

# EXHIBIT J

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10 Attorneys for Defendant Fusion Garage PTE. Ltd

11  
12 UNITED STATES DISTRICT COURT  
13  
14 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

15 INTERSERVE, INC. dba TECHCRUNCH, a  
16 Delaware corporation, and CRUNCHPAD,  
INC., a Delaware corporation,

17 Plaintiffs,

18 vs.

19 FUSION GARAGE PTE. LTD, a Singapore  
20 company,

21 Defendant.

CASE NO. 09-cv-5812 RS

**RESPONSES OF DEFENDANT FUSION  
GARAGE PTE LTD. TO FIFTH SET OF  
REQUESTS FOR PRODUCTION OF  
DOCUMENTS AND THINGS  
PROPOUNDED BY PLAINTIFF  
INTERSERVE, INC. dba TECHCRUNCH**

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23  
24 PROPOUNDING PARTY: PLAINTIFF INTERSERVE, INC. dba TECHCRUNCH  
25 RESPONDING PARTY: DEFENDANT FUSION GARAGE PTE LTD.  
26 SET NO.: FIVE (NOS. 52-83)  
27  
28



1 REQUEST FOR PRODUCTION NO. 62:

2 All documents reflecting any agreement or proposal concerning, mentioning, or discussing  
3 you and Plaintiffs each profiting or deriving revenues related to developing, marketing, or sale of a  
4 tablet computer.

5  
6 RESPONSE TO REQUEST FOR PRODUCTION NO. 62:

7 Fusion Garage incorporates each of its General Objections as expressly set forth therein.  
8 Fusion Garage further objects to this request to the extent that it seeks to elicit information  
9 protected by the attorney-client privilege, the work product protection, or any other applicable  
10 privilege or protection. Fusion Garage further objects to this request to the extent it seeks to elicit  
11 information that would violate the privacy rights of third parties. Subject to the foregoing general  
12 and specific objections, Fusion Garage responds that it is not aware of any documents reflecting  
13 any agreement or proposal concerning, mentioning, or discussing Fusion Garage and Plaintiffs  
14 each profiting or deriving revenues related to developing, marketing, or sale of a tablet computer.

15  
16 REQUEST FOR PRODUCTION NO. 63:

17 All documents reflecting any agreement or proposal concerning, mentioning, or discussing  
18 you and Plaintiffs each bearing their own losses or costs related to developing, marketing, or sale  
19 of a tablet computer.

20  
21 RESPONSE TO REQUEST FOR PRODUCTION NO. 63:

22 Fusion Garage incorporates each of its General Objections as expressly set forth therein.  
23 Fusion Garage further objects to this request to the extent that it seeks to elicit information  
24 protected by the attorney-client privilege, the work product protection, or any other applicable  
25 privilege or protection. Fusion Garage further objects to this request to the extent it seeks to elicit  
26 information that would violate the privacy rights of third parties. Subject to the foregoing general  
27 and specific objections, Fusion Garage responds that it is not aware of any documents reflecting  
28 any agreement or proposal concerning, mentioning, or discussing Fusion Garage and Plaintiffs

1 each bearing their own losses or costs related to developing, marketing, or sale of a tablet  
2 computer.

3  
4  
5 REQUEST FOR PRODUCTION NO. 64:

6 All documents you have received in response to any subpoenas you have served in relation  
7 to this case.

8  
9 RESPONSE TO REQUEST FOR PRODUCTION NO. 64:

10 Fusion Garage incorporates each of its General Objections as expressly set forth therein.  
11 Subject to the foregoing general objections, Fusion Garage will produce any non-privileged  
12 documents within its possession, custody, or control that Fusion Garage received in response to  
13 any subpoenas in this case, to the extent such documents have not already been produced in this  
14 litigation.

15  
16 REQUEST FOR PRODUCTION NO. 65:

17 All communications between you or your counsel and anyone you have subpoenaed in this  
18 case that concern this litigation or your subpoena.

19  
20 RESPONSE TO REQUEST FOR PRODUCTION NO. 65:

21 Fusion Garage incorporates each of its General Objections as expressly set forth therein.  
22 Fusion Garage further objects to this request on the ground that it is overly broad and unduly  
23 burdensome. Fusion Garage further objects to this request on the ground that it seeks evidence  
24 which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

25 Subject to the foregoing general and specific objections, Fusion Garage will produce all  
26 communications between it or its counsel and anyone whom Fusion Garage subpoenaed in this  
27 case, to the extent such documents have not already been produced in this litigation.

28

1 understands that no such device exists. Fusion Garage further objects that TechCrunch is trying to  
2 use these requests to elicit a response or objection that a Fusion Garage product is, or is related to,  
3 the CrunchPad. Fusion Garage further objects to this request to the extent that it calls for the  
4 disclosure of information subject to the attorney-client privilege, the work-product doctrine, or any  
5 other applicable privileges.

6 Subject to the foregoing general and specific objections, Fusion Garage will produce non-  
7 privileged documents sufficient to show salaries or other compensation paid by Fusion Garage to  
8 any person or organization that worked on, contributed to, or otherwise participated in the  
9 CrunchPad or JooJoo projects.

10

11 REQUEST FOR PRODUCTION NO. 69:

12 All documents referring or relating to an actual or potential merger or acquisition between  
13 you and Plaintiffs, including but not limited to agreements, letters of intent, memoranda of  
14 understanding, term sheets or any drafts of or communications comprising or regarding same.

15

16 RESPONSE TO REQUEST FOR PRODUCTION NO. 69:

17 Fusion Garage incorporates each of its General Objections as expressly set forth therein.  
18 Fusion Garage further objects to this request to the extent that it calls for the disclosure of  
19 information subject to the attorney-client privilege, the work-product doctrine, or any other  
20 applicable privileges. Subject to the foregoing general objections, after reasonable investigation,  
21 Fusion Garage has produced all non-privileged documents within its possession, custody, or  
22 control that refer or relate to a potential merger or acquisition between Fusion Garage and  
23 Plaintiffs.

24

25 REQUEST FOR PRODUCTION NO. 70:

26 All communications between you and any third party reflecting an interest in collaborating,  
27 assisting, contributing or otherwise working with you to develop a web tablet.

28

1 RESPONSE TO REQUEST FOR PRODUCTION NO. 70:

2 Fusion Garage incorporates each of its General Objections as expressly set forth therein.  
3 Fusion Garage further objects to this request on the grounds that it is overly broad and unduly  
4 burdensome. Fusion Garage further objects to this request on the ground that it seeks evidence  
5 which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.  
6 Fusion Garage further objects to this request to the extent that it calls for the disclosure of  
7 information subject to the attorney-client privilege, the work-product doctrine, or any other  
8 applicable privileges. Fusion Garage further objects to this request to the extent that it seeks  
9 Fusion Garage's highly proprietary information and/or source code, which is not discoverable  
10 before TechCrunch submits a Statement that adequately identifies and delineates its allegedly  
11 misappropriated business ideas. (See Dkt. 62).

12 Subject to the foregoing general and specific objections, Fusion Garage will produce any  
13 non-privileged documents within its possession, custody, or control that constitute  
14 communications between Fusion Garage and any third party reflecting an interest in collaborating,  
15 assisting, contributing or otherwise working with Fusion Garage to develop the JooJoo.

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18 REQUEST FOR PRODUCTION NO. 71:

19 All documents relating to any third party's actual or contemplated funding of or investment  
20 in the CrunchPad, JooJoo, or other web tablet on which either party worked, including  
21 communications with those third parties.

22

23 RESPONSE TO REQUEST FOR PRODUCTION NO. 71:

24 Fusion Garage incorporates each of its General Objections as expressly set forth therein.  
25 Fusion Garage further objects to this request on the grounds that it is overly broad and unduly  
26 burdensome. Fusion Garage further objects to this request on the ground that it seeks evidence  
27 which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.  
28 Fusion Garage further objects to each request to the extent that it seeks the disclosure of

1 documents that would invade the privacy rights of third persons. Fusion Garage objects to this  
2 request on the grounds that it seeks information regarding the "CrunchPad," as Fusion Garage  
3 understands that no such device exists. Fusion Garage further objects that TechCrunch is trying to  
4 use these requests to elicit a response or objection that a Fusion Garage product is, or is related to,  
5 the CrunchPad. Fusion Garage further objects to this request to the extent that it calls for the  
6 disclosure of information subject to the attorney-client privilege, the work-product doctrine, or any  
7 other applicable privileges.

8           Subject to the foregoing general and specific objections, Fusion Garage will produce any  
9 non-privileged documents within its possession, custody, or control that relate to any third party's  
10 actual or contemplated funding of or investment in the CrunchPad or JooJoo projects, to the extent  
11 such documents have not already been produced in this litigation.

12

13 REQUEST FOR PRODUCTION NO. 72:

14           A specimen of each prototype or version of the tablet computer known as the  
15 "CrunchPad."

16

17 RESPONSE TO REQUEST FOR PRODUCTION NO. 72:

18           Fusion Garage incorporates each of its General Objections as expressly set forth therein.  
19 Fusion Garage objects to this request on the grounds that it seeks information regarding the  
20 "CrunchPad," as Fusion Garage understands that no such device exists. Fusion Garage further  
21 objects that TechCrunch is trying to use these requests to elicit a response or objection that a  
22 Fusion Garage product is, or is related to, the CrunchPad. Fusion Garage further objects that this  
23 request seeks items that are within the custody or control of TechCrunch or equally available to  
24 TechCrunch.  
25  
26  
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1 REQUEST FOR PRODUCTION NO. 73:

2 A specimen of each prototype or version of any tablet computer that you developed as part  
3 of "Project Fuse."  
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5 RESPONSE TO REQUEST FOR PRODUCTION NO. 73:  
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7 Fusion Garage incorporates each of its General Objections as expressly set forth therein.  
8 Subject to the foregoing general objections, Fusion Garage is willing to meet and confer about a  
9 mutually agreeable time and location that it will make such specimen(s) available for inspection,  
10 to the extent such specimens can be located after a reasonably diligent search.  
11

12 REQUEST FOR PRODUCTION NO. 74:

13 A specimen of each prototype or version of the JooJoo, including at least (a) the version  
14 that Mr. Rathakrishnan demonstrated during the December 7, 2009 launch video; (b) the version  
15 that Mr. Rathakrishnan first provided to media personnel for evaluation outside the supervision of  
16 Fusion Garage personnel; (c) the version first shipped to an arms-length purchaser in the United  
17 States; and (d) the version first shipped to an arms-length purchaser abroad.  
18

19 RESPONSE TO REQUEST FOR PRODUCTION NO. 74:  
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21 Fusion Garage incorporates each of its General Objections as expressly set forth therein.  
22 Fusion Garage further objects that the JooJoo is publicly available for purchase by TechCrunch  
23 and therefore need not produced during discovery. *See SEC v. Sloan & Co.*, 369 F.Supp. 994, 996  
24 (S.D.N.Y. 1973); *Caterpillar, Inc. v. Deere & Co.*, 1997 WL 399627, \*3 (N.D. Ill. July 11, 1997).  
25 Fusion Garage further objects on the grounds that "arms-length purchaser" is vague and  
26 ambiguous.  
27

28 Subject to the foregoing general and specific objections, Fusion Garage is willing to meet  
and confer about a mutually agreeable time and location that it will make available a specimen of

1 any JooJoo version that differs from the publicly-accessible version(s), to the extent such  
2 specimen(s) can be located after a reasonably diligent search.

3  
4 REQUEST FOR PRODUCTION NO. 75:

5 All documents that refer or relate to Plaintiffs advancing Fusion Garage money or paying  
6 Fusion Garage's bills.

7  
8 RESPONSE TO REQUEST FOR PRODUCTION NO. 75:

9 Fusion Garage incorporates each of its General Objections as expressly set forth therein.  
10 Fusion Garage further objects to this request on the ground that it is vague and ambiguous.  
11 Fusion Garage further objects to this request on the ground that it seeks evidence which is neither  
12 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Fusion Garage  
13 further objects to this request to the extent that it calls for the disclosure of information subject to  
14 the attorney-client privilege, the work-product doctrine, or any other applicable privileges.

15 Subject to the foregoing general and specific objections, Fusion Garage will produce any  
16 non-privileged documents within its possession, custody, or control that refer or relate to Plaintiffs  
17 advancing Fusion Garage money or paying Fusion Garage's bills, to the extent such documents  
18 exist and have not already been produced in this litigation.

19  
20 REQUEST FOR PRODUCTION NO. 76:

21 Documents sufficient to identify any products you have developed other than a web tablet.

22  
23 RESPONSE TO REQUEST FOR PRODUCTION NO. 76:

24 Fusion Garage incorporates each of its General Objections as expressly set forth therein.  
25 Fusion Garage further objects to this request on the ground that it is overly broad and unduly  
26 burdensome. Fusion Garage further objects to this request on the ground that it seeks evidence  
27 which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.  
28 Fusion Garage further objects to this request to the extent that it seeks Fusion Garage's highly

1 relate to the design, development and/or manufacture of each prototype or version of the tablet  
2 computer known as the "CrunchPad," other than "Prototype A," "Prototype B," "Prototype B.5?,"  
3 and the "launch prototype," to the extent such documents do not disclose Fusion Garage's highly  
4 proprietary information and/or source code.

5  
6 REQUEST FOR PRODUCTION NO. 82:

7 All documents concerning work on presentations concerning the CrunchPad.

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9 RESPONSE TO REQUEST FOR PRODUCTION NO. 82:

10 Fusion Garage incorporates each of its General Objections as expressly set forth therein.  
11 Fusion Garage further objects to this request to the extent that it seeks information within the  
12 custody or control of TechCrunch or equally available to TechCrunch. Fusion Garage further  
13 objects to this request on the ground that it seeks evidence which is neither relevant nor reasonably  
14 calculated to lead to the discovery of admissible evidence. Fusion Garage further objects to this  
15 request on the grounds that the phrase "work on presentations" is vague and ambiguous. Fusion  
16 Garage further objects to this request to the extent that it calls for the disclosure of information  
17 subject to the attorney-client privilege, the work-product doctrine, or any other applicable  
18 privileges. Fusion Garage objects to this request on the grounds that it seeks information  
19 regarding the "CrunchPad," as Fusion Garage understands that no such device exists. Fusion  
20 Garage further objects that TechCrunch is trying to use these requests to elicit a response or  
21 objection that a Fusion Garage product is, or is related to, the CrunchPad. Fusion Garage further  
22 objects that this request seeks items that are within the custody or control of TechCrunch or  
23 equally available to TechCrunch.

24  
25  
26 Subject to the foregoing general and specific objections, after reasonable investigation,  
27 Fusion Garage responds that it has produced all non-privileged documents within its possession,  
28 custody, or control that concern work on presentations concerning the CrunchPad.

1 REQUEST FOR PRODUCTION NO. 83:

2 All documents concerning presentations or other marketing communications you have  
3 made to promote the JooJoo outside of the United States.

4  
5 RESPONSE TO REQUEST FOR PRODUCTION NO. 83:

6 Fusion Garage incorporates each of its General Objections as expressly set forth therein.  
7 Fusion Garage further objects to this request on the ground that it seeks evidence which is neither  
8 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Fusion Garage  
9 further objects to this request to the extent that it calls for the disclosure of information subject to  
10 the attorney-client privilege, the work-product doctrine, or any other applicable privileges.

11 Subject to the foregoing general and specific objections, Fusion Garage will produce any  
12 non-privileged responsive documents within its possession, custody, or control, to the extent such  
13 documents exist and have not already been produced in this litigation.

14  
15 DATED: July 22, 2010

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

16  
17  
18 By /s/ Evette D. Pennypacker

Evette D. Pennypacker  
Attorneys for Defendant FUSION GARAGE PTE  
LTD