
7 fee. CrunchPad imparted its substantial knowledge of hardware design to Fusion Garage. All of  
8 these contributions to the feature set and user experience were business ideas that Fusion Garage has  
9 now sought to misappropriate for its private benefit. All of the contributions of Mr. Monier and the  
10 other CrunchPad-affiliated individuals referenced in Fusion Garage’s January and February 2009  
11 blog post were business ideas that have now been misappropriated by Fusion Garage and  
12 incorporated into Fusion Garage’s ersatz “JooJoo” device.

13 In approximately April 2009 Mr. Rathakrishnan traveled to Palo Alto and remained in the  
14 Bay Area through the summer. During this period Mr. Rathakrishnan was hosted by TechCrunch’s  
15 Keith Teare and, through Mr. Teare, introduced to multiple potential investors in the CrunchPad  
16 project. Potential investors contacted by TechCrunch during this period included Intel, Dell, HP,  
17 NVidia, The New York Times, LG, Merus Capital, Atlas Ventures, Ron Conway, and First Round  
18 Capital. During this same period, Mr. Rathakrishnan used TechCrunch’s and CrunchPad’s facilities  
19 and met with their in-house personnel to discuss the specific atom processor that would be used in  
20 the eventual CrunchPad device. Mr. Teare set up other funding and supplier meetings, including a  
21 meeting in Asia with LG that Mr. Rathakrishnan failed or refused to attend. Through Mr. Teare,  
22 Intel introduced Pegatron as the ODM for the CrunchPad project and made the initial introductions.

23 In Fall 2009, Fusion Garage flew most of its personnel to California to integrate the teams  
24 and to work with TechCrunch personnel on the CrunchPad at the TechCrunch facility in Palo Alto,  
25 California for an extended period. Specifically, the TechCrunch and Fusion Garage employees  
26 worked together on almost every component of the project. Particular objects of attention included  
27 screen visibility issues, touch screen performance issues, user interface issues, issues relating to  
28 “gestures” used for commands, and keyboard page design issues. All of these contributions

1 constitute business ideas that Fusion Garage misappropriated for its private benefit.

2       The overall conception, blueprint, guidance, and senior level support for the project  
3 emanated substantially from TechCrunch. Specifically, the CrunchPad's design and specifications,  
4 performance characteristics (including boot speed, something Fusion Garage prominently features in  
5 the advertising and promotion of the JooJoo product), software architecture, hardware platform  
6 design and component sourcing, hardware form factor and other designs, driver integration,  
7 application programming interface, user interface, and documentation all constitute business ideas  
8 conceived and developed by CrunchPad Inc. and misappropriated by Fusion Garage for its private  
9 benefit.

10       Plaintiffs, not Fusion Garage, came up with the original concept of the CrunchPad as a "dead  
11 simple and dirt cheap touch screen web tablet to surf the web," which uses an iPhone-like touch  
12 screen keyboard to input data and which loads directly to the web browser and uses a browser, in  
13 effect, as an operating system. TechCrunch and CrunchPad furnished to the joint project many of  
14 the CrunchPad/JooJoo's design characteristics. The entire concept of the product derived from  
15 Michael Arrington at TechCrunch, including the use of a large-screen touch-screen device; the  
16 function of booting extremely rapidly and straight to a browser, the lack of a desktop, no hard drive  
17 other than for the software footprint, and other aspects. Among the other detailed design ideas that  
18 TechCrunch contributed to this joint project that were evident in the limited public display to date of  
19 the JooJoo product are: (1) the use of a white instead of a black background to better display web  
20 pages; (2) the use of large icons on the home screen so that users can quickly navigate to their  
21 favorite web pages; (3) the use of proxying video directly to the device so that video can be played  
22 without the use of a flash player; (4) the application programming interface, or API, with the  
23 browser for custom applications; (5) the idea and know how for empowering the device to play  
24 video output to a resolution of 1080p, also known as full high definition. CrunchPad also believes,  
25 and therefore alleges, that Defendant's ersatz JooJoo product incorporates other, less visible, ideas  
26 that CrunchPad furnished to Defendant in the course of their joint project as set forth above.

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Dated: March 22, 2010

WINSTON & STRAWN LLP

By: /s/  
Andrew P. Bridges  
David S. Bloch  
Nicholas Short  
Attorneys for Plaintiff  
INTERSERVE, INC., dba  
TECHCRUNCH

**VERIFICATION**

I, Michael Arrington, declare:

1. I am Principal of Interserve and CrunchPad, Inc., and am authorized to make this verification for Plaintiffs Interserve, Inc. and CrunchPad, Inc.

2. Prior to March 22, 2010, I reviewed CRUNCHPAD INC.'S SUPPLEMENTAL RESPONSE TO FUSION GARAGE PTE. LTD.'S INTERROGATORIES, SET ONE, TO CRUNCHPAD, INC., and know its contents. I am informed and believe that the matters set forth in the Response are true and accurate, and on that ground I allege, to the best of my knowledge and information, that the matters therein stated are true and accurate.

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

Executed on March 22, 2010, at San Francisco, California.

/s/ - Michael Arrington  
Michael Arrington

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