

EXHIBIT I

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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION
14

15 INTERSERVE, INC. dba TECHCRUNCH, a
16 Delaware corporation, and CRUNCHPAD,
17 INC., a Delaware corporation,
18 Plaintiffs,
19 vs.
20 FUSION GARAGE PTE LTD, a Singapore
21 company,
22 Defendant.

CASE NO. 09-cv-5812 RS

**SUPPLEMENTAL OBJECTIONS AND
RESPONSES TO FIRST AND SECOND
SETS OF REQUESTS FOR
PRODUCTION OF DOCUMENTS
SERVED ON DEFENDANT FUSION
GARAGE PTE LTD.**

22 Pursuant to Rules 26 and 34(b) of the Federal Rules of Civil Procedure, Defendant Fusion
23 Garage PTE Ltd. hereby submits the following supplemental objections and responses to Plaintiffs
24 Interserve, Inc. dba TechCrunch and CrunchPad, Inc.'s First and Second Sets of Requests For
25 Production Of Documents And Things.
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1 inadvertent production of any such document shall not be deemed a waiver of any privilege
2 applicable to the document or of the work-product doctrine as applied thereto.

3 8. Fusion Garage objects to each request to the extent that it seeks the production of
4 documents that are available from another source, in particular Plaintiffs. An objection on this
5 ground does not constitute a representation or admission that such information does in fact exist.

6 9. Fusion Garage objects to each request to the extent that it seeks responses which
7 involve the disclosure of information and/or documents that would invade the privacy rights of
8 third persons. Fusion Garage is not authorized to and cannot waive these third persons' privacy
9 rights.

10 10. Each of the following responses are expressly made subject to the above General
11 Objections, all of which are incorporated in each of the following objections to specific requests.

12 **OBJECTIONS TO SPECIFIC REQUESTS**

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

14 All documents constituting or concerning any communications with Michael Arrington,
15 Heather Harde, Louis Monier, Nik Cubrilovic, Brian Kindle, or TechCrunch.

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

17 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

18 Fusion Garage objects to this request on the ground that it is vague and ambiguous, as it
19 does not specify the other party to the requested communications. Without specifying the other
20 party, Fusion Garage cannot determine which communications are being requested.

21 Fusion Garage further objects to this request to the extent that it seeks information that is
22 in the custody or control of Plaintiffs and/or equally available from Plaintiffs.

23 Fusion Garage further objects to this request on the ground that it is unduly burdensome
24 and overbroad with respect to scope and time.

25 Subject to the foregoing general and specific objections, Fusion Garage has complied with
26 the Court's Order of April 9, 2010 (Dkt. 61) to produce documents responsive to this request.

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1 REQUEST FOR PRODUCTION NO. 7:

2 Documents sufficient to identify all persons who have participated in the development,
3 design, manufacturing, documentation, marketing, advertising and promotion of the CrunchPad, or
4 in the planning for any of those activities.

5 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

6 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

7 Fusion Garage objects to the defined term "CrunchPad" as vague and ambiguous as it
8 purports to encompass Fusion Garage's products, including the JooJoo.

9 Fusion Garage further objects to this request to the extent it seeks information regarding
10 the "CrunchPad," as Fusion Garage understands that no such device exists. Any documents that
11 Fusion Garage agrees to produce in response to this request shall not be deemed an admission as
12 to the existence of the CrunchPad or that the JooJoo is related to, or a successor to, the alleged
13 CrunchPad. Fusion Garage further objects that Plaintiffs are trying to use this request to elicit a
14 response or objection that a Fusion Garage product is, or is related to, the CrunchPad.

15 Fusion Garage further objects to this request on the ground that it assumes facts not in
16 evidence; namely, the existence of the "CrunchPad" device. It is Fusion Garage's understanding
17 that there is no such device.

18 Fusion Garage further objects to this request to the extent that it seeks information that is
19 in the custody or control of Plaintiffs and/or equally available from Plaintiffs, as Plaintiffs assert
20 that the CrunchPad is their device.

21 Subject to the foregoing general and specific objections, Fusion Garage has complied with
22 the Court's Order of April 9, 2010 (Dkt. 61) to produce documents responsive to this request.

23 REQUEST FOR PRODUCTION NO. 8:

24 Documents sufficient to identify all persons who have participated in the development,
25 design, manufacturing, documentation, marketing, advertising and promotion of the JooJoo, or in
26 the planning for any of those activities.

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1 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

2 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

3 Fusion Garage objects to this request on the ground that it seeks information which is
4 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

5 Fusion Garage further objects that this request is vague and ambiguous.

6 Subject to the foregoing general and specific objections, Fusion Garage has complied with
7 the Court's Order of April 9, 2010 (Dkt. 61) to produce documents responsive to this request.

8 REQUEST FOR PRODUCTION NO. 9:

9 All documents constituting or concerning communications in which you indicated that
10 TechCrunch or Michael Arrington was not providing resources, work, contributions, technology,
11 staff, expertise, introductions, money, or benefits that it or he should have provided.

12 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

13 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

14 Fusion Garage objects to this request on the ground that it seeks information protected by
15 the attorney-client privilege, the work-product doctrine, and other applicable privileges.

16 Fusion Garage further objects to this request on the ground that it is unduly burdensome,
17 harassing, and overbroad with respect to scope.

18 Subject to the foregoing general and specific objections, Fusion Garage has complied with
19 the Court's Order of April 9, 2010 (Dkt. 61) to produce documents responsive to this request.

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21 REQUEST FOR PRODUCTION NO. 10:

22 All documents constituting or concerning communications in which you indicated that
23 TechCrunch or Michael Arrington failed to fulfill any promises they made.

24 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

25 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

26 Fusion Garage objects to this request on the ground that it seeks information protected by
27 the attorney-client privilege, the work-product doctrine, and other applicable privileges.

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1 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

2 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

3 Fusion Garage objects that this request seeks highly proprietary information and/or source
4 code, but Plaintiffs have not submitted an adequate Statement of Misappropriated Business Ideas
5 in accordance with the Court's Order of April 9, 2010. (See Dkt. 62).

6 Fusion Garage further objects to this request on the ground that it is unduly burdensome,
7 harassing, and overbroad with respect to scope.

8 Fusion Garage further objects that this request is vague and ambiguous.

9 REQUEST FOR PRODUCTION NO. 16:

10 Documents sufficient to identify all suppliers of any components of the JooJoo device.

11 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

12 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

13 Fusion Garage objects to this request on the ground that it seeks information the disclosure
14 of which would violate the privacy rights of individuals who are not parties to this action.

15 Fusion Garage further objects to this request on the ground that it is unduly burdensome,
16 harassing, and overbroad with respect to scope.

17 Fusion Garage further objects to this request on the ground that it seeks information which
18 is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

19 Subject to the foregoing general and specific objections, Fusion Garage has complied with
20 the Court's Order of April 9, 2010 (Dkt. 61) to produce documents responsive to this request.

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22 REQUEST FOR PRODUCTION NO. 17:

23 All documents concerning user experience testing of the CrunchPad.

24 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

25 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

26 Fusion Garage objects to the defined term "CrunchPad" as vague and ambiguous as it
27 purports to encompass Fusion Garage's products, including the JooJoo.

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1 Fusion Garage further objects to this request to the extent that it seeks information that is
2 in the custody or control of Plaintiffs and/or equally available from Plaintiffs, as Plaintiffs assert
3 that the CrunchPad is their device.

4 Fusion Garage further objects to this request on the ground that it seeks information which
5 is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

6 Subject to the foregoing general and specific objections, Fusion Garage has complied with
7 the Court's Order of April 9, 2010 (Dkt. 61) to produce documents responsive to this request.

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9 REQUEST FOR PRODUCTION NO. 22:

10 All documents concerning marketing of the JooJoo.

11 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

12 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

13 Fusion Garage objects to this request on the ground that it is unduly burdensome,
14 harassing, and overbroad with respect to scope.

15 Subject to the foregoing general and specific objections, Fusion Garage has complied with
16 the Court's Order of April 9, 2010 (Dkt. 61) to produce documents responsive to this request.

17
18 REQUEST FOR PRODUCTION NO. 23:

19 All documents concerning plans for the development, design, manufacturing, marketing,
20 advertising and promotion, and distribution of the CrunchPad.

21 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

22 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

23 Fusion Garage objects to the defined term "CrunchPad" as vague and ambiguous as it
24 purports to encompass Fusion Garage's products, including the JooJoo.

25 Fusion Garage further objects to this request to the extent it seeks information regarding
26 the "CrunchPad," as Fusion Garage understands that no such device exists. Any documents that
27 Fusion Garage agrees to produce in response to this request shall not be deemed an admission as

1 REQUEST FOR PRODUCTION NO. 25:

2 All documents constituting or concerning communications with Pegatron.

3 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

4 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

5 Fusion Garage objects to this request on the ground that it is vague and ambiguous, as it
6 does not specify the other party to the requested communications. Without specifying the other
7 party, Fusion Garage cannot determine which communications are being requested.

8 Fusion Garage further objects to this request to the extent that it seeks information that is
9 in the custody or control of Plaintiffs and/or equally available from Plaintiffs.

10 Fusion Garage further objects to this request on the ground that it seeks information the
11 disclosure of which would violate the privacy rights of individuals who are not parties to this
12 action.

13 Fusion Garage objects that this request seeks highly proprietary information and/or source
14 code, but Plaintiffs have not submitted an adequate Statement of Misappropriated Business Ideas
15 in accordance with the Court's Order of April 9, 2010. (*See* Dkt. 62).

16 Subject to the foregoing general and specific objections, Fusion Garage has complied with
17 the Court's Order of April 9, 2010 (Dkt. 61) to produce documents responsive to this request, to
18 the extent that such documents do not disclose Fusion Garage's highly proprietary information.

19
20 REQUEST FOR PRODUCTION NO. 26:

21 All documents concerning plans for or discussions of a merger between you and
22 CrunchPad, Inc.

23 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

24 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

25 Fusion Garage further objects to this request to the extent that it seeks information that is
26 in the custody or control of Plaintiffs and/or equally available from Plaintiffs.

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1 Fusion Garage further objects to this request on the ground that it seeks information
2 protected by the attorney-client privilege, the work-product doctrine, and other applicable
3 privileges.

4 Subject to the foregoing general and specific objections, Fusion Garage has complied with
5 the Court's Order of April 9, 2010 (Dkt. 61) to produce documents responsive to this request.

6
7 REQUEST FOR PRODUCTION NO. 27:

8 All documents concerning communications concerning a merger between you and
9 CrunchPad, Inc.

10 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

11 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

12 Fusion Garage objects to this request to the extent that it seeks information that is in the
13 custody or control of Plaintiffs and/or equally available from Plaintiffs.

14 Fusion Garage further objects to this request on the ground that it seeks information
15 protected by the attorney-client privilege, the work-product doctrine, and other applicable
16 privileges.

17 Subject to the foregoing general and specific objections, Fusion Garage has complied with
18 the Court's Order of April 9, 2010 (Dkt. 61) to produce documents responsive to this request.

19
20 REQUEST FOR PRODUCTION NO. 28:

21 All documents concerning communications with your investors.

22 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

23 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

24 Fusion Garage objects to this request on the ground that it seeks information the disclosure
25 of which would violate the privacy rights of individuals who are not parties to this action.

26 Fusion Garage further objects to this request on the ground that it is unduly burdensome,
27 harassing, and overbroad with respect to scope.

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1 Fusion Garage objects that this request is vague and ambiguous.

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3 REQUEST FOR PRODUCTION NO. 34:

4 All documents concerning contracts, agreements or understandings concerning the
5 CrunchPad or the project to develop it.

6 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 34:

7 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

8 Fusion Garage objects to the defined term "CrunchPad" as vague and ambiguous as it
9 purports to encompass Fusion Garage's products, including the JooJoo.

10 Fusion Garage further objects to this request to the extent it seeks information regarding
11 the "CrunchPad," as Fusion Garage understands that no such device exists. Any documents that
12 Fusion Garage agrees to produce in response to this request shall not be deemed an admission as
13 to the existence of the CrunchPad or that the JooJoo is related to, or a successor to, the alleged
14 CrunchPad. Fusion Garage further objects that Plaintiffs are trying to use this request to elicit a
15 response or objection that a Fusion Garage product is, or is related to, the CrunchPad.

16 Fusion Garage further objects to this request on the ground that it assumes facts not in
17 evidence; namely, the existence of the "CrunchPad" device. It is Fusion Garage's understanding
18 that there is no such device.

19 Fusion Garage further objects to this request on the ground that it seeks information
20 protected by the attorney-client privilege, the work-product doctrine, and other applicable
21 privileges.

22 Fusion Garage further objects to this request on the ground that it is vague and ambiguous
23 as to the term "understandings."

24 Subject to the foregoing general and specific objections, Fusion Garage has complied with
25 the Court's Order of April 9, 2010 (Dkt. 61) to produce documents responsive to this request.

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1 REQUEST FOR PRODUCTION NO. 35:

2 All documents concerning contracts, agreements or other understandings concerning the
3 JooJoo.

4 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

5 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

6 Fusion Garage objects to this request on the ground that it seeks information protected by
7 the attorney-client privilege, the work-product doctrine, and other applicable privileges.

8 Fusion Garage further objects to this request on the ground that it seeks information the
9 disclosure of which would violate the privacy rights of individuals who are not parties to this
10 action.

11 Fusion Garage further objects to this request on the ground that it is vague and ambiguous
12 as to the term "understandings."

13 Subject to the foregoing general and specific objections, Fusion Garage has complied with
14 the Court's Order of April 9, 2010 (Dkt. 61) to produce documents responsive to this request.

15 REQUEST FOR PRODUCTION NO. 36:

16 All documents concerning sales, orders, or pre-orders of the JooJoo.

17 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 36:

18 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

19 Fusion Garage further objects to this request on the ground that it seeks information the
20 disclosure of which would violate the privacy rights of individuals who are not parties to this
21 action.

22 Fusion Garage further objects that this request seeks documents that are neither relevant
23 nor reasonably calculated to lead to the discovery of admissible information.

24 Subject to the foregoing general and specific objections, Fusion Garage has complied with
25 the Court's Order of April 9, 2010 (Dkt. 61) to produce documents responsive to this request.

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1 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 38:

2 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

3 Fusion Garage objects that this request seeks highly proprietary information and/or source
4 code, but Plaintiffs have not submitted an adequate Statement of Misappropriated Business Ideas
5 in accordance with the Court's Order of April 9, 2010. (See Dkt. 62).

6 Fusion Garage further objects to this request on the ground that it is vague and ambiguous.

7 Fusion Garage further objects to this request on the ground that it seeks information which
8 is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, as
9 there is no evidence that Plaintiffs contributed any source code, object codes, or executables.

10 Fusion Garage further objects that the request is overbroad, unduly burdensome, and
11 harassing.

12 REQUEST FOR PRODUCTION NO. 39:

13 All documents concerning plans for and selection of a brand name for the JooJoo or a
14 related domain name.

15 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 39:

16 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

17 Fusion Garage objects to this request on the ground that it seeks information protected by
18 the attorney-client privilege, the work-product doctrine, and other applicable privileges.

19 Fusion Garage further objects to this request on the ground that it seeks information which
20 is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

21 Subject to the foregoing general and specific objections, Fusion Garage has complied with
22 the Court's Order of April 9, 2010 (Dkt. 61) to produce documents responsive to this request.

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24 REQUEST FOR PRODUCTION NO. 40:

25 All documents that mention both (a) the JooJoo and (b) the CrunchPad, TechCrunch, or
26 Michael Arrington.

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1 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 40:

2 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

3 Fusion Garage objects to this request on the ground that it seeks information protected by
4 the attorney-client privilege, the work-product doctrine, and other applicable privileges.

5 Fusion Garage further objects to this request on the ground that it is unduly burdensome
6 and overbroad with respect to scope.

7 Fusion Garage further objects that this request is vague, ambiguous, and incomprehensible,
8 particularly in light of the definitions of the terms this request uses.

9 Subject to the foregoing general and specific objections, Fusion Garage has complied with
10 the Court's Order of April 9, 2010 (Dkt. 61) to produce documents responsive to this request, to
11 the extent that such documents do not disclose Fusion Garage's highly proprietary information.

12
13 REQUEST FOR PRODUCTION NO. 41:

14 All drafts and internal communications concerning or leading up to your November 17,
15 2009 email to Michael Arrington, contained within Exhibit D to the Complaint.

16 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 41:

17 Fusion Garage incorporates each of its General Objections as expressly set forth therein.

18 Fusion Garage objects to this request on the ground that it seeks information protected by
19 the attorney-client privilege, the work-product doctrine, and other applicable privileges.

20 Fusion Garage further objects to this request on the ground that it is vague, ambiguous and
21 incomprehensible with respect to those communications "leading up to" the November 17, 2009
22 email.

23 Subject to the foregoing general and specific objections, Fusion Garage has complied with
24 the Court's Order of April 9, 2010 (Dkt. 61) to produce documents responsive to this request.

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